

LICENSING ACT 2003

LICENSING PANEL

22 SEPTEMBER 2021

REPORT TITLE	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to consider an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **James Demetrios** and relates to the premises known as **Andre's, 140 Banks Road, West Kirby**.

RECOMMENDATION/S

The Licensing Panel are asked to consider the application to vary a Premises Licence in respect of the above premises.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to determine the application due to relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 These premises currently have a Premises Licence with the following hours:

Sale by Retail of Alcohol (For consumption 'On' the premises only)

Sunday to Saturday 11:30 to 00:00

Recorded Music

Sunday to Saturday 11:30 to 00:00

Hours Open to the Public

Sunday to Saturday 10:00 to 00:00

3.2 APPLICATION

The application to vary the Premises Licence is to allow the consumption of alcohol both 'On' and 'Off' the premises.

4.0 PROMOTION OF LICENSING OBJECTIVES

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Panel are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

Following discussions with Merseyside Police the applicant has agreed to include a number of conditions to be placed on the Premises Licence if the application is granted. Details of these conditions are as follows:

- CCTV shall be installed at the Premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place. Equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises are open to the public. The recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of

trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.

If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.

- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- All staff must be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training must be recorded in documentary form and must be available for inspection at the request by an authorised Police Officer and Police Licensing Officers. Training records must be retained for at least 12 months.
- Challenge 25 to be adopted. All members of staff at the premises shall seek credible, photographic proof of age evidence, from any person who appears to be under the age of 25 years and is seeking to purchase alcohol. Such credible evidence which shall include photograph of the customer, will either be a passport, photographic driving licence or proof of age card, carrying a Pass logo. Any occasions when persons have been refused shall be recorded.
- No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated licensed area as indicated on the deposited plan, any outside seating area or any area covered by a valid pavement cafe licence.

Following discussions with the Licensing Authority the applicant has also agreed to include the following conditions on the Premises Licence if the application is granted.

- The seating area to the Church Road side of the premises must be clear of all customers no later than 21:00.
- The seating area to the front of the premises must be clear of all customers no later than 22:00.

4.2 RELEVANT REPRESENTATIONS

The following representations have been received in respect of the above application.

Local Residents

In respect of this application, seven representations have been received from Local Residents. The representations relate to public nuisance being caused to local residents

from customers using the seating areas outside of the premises. Copies of the representations are available.

4.3 There have been no representations received from the following Responsible Authorities:

Wirral Safeguarding Children Board
Fire Authority
Trading Standards
Merseyside Police
Public Health
Licensing Authority
Environmental Health

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 A decision of this Committee can be subject to Appeal.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

7.1 There are no specific implications arising from this report.

8.0 RELEVANT RISKS

8.1 There are none arising directly from this report.

9.0 ENGAGEMENT/CONSULTATION

9.1 Statutory consultation has been undertaken in respect of this application.

10.0 EQUALITY IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

11.1 There are none arising from the content of this report.

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APPENDICES

None

BACKGROUND PAPERS

- Application to vary a Premises Licence
- Representations received from Local Residents

SUBJECT HISTORY (last 3 years)

Council Meeting	Date