

**LICENSING PANEL****23 SEPTEMBER 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 **Albano Pelivani** and relates to the premises known as **Mykonos Café Bar, 710 Borough Road, Birkenhead**

**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 Saturday 11:00 to 23:00

#### **Recorded Music**

Sunday to Saturday 08:00 to 23:00

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

Sunday to Saturday 08:00 to 23:15

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

#### **Sale by Retail of Alcohol (consumption 'on' and 'off' the premises)**

Bank Holidays 11:00 to 00:00

Christmas Eve 11:00 to 00:00

New Year's Eve 11:00 to 00:00

#### **Recorded Music**

Bank Holidays 08:00 to 00:00

Christmas Eve 08:00 to 00:00

New Year's Eve 08:00 to 00:00

#### **Late Night Refreshment**

Bank Holidays 23:00 to 00:00

Christmas Eve 23:00 to 00:00

New Year's Eve 23:00 to 00:00

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

Bank Holidays 11:00 to 00:15

Christmas Eve 11:00 to 00:15

New Year's Eve 11:00 to 00:15

### **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.

### **3.4 RELEVANT REPRESENTATIONS**

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

#### **Local Resident**

In respect of this application, a representation has been received from a Local Resident. The representation relates to concerns that anti-social behaviour will increase if this application is granted due to customers leaving the premises late at night causing a nuisance which the resident has indicated is currently a problem with other nearby premises. The resident also has concerns regarding the use of the outside area at the rear of the premises which could cause a nuisance to local residents. A copy of the representation is available.

3.5 In response to the representation submitted by the local resident, the agent representing the applicant has written to the resident outlining how the premises will be operated if the application is granted. A copy of this letter is available.

3.6 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. 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
- Representation received from a Local Resident
- Letter sent to Local Resident from the applicant's agent
- 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