



## Licensing Act 2003 Sub-Committee

**Date:** Friday, 22 June 2012

**Time:** 10.00 am

**Venue:** Committee Room 3 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp

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## AGENDA

**1. APPOINTMENT OF CHAIR**

**2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda, and, if so, to declare them and state what they are.

**3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TESCO, BOROUGH ROAD, TRANMERE (Pages 1 - 4)**

**4. APPLICATION TO REVIEW A PREMISES LICENCE - THE FENDER, 340 UPTON ROAD, NOCTORUM (Pages 5 - 8)**

**5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

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## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

22 JUNE 2012

<b>SUBJECT:</b>	<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>PRENTON WARD</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by Tesco Stores Limited and relates to a premises known as **Tesco, Borough Road, Tranmere**.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 These premises do not currently hold a Premises Licence.

#### 3.0 APPLICATION

- 3.1 An application has been received for the grant of a Premises Licence for these premises for the following hours:

##### **Supply of Alcohol**

Sunday to Saturday 06:00 to 23:00

##### **Hours Open to the Public**

Sunday to Saturday 06:00 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 in accordance with the four Licensing Objectives. A copy of the full application is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the licence be granted.

## **5.0 RELEVANT REPRESENTATIONS**

5.1 The following Representations have been received in respect of the above application.

### **Interested Parties**

In respect of this application, a representation has been received from a local business. The representation relates to concerns that if the application was granted this may cause public nuisance within the vicinity of the premises due to anti-social behaviour from customers of the premises and underage drinking. A petition has also been received signed by 255 residents who are also against the application who have concerns relating to public nuisance caused by customers and increased traffic problems. A copy of the representation and the petition are available.

5.2 There have been no other representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board  
Environmental Health  
Planning Authority  
Fire Authority  
Trading Standards  
Merseyside Police  
Wirral Licensing Authority  
Primary Care Trust

## **6.0 RELEVANT RISKS**

6.1 There are none arising directly from this report.

## **7.0 OTHER OPTIONS CONSIDERED**

7.1 There is no provision for other options to be considered.

## **8.0 CONSULTATION**

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

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

9.1 There are no specific implications arising from this report.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 There are no specific implications arising from this report.

## **11.0 LEGAL IMPLICATIONS**

11.1 A decision of this Committee is subject to Appeal.

## 12.0 EQUALITIES IMPLICATIONS

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## 13.0 CARBON REDUCTION IMPLICATIONS

13.1 There are no specific implications arising from this report.

## 14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

14.1 There are no Planning implications arising from this report.

## 15.0 RECOMMENDATION

15.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

## 16.0 REASONS FOR RECOMMENDATION

16.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

**REPORT AUTHOR:**            **Richard Leyland**  
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## APPENDICES

- Application for the grant of a Premises Licence
- Representation received from a Local Business and a petition received signed by local residents

## REFERENCE MATERIAL

- None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

# Location Plan of Premises



## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

22 JUNE 2012

<b>SUBJECT:</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>BIDSTON AND ST JAMES WARD</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an application for the review of a Premises Licence under the provisions of the Licensing Act 2003. The application is made by Merseyside Police and relates to the premises known as **The Fender, 340 Upton Road, Noctorum.**

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Fender currently has a Premises Licence, to allow the following Licensable Activities:

##### **Sale by Retail of Alcohol**

Monday to Thursday 11:00 to 00:00  
Friday and Saturday 11:00 to 02:00  
Sunday 12:00 to 00:00

##### **Hours Open to the Public**

Monday to Thursday 11:00 to 00:30  
Friday and Saturday 11:00 to 02:30  
Sunday 12:00 to 00:30

##### **Regulated Entertainment (Live Music, Recorded Music and Anything of a Similar Description)**

Monday to Thursday 11:00 to 00:00  
Friday and Saturday 11:00 to 02:00  
Sunday 12:00 to 00:00

##### **Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)**

Monday to Thursday 11:00 to 00:00  
Friday and Saturday 11:00 to 02:00  
Sunday 12:00 to 00:00

2.2 The Licensing Act 2003 Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

### **3.0 APPLICATION**

3.1 An application has been received from Merseyside Police to review the Premises Licence for the premises known as The Fender. The Licensing Sergeant has advised that the grounds for review are in relation to the Prevention of Crime and Disorder and Public Safety due to the Designated Premises Supervisor illegally abstracting gas at the premises. A number of breaches were also identified including the premises trading outside of the hours permitted on the Premises Licence.

3.2 Further information to support the above grounds for review is included within the application which is available.

3.3 Since this application was lodged by Merseyside Police, the Premises Licence Holder has applied to change the Designated Premises Supervisor from Phillip O’Gorman into the name of Bernadette McBeath. Following no representations from Merseyside Police, this application has been granted.

### **4.0 RELEVANT REPRESENTATIONS**

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

Wirral Safe Guarding Children Board  
Environmental Health  
Fire Authority  
Planning Authority  
Trading Standards  
Primary Care Trust  
Wirral Licensing Authority

### **5.0 RELEVANT RISKS**

5.1 There are none arising directly from this report.

### **6.0 OTHER OPTIONS CONSIDERED**

6.1 There is no provision for other options to be considered.



## **7.0 CONSULTATION**

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

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 There are no specific implications arising from this report.

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 There are no specific implications arising from this report.

## **10.0 LEGAL IMPLICATIONS**

10.1 A decision of this Committee can be subject to Appeal.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 There are no specific implications arising from this report.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are no Planning implications arising from this report.

## **14.0 RECOMMENDATION**

14.1 The Licensing Act 2003 Sub-Committee are asked to consider an application for the review of a Premises Licence in respect of the above premises.

## **15.0 REASONS FOR RECOMMENDATION**

15.1 It is a statutory requirement for this Committee to determine the application.

**REPORT AUTHOR:**            **Richard Leyland**  
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## **APPENDICES**

- Application to Review the Premises Licence.

## **REFERENCE MATERIAL**

None

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

Local plan of Premises

