

**LICENSING PANEL****27 MAY 2022**

<b>REPORT TITLE</b>	<b>APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**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 **Hydes Brewery Limited** and relates to the premises located at **140-144 Telegraph Road, Heswall**.

**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 (consumption 'on' and 'off' the premises)**

Sunday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00

#### **Live and Recorded Music**

Sunday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00

#### **Hours open to the Public**

Sunday to Thursday	11:00 to 01:00
Friday and Saturday	11:00 to 02:00

#### **Non-Standard Timings**

##### **Sale by Retail of Alcohol**

Christmas Eve	11:00 to 01:00
Boxing Day	11:00 to 01:00
New Years Eve	From the start of the permitted hour on New Years Eve to the beginning of permitted hours on New Years Day

##### **Live music and Recorded Music**

Christmas Eve	11:00 to 01:00
Boxing Day	11:00 to 01:00
New Years Eve	11:00 to 01:00

##### **Hours Open to the Public**

Christmas Eve	11:00 to 02:00
Boxing Day	11:00 to 02:00
New Years Eve	From the start of the permitted hour on New Years Eve to the beginning of permitted hours on New Years Day

### 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:

- Prior to any occasion on which licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. If appropriate, door supervisors will be utilised in accordance with said risk assessment.
- Where relevant the Premises Licence Holder and/or Designated Premises Supervisor shall ensure that the following details for each door supervisor are entered into a register:
  - a. Full name,
  - b. SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),
  - c. The time they began their duty
  - d. The time they completed their duty.
  - e. The full details of any agency through which they have been allocated to work at the premises if appropriate.
- The register shall be available at all reasonable times to an authorised officer of the Licensing Authority or Merseyside Police. This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer or Merseyside Police to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

### 3.4 RELEVANT REPRESENTATIONS

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

#### **Local Residents**

In respect of this application, five representations have been received from Local Residents. The representations relate to concerns of public nuisance that may be caused by customers of the premises using the outside area of the premises and leaving the premises at a later hour. Residents also have concerns regarding noise nuisance from entertainment. Copies of the representations are available.

#### **Ward Councillor**

A representation has been received from Ward Councillor, Andrew Hodson, which supports the representations made 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 Councillor Hodson
- 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