

LICENSING PANEL**23 JUNE 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 **Heswall Royal British Legion Club Limited** and relates to the premises known as **Heswall Royal British Legion, 78 Pensby 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 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 Club Premises Certificate which permits the following hours:

Supply of Alcohol

Sunday to Wednesday	10:30 to 23:30
Thursday to Saturday	10:00 to 00:00

Indoor Sporting Events

Sunday to Saturday	09:00 to 00:00
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Live Music, Recorded Music and Performance of Dance

Sunday to Wednesday	12:00 to 23:30
Thursday to Saturday	12:00 to 00:00

Hours Open to Members and Guests

Sunday to Wednesday	09:00 to 23:30
Thursday to Saturday	09:00 to 00:00

Non-Standard Timings

Bank Holiday Weekends:

Supply of Alcohol and Regulated Entertainment until 00:30
Premises to close to Members and their Guests at 01:00

New Year's Eve:

Supply of Alcohol and Regulated Entertainment until 01:30
Premises to close to Members and their Guests at 02:00

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 Saturday	10:00 to 00:00
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Performance of Plays

Sunday to Saturday 08:00 to 23:00

Indoor Sporting Events

Sunday to Saturday 09:00 to 00:00

Boxing and Wrestling Entertainment

Sunday to Saturday 08:00 to 00:00

Live Music

Sunday to Saturday 12:00 to 00:00

Recorded Music and Performance of Dance

Sunday to Saturday 09:00 to 00:00

Anything of a Similar Description to Live Music, Recorded Music and Performance of Dance

Sunday to Saturday 10:00 to 00:00

Late Night Refreshment

Sunday to Saturday 23:00 to 00:00

Hours Open to the Public

Sunday to Saturday 08:00 to 00:30

Non-Standard Timings

Christmas Eve, Christmas Day, New Years Eve, New Years Day and Bank Holiday Weekends:

Sale by Retail of Alcohol until 01:30
Recorded Music until 01:30
Hours Open to the Public until 02:00

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 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:

- 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 21 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 Police Officer.

- 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 from a relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- Staff shall ensure that no open/unsealed vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the licensed area.
- The premises licence holder shall ensure that a challenge 25 policy is adopted on the premises at all times. Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card. Staff training in ID procedure shall be carried out on a regular basis.
- An incident book must be maintained to record any activity of a violent, criminal or antisocial nature. The record must 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 must be available for inspection at all reasonable times by an authorised Police Officer or Police Licensing Officer. The records must be retained for at least 12 months.
- A zero drugs policy shall be adopted by the premises. Staff will make regular checks of the toilets and any incidents recorded.

4.2 RELEVANT REPRESENTATIONS

The following representation has been received in respect of the above application.

LOCAL RESIDENTS

In respect of this application, 10 representations have been received from Local Residents. The representations relate to noise nuisance from entertainment coming from the premises, and nuisance caused by customers leaving the premises at a late hour which residents advise is currently a problem. 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 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

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.

12.0 COMMUNITY WEALTH IMPLICATIONS

12.1 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
- Wirral Council's Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

SUBJECT HISTORY (last 3 years)

Council Meeting	Date