

LICENSING ACT SUB-COMMITTEE**12 JANUARY 2024**

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

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 **Stange and Co Limited** and relates to the premises known as **Ring O' Bells, Village Road, West Kirby**.

RECOMMENDATION

The Licensing Act Sub-Committee is asked to determine an application to vary a Premises Licence in respect of the above premises having regard to the representation made in respect of the application.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 It is a statutory requirement for this Sub-Committee to determine the application to vary the licence due to a relevant representation being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered due to a relevant representation having been received.

3.0 BACKGROUND INFORMATION

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

Sale by Retail of Alcohol

Sunday to Saturday 10:00 to 00:00

Exhibition of Films, Recorded Music and Anything of a Similar Description

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 09:00 to 00:30

Non-Standard Timings

Sale by Retail of Alcohol and Hours Open to the Public:

From the end of the permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

- 3.2 The application is to vary the premises licence in relation to the layout of the premises and to increase the licensed area. The current plan and the proposed updated plan of the premises is available.

- 3.3 The Licence Holder has also requested to remove the following conditions from the Premises Licence:

- Entertainment is restricted to quiz nights only.
- The premises must adopt a 'Think 21' policy and display adequate posters relating to this policy.
- The premises must maintain a log to record the refusal to sell alcohol to a person under 18 years of age.
- Management must ensure that inspections of the outside area are undertaken every 15 minutes in order to check there is no excessive noise emanating from the areas concerned or the premises building. A record of these checks must be maintained and available for inspection by an authorised officer.

- Glasses must be collected regularly from the outside area of the premises.
- A mobile telephone number must be available 24 hours a day to Local Residents, Merseyside Police and the Licensing Authority in case of any issues that may arise at the premises to maintain contact with the management team.
- The use of taxi firms providing a call back facility must be promoted at the premises.

3.4 The applicant has also requested to extend the use of the outside area from 22:30 to 23:00.

3.5 Following discussions with Merseyside Police, during the consultation period, the applicant has agreed to have the following conditions placed on the Premises Licence should the application be granted. These conditions are in addition to those proposed by the applicant in their operating schedule. The operating schedule is available.

- All staff must be fully trained to perform their role. They must also 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 that must be available for inspection at the request at all reasonable times by an Authorised Officer. The records must be retained for at least 12 months.
- An incident book must be maintained to record any activity of a violent, criminal or anti-social 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 Officer. The records must be retained for at least 12 months.
- CCTV must be installed at the premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras must 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. The CCTV equipment must be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system must record in real time and operate whilst the premises are open to the public. The recordings must be retained for a period of 31 days and made available to an Authorised Officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. The recording equipment must be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There must 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.
- A Challenge 21 Policy must be in place. All staff must be trained prior to serving alcohol. Training records must be kept for inspection by an Authorised Officer. A refusals system must be in place (till prompt or book) and must be monitored by the Designated Premises Supervisor and made available to an Authorised Officer on request.

4.0 RELEVANT REPRESENTATION

4.1 In respect of this application, a representation has been received from a Local Resident. The representation relates to concerns that the Public Nuisance Licensing Objective will be undermined if the request for the extended use of the outside area is granted. A copy of the representation is available.

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

Wirral Safeguarding Children Board
Fire Authority

Trading Standards
Public Health
Licensing Authority
Environmental Health
Planning Authority
Merseyside Police

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 Section 18(3) of The Licensing Act 2003 provides that where relevant representations are made, the 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, and having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

6.2 Section 4 of the Licensing Act 2003 provides that the Licensing Authority must carry out its functions under this Act with a view to promoting the licensing objectives which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

and that in carrying out its licensing functions the Licensing Authority must have regard to its licensing statement published under section 5 of the Licensing Act 2003, and any guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

6.3 The Licensing Authority has a duty to ensure that premises are operated in accordance with the Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the Premises Licence being reviewed.

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 In determining the application the Sub-Committee must have regard to the Public Sector Equality Duty under the Equality Act 2010.

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 There are no community wealth implications arising directly from this report.

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APPENDICES

None

BACKGROUND PAPERS

- Application to vary a Premises Licence
- Representation received from a Local Resident
- Wirral Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003
- The Equality Act 2010

TERMS OF REFERENCE

This report is being considered by the Licensing Act Sub-Committee who are delegated to determine such matters in accordance with Section 9.3 of the Licensing Act Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date