

LICENSING ACT SUB-COMMITTEE**29 NOVEMBER 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 **Marston's Plc** and relates to the premises known as **Tap, Ferry Road, Eastham, CH62 0AU**.

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

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

Monday to Thursday	10:00 to 00:00
Friday and Saturday	10:00 to 01:00
Sunday	11:00 to 00:00

Live Music, Recorded Music, Performance of Dance and Exhibition of Films

Monday to Thursday	10:00 to 00:00
Friday and Saturday	10:00 to 01:00
Sunday	08:00 to 00:00

Indoor Sporting Events

Monday to Thursday	10:00 to 00:00
Friday and Saturday	10:00 to 01:00
Sunday	11:00 to 00:00

Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00

Hours Open to the Public

Monday to Thursday	10:00 to 00:30
Friday and Saturday	10:00 to 01:30
Sunday	08:00 to 00:30

- 3.2 The application to vary the premises licence is to increase the licensed area to include the outside area on the licence. The current plan and the proposed updated plan of the premises is available.

- 3.3 The Licence Holder has also requested that the following conditions be removed from the Premises Licence as they relate to when the premises held a Public Entertainment Licence or the requirements referred to are covered by legislation.

- The maximum occupancy of the building (including staff and performers) must be restricted to 100 persons.
- The minimum number of competent Safety Stewards to be on duty during the whole time that regulated entertainment is taking place must be as indicated below:

Two Safety Stewards

The primary duty of Safety Stewards is to ensure that safe conditions are maintained in the premises and to achieve this they must:

- a) have received training and written instructions on basic fire prevention and action to be taken in the event of an emergency
- b) keep all gangways and exits clear at all times
- c) prevent standing on seats and furniture
- d) ensure the safe evacuation of the premises in the event of an emergency and be aware of any special requirements in these circumstances

Safety Stewards must be readily identifiable to the public by wearing a badge or other distinctive marking.

A record of Safety Stewards on duty must be in a form prescribed by the Licensing Authority and must be kept for a period of 12 months from the date of last entry in the book.

- The Licence Holder must ensure that their premises are not in any way promoted by the use of illegal fly posting or unauthorised advertisements attached to street furniture.

The Licence Holder must ensure that contracts with promoters for their premises or events to be held at their premises prohibit the use of fly posting and/or advertisements attached to street furniture.

The Licence Holder must explicitly warn promoters that if they do fly post or display any other unauthorised advertisements they will be pursued for the costs of removal that fall on the Licence Holder must and that no further work will be placed with them by the Licence Holder or any employee of the Licence Holder.

The Licence Holder must ensure that contracts with promoters include an indemnity to the Licence Holder for any costs associated with the removal of illegal fly posting or other unauthorised advertisements incurred by the Council.

The Licence Holder co-operate fully with the Council and assist with identifying and taking action against any suspected promotion of their premises by illegal fly posting and unauthorised advertisements.

- The Licence Holder must keep and maintain an Incident Report Book issued by the Licensing Authority. This book must be maintained in accordance with the notes of guidance on the inside cover of the book. This book is to record incidents in and around the licensed premises. The book must be produced on demand to an Authorised Officer and must be kept for a period of 12 months from the last date of entry.

3.4 The application proposes that the following condition be attached to the Premises Licence:

- The Licence Holder must record incidents, in and around the licensed premises. The report (written or digital) must be produced on demand to an Authorised Officer and must be kept for a period of 12 months from the last date of entry.

3.5 Following discussions with Trading Standards, during the consultation period, the applicant has agreed to have the following condition attached to the Premises Licence should the application be granted.

- The premises licence holder must ensure that a Challenge 25 age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. All staff to be trained prior to serving any age restricted products and refresher

training provided. Training records to be kept and made available for inspection to an authorised officer. The policy must require individuals who appear to the responsible person to be under 25 years of age to produce on request, before being served alcohol, identification bearing their photographic ID as approved by Wirral BC (currently passport, driving licence, HM Armed Forces ID, PASS hologram identity card).

4.0 RELEVANT REPRESENTATIONS

4.1 In respect of this application, six representations have been received from Local Residents and Local Businesses. The representations refer to noise nuisance they have experienced from loud music coming from the outside area of the premises. Copies of the representations are 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
- Representations received from Local Residents / Local Businesses
- Premises Licence relating to the Tap, Ferry Road, Eastham, CH62 0AU
- 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