

LICENSING ACT SUB-COMMITTEE**6 SEPTEMBER 2024**

REPORT TITLE	APPLICATION FOR 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 for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **House of Luna Limited** and relates to the premises known as **House of Luna, 86 Banks Road, West Kirby, CH48 0RE**.

RECOMMENDATION

The Licensing Act Sub-Committee is asked to determine an application for the grant of 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/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Sub-Committee to determine the application for the grant of a Premises Licence due to relevant representations having been 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 These premises previously held a Premises Licence which lapsed on 29 February 2024 as the Licence Holder dissolved. The hours permitted under that licence were as follows:

Sale by Retail of Alcohol for the consumption On and Off the premises

Sunday to Saturday 11:00 to 22:30

Hours Open to the Public

Sunday to Saturday 11:00 to 23:00

Non-Standard Timings

New Years Eve

Sale By Retail of Alcohol 11:00 to 00:30

Hours Open to the Public 11:00 to 01:00

Late Night Refreshment 23:00 to 01:00

- 3.2 An application for the grant of a new Premises Licence has been received for the following hours:

Sale by Retail of Alcohol for consumption On the premises

Sunday to Saturday 10:00 to 23:00

Recorded Music

Sunday to Saturday 10:00 to 23:00

Hours Open to the Public

Sunday to Saturday 10:00 to 23:00

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.

4.3 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.

- All staff shall be fully trained to perform their role. They shall also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will 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 shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- CCTV shall be installed at the Premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras shall 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. Equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises are open to the public. The recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. 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.

4.4 RELEVANT REPRESENTATIONS

In respect of this application five representations have been received. There is reference in the representations that the granting of a Premises Licence at these premises will undermine all four of the Licensing Objectives. Copies of the representations are available.

A representation has also been received from Environmental Health who has advised that from evidence gained when the previous business operated at these premises, the sound insulation between the business and the first floor flats is poor and that music played without further sound insulation is likely to create a nuisance. A copy of the representation is available.

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

Wirral Safeguarding Children Board
Fire Authority
Trading Standards
Public Health
Licensing Authority
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

The Licensing Authority must also 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 objectives referred to in paragraph 6.2 of this report. 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 The Licensing Act Sub-Committee must have regard to the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

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 for a Premises Licence
- Representations
- Email communication from Merseyside Police relating to proposed conditions
- 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

