

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

22 JUNE 2012

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| SUBJECT: | APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 |
| WARD AFFECTED: | BIDSTON AND ST JAMES 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 **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.

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APPENDICES

- Application to Review the Premises Licence.

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|------------------------|-------------|
| | |

Local plan of Premises

