

# WIRRAL COUNCIL

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

5 OCTOBER 2011

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	BROMBOROUGH WARD
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

### 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 **Keg Off Licence, 155-157 New Chester Road, New Ferry.**

### 2.0 RECOMMENDATION

2.1 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.

### 3.0 REASONS FOR RECOMMENDATION

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

### 4.0 BACKGROUND AND KEY ISSUES

4.1 The Keg Off Licence currently has a Premises Licence, to allow the following Licensable Activity:

#### Supply of Alcohol

Monday to Saturday 08:00 to 23:00

Sunday 10:00 to 22:30

4.2 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.

## **5.0 APPLICATION**

- 5.1 An application has been received from Merseyside Police to review the Premises Licence for the premises known as Keg Off Licence. The Licensing Sergeant has advised that the grounds for review are in relation to the protection of children from harm following the sale of alcohol to persons under the age of 18 years during a test purchase operation at the premises. The Licensing Sergeant has also advised that he is concerned with the Licence Holders competence to uphold the Licensing Objectives.
- 5.2 Further information to support the above grounds for review is included within the application which is available.

## **6.0 RELEVANT REPRESENTATIONS**

- 6.1 In respect of this application, a representation has been received from Trading Standards who support the application made by Merseyside Police. The Trading Standards Officer has advised that following the test purchase operation at the premises, this resulted in evidence of the Licence Holder's lack of knowledge of the Licensing Act 2003 which seriously undermines the Licensing Objectives.
- 6.2 There have been no representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board  
Environmental Health  
Fire Authority  
Planning Authority

## **7.0 RELEVANT RISKS**

- 7.1 There are none arising directly from this report.

## **8.0 OTHER OPTIONS CONSIDERED**

- 8.1 There is no provision for other options to be considered.

## **9.0 CONSULTATION**

- 9.1 Statutory consultation has been undertaken in respect of this application.

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

- 10.1 There are no specific implications arising from this report.

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

- 11.1 There are no specific implications arising from this report.

## **12.0 LEGAL IMPLICATIONS**

- 12.1 A decision of this Committee can be subject to Appeal.

### **13.0 EQUALITIES IMPLICATIONS**

13.1 There are no specific implications arising from this report.

13.2 Equality Impact Assessment (EIA)  
Is an EIA required? No

### **14.0 CARBON REDUCTION IMPLICATIONS**

14.1 There are no specific implications arising from this report.

### **15.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

15.1 There are no Planning implications arising from this report.

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### **APPENDICES**

Application to Review the Premises Licence.

Representation received from Trading Standards.

### **REFERENCE MATERIAL**

None

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

<b>Council Meeting</b>	<b>Date</b>
None	