

LICENSING ACT SUB-COMMITTEE**8 MAY 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 **Brunning and Price Limited** and relates to the premises known as **The Red Fox, Neston Road, Thornton Hough, CH64 7TL**.

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 Red Fox currently has a Premises Licence with the following hours:

Sale by Retail of Alcohol

Sunday to Wednesday	10:00 to 01:00
Thursday	10:00 to 02:00
Friday and Saturday	10:00 to 03:00

Hours Open to the Public

Sunday to Wednesday	08:30 to 01:30
Thursday	08:30 to 02:30
Friday and Saturday	08:30 to 03:30

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

Sunday to Wednesday	12:00 to 01:15
Thursday	12:00 to 02:15
Friday and Saturday	12:00 to 03:15

Performance of a Play and Exhibition of Films

Sunday to Wednesday	12:00 to 01:15
Thursday	12:00 to 02:15
Friday and Saturday	12:00 to 03:15

Indoor Sporting Events

Sunday to Saturday	09:00 to 23:00
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Late Night Refreshment

Sunday to Wednesday	23:00 to 01:00
Thursday	23:00 to 02:00
Friday and Saturday	23:00 to 03:00

Non-Standard Timings

Sale by Retail of Alcohol and Late Night Refreshment

On public/bank holidays and any day prior to a public/bank holiday until 03:00
Sunday to Wednesday until 02:00 during the month of December

Live Music, Recorded Music, Performances of Dance, Anything of a Similar Description

On public/bank holidays and any day prior to a public/bank holiday until 03:15
Sunday to Wednesday until 02:15 during the month of December

Hours Open to the Public

On public/bank holidays and any day prior to a public/bank holiday until 03:30
Sunday to Wednesday until 02:30 during the month of December

4.0 APPLICATION

- 4.1 The application is to increase the licensed area to include the outside gardens in the Premises Licence. The applicant has also applied to remove all the conditions contained in Annexe 2 of the Premises Licence and replace them with the conditions set out within the Operating Schedule of the application.
- 4.2 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.
- 4.3 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 to vary the Premises Licence be granted.
- 4.4 A copy of the application, proposed plan and current Premises Licence is available.

5.0 RELEVANT REPRESENTATIONS

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

Local Residents

In respect of this application, three representations have been received from local residents. The representations relate to concerns of public nuisance being caused by music emanating from the outside area and people leaving the venue at a late hour. Copies of the representations are available.

- 5.2 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 of Policy 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 directly from the content of this report.

13.0 COMMUNITY WEALTH IMPLICATIONS

13.1 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
- Proposed plan of premises
- Current Premises Licence
- Representations received from Local Residents
- 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