

LICENSING ACT SUB-COMMITTEE**4 JUNE 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 **Greene King Brewing & Retailing Limited** and relates to the premises known as **The Wellington, 10 The Village, Bebington, CH63 7PY**.

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 Wellington currently has a Premises Licence with the following hours:

Sale by Retail of Alcohol

Sunday to Wednesday 11:00 to 23:00
Thursday to Saturday 11:00 to 00:00

Hours Open to the Public

Sunday to Wednesday 08:00 to 23:30
Thursday to Saturday 08:00 to 00:30

Live Music, Recorded Music and Anything of a Similar Description

Sunday to Wednesday 18:00 to 23:00
Thursday to Saturday 18:00 to 00:00

Late Night Refreshment

Thursday to Saturday 23:00 to 00:00

Non-Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday & Easter Monday, the preceding day before a bank holiday, St George's Day, St Patrick's Day and any other publicly declared holiday for the following hours:

Supply of Alcohol

Monday to Saturday 11:00 to 00:00
Sunday 12:00 to 23:30

Hours Open to the Public

- Monday to Saturday 11:00 to 00:30
- Sunday 12:00 to 00:00

Regulated Entertainment

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 23:30

New Years Eve

From the start of the supply of Alcohol on New Years Eve to the terminal hour on New Years Day

4.0 APPLICATION

4.1 The application is to change the layout of the premises, and to increase the licensed area in relation to the outside area of the premises. The applicant has also applied to remove the following conditions from the Premises Licence and replace them with the conditions set out within the Operating Schedule of the application.

- All house managers must be trained on dealing with illegal activities, aggressive customers and communicating with customers when service is refused for no proof of ID and drunkenness.
- The licence holder and/or the designated premises supervisor or a person nominated by them must be a member of and regularly attend the meetings of Pub Watch.
- An APS (Advance Protection System) must be installed.
- Supervision must be increased of trading area by managed, staff and glass collectors etc.
- External background music must be turned off at 21.00.
- Beer garden must be cleared by 22:00

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 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.

- CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings

shall be kept available for a period of 31 days and made available to Merseyside Police or authorised officer on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). 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 officer.

- A Challenge 25 policy must be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. The only means of identification would include PASS approved proof of age card, photo-card driving licence or passport.
- All refusals of sale must be documented into a book when the refusal is made. The book is to be monitored by the Designated Premises Supervisor on a regular basis and made available to an authorised officer of the relevant responsible authority and/or Police Officer.
- Regular toilet checks are to be made at least every hour and details recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.
- The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits, to request the co-operation of patrons to make as little noise as possible when leaving the premises.

4.5 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 12 representations have been received from local residents. The representations include concerns relating to public nuisance being caused by music emanating from both inside the premises and the outside area and nuisance being caused by customers in the outside area which residents have indicated is currently a problem. Concerns have also been raised in relation to the removal of a number of existing conditions on the Premises Licence which residents consider will undermine the Licensing Objectives. 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

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