

LICENSING ACT SUB-COMMITTEE**15 APRIL 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 for the Licensing Act Sub-Committee to consider an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Cowshed Wirral Limited** and relates to the premises known as the **Cowshed, 18 Broadway, Bebington, CH63 5NH**.

RECOMMENDATION/S

The Licensing Act Sub-Committee are asked to determine an application to vary a Premises Licence in respect of the above premises having regard to the representations 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 relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 The table below provides details of the hours permitted under the current Premises Licence and details of the application to vary the Premises Licence in terms of the hours for licensable activities and for the premises to be open to the public.

Current Hours	Application
Sale by Retail of Alcohol (consumption 'on' the premises)	Sale by Retail of Alcohol (consumption 'on' the premises)
Sunday to Saturday 11:00 to 22:30	Sunday to Thursday 11:00 to 23:00 Friday and Saturday 11:00 to 00:00
Hours Open to the Public	Hours Open to the Public
Sunday to Saturday 11:00 to 23:00	Sunday to Thursday 11:00 to 00:00 Friday and Saturday 11:00 to 01:00

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.
- 4.2 Members of the Licensing Act Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

5.0 RELEVANT REPRESENTATIONS

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

Local Residents

In respect of this application, 15 representations have been received from local residents. The representations relate to public nuisance and anti social behaviour which local residents report is currently being caused by customers of these premises. The local residents consider that if the application to permit the premises

to operate later hours is granted these problems will be exacerbated. Copies of the representations are available.

Ward Councillor

A representation has been received from Ward Councillor, Jason Walsh, who has expressed concerns that granting the application could create an unreasonable noise disruption to local residents. A copy of the representation is available.

- 5.1 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
Planning Authority

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no specific implications arising from this report.

7.0 LEGAL IMPLICATIONS

- 7.1 Section 18(3) of The Licensing Act 2003 provides that where relevant representations are made, the Licensing 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.
- 7.2 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.

8.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 8.1 There are no specific implications arising from this report.

9.0 RELEVANT RISKS

9.1 There are none arising directly from this report.

10.0 ENGAGEMENT/CONSULTATION

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

11.0 EQUALITY IMPLICATIONS

11.1 In determining the application the Sub Committee must have regard to the Public Sector Equality Duty imposed on public authorities which requires them to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

13.0 COMMUNITY WEALTH IMPLICATIONS

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

REPORT AUTHOR: *Richard Leyland*
Licensing Team Leader
email: richardleyland@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

- Application to vary a Premises Licence
- Representations received from Local Residents
- Representation received from a Ward Councillor
- Wirral Council's 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
Licensing Act Sub-Committee	21 June 2023