

LICENSING PANEL**20 JANUARY 2022**

REPORT TITLE	APPLICATION FOR 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 for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Byrne Avenue Trust** and relates to the premises known as **Byrne Avenue Baths, Byrne Avenue, Rock Ferry**.

RECOMMENDATION/S

The Licensing Panel are asked to consider the application for 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 Panel 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 do not have a Premises Licence.

3.2 APPLICATION

The application for a Premises Licence is as follows:

Sale by Retail of Alcohol (on and off the premises)

Sunday to Thursday	12:00 to 22:00
Friday and Saturday	12:00 to 00:00

Provision of Play, Provision of film, Indoor sporting events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance

Sunday to Thursday	09:00 to 22:00
Friday and Saturday	09:00 to 00:00

Late Night Refreshment

Friday and Saturday	23:00 to 00:00
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Hours open to the Public

Sunday to Thursday	09:00 to 22:00
Friday to Saturday	09:00 to 00:00

3.3 PROMOTION OF LICENSING OBJECTIVES

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 have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence if the application is granted. Details of the conditions are as follows:

- All staff shall be fully trained to perform their role. They shall also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer. The records will be retained for at least 12 months.

- 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.
- Challenge 25 scheme to be in place. All staff to be trained prior to serving any age restricted products. Training records to be kept for inspection by an authorised officer of the local authority. Refusal's system in place (till prompt or book) to be monitored by the DPS and to be made available to an authorised officer of the local authority on request.
- There will be no 18th Birthday parties at this venue.
- Bottle and rubbish bins must not be emptied between the hours of 21:00 and 09:00.
- Notices must be placed at all exits to the premises requesting customers to leave the premises quietly and have consideration for local residents.
- Management will give Merseyside Police 14 days' notice prior to any boxing events taking place. This will include the time and date of the event and a list of the promoter / organiser along with the names of the boxers participating (as confirmed at the time of the notification of the event)
- During boxing/wrestling type events, a minimum of two SIA registered door supervisors will be on duty during the event until the premise closes. At all other times the requirement for door supervisors will be risk assessed by the management of the premises
- All door staff shall sign on and off duty in a register, SIA badge number and time duty commenced and terminated. The records are to be made available to Merseyside Police upon request
- During boxing and sporting events, all drinks are to be sold and dispensed into polycarbonate glasses. No glass bottles or glassware will be used in the licensed area

3.4 **RELEVANT REPRESENTATIONS**

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

Local Resident

In respect of this application, four representations have been received from Local Residents. A petition signed by 35 Local Residents has also been received. The representations relate to concerns of anti-social behaviour and public nuisance that may be caused by customers of the premises as well as parking related issues should the application be granted. Copies of the representations are available.

Ward Councillor

A representation has been received from Ward Councillor Moira McLaughlin who supports the representations submitted by Local Residents. A copy of the representation is available.

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

Wirral Safeguarding Children Board
Fire Authority

Environmental Health
Trading Standards
Merseyside Police
Licensing Authority
Public Health

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 18 of the Licensing Act 2003 provides that, where relevant representations are made in respect of an application for a Premises Licence, the Local Authority must hold a Hearing to consider them unless the Authority, the Applicant and each person who has made such representations agree that a Hearing is unnecessary. The Licensing Authority must, having regard to the representations, take such of the following steps it considers appropriate for the promotion of the licensing objectives:

- Grant the licence subject to conditions
- Exclude from the scope of the licence licensable activities
- Refuse to specify the person as the premises supervisor
- Reject the application

In determining the application with a view to promoting the licensing objectives in the overall interest of the local community the Licensing Authority must give appropriate weight to:

- The steps that are appropriate to promote the Licensing Objectives
- The representations (including supporting information) presented by all parties
- The statutory guidance issued under Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

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

9.0 EQUALITY IMPLICATIONS

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

No because there is no relevance to equality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

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APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- Representation received from a Ward Councillor
- The Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

SUBJECT HISTORY (last 3 years)

Council Meeting	Date