

NAME OF PREMISES: WINE CELLAR, MARTINS LANE, WALLASEY
NAME OF APPLICANT: MERSEYSIDE POLICE

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.

2.0 RELEVANT BACKGROUND

2.1 The Wine Cellar currently has a Premises Licence to allow the following Licensable Activities:

Supply of Alcohol

Monday to Saturday	8.00am to 11.00pm
Sunday	10.00am to 10.30pm

Non-Standard Timings

Good Friday	8.00am to 10.30pm
Christmas Day	12.00noon to 3.00pm and 7.00pm to 10.30pm

2.2 A copy of the operating schedule attached to the Premises Licence is available. Members of the Licensing Act 2003 Sub-Committee are advised that the details set out in the operating schedule are conditions attached to the licence.

2.3 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 Licence conditions (permanently or for a temporary period of up to 3 months).
- Exclude a licensable activity from the scope of the Licence (permanently or for a temporary period of up to 3 months).
- Remove the Designated Premises Supervisor (if applicable).
- Suspend the Licence for a period not more than 3 months.
- Revoke the Licence.

2.4 On 8 December 2006, the Licensing Act 2003 Sub-Committee considered an application received from Merseyside Police to review the premises licence for the Wine Cellar due to underage sales taking place at the premises. Members of the Sub-Committee resolved to suspend the Premises Licence for a period of one month.

3.0 APPLICATION

3.1 An application has been received from Merseyside Police to review the Premises Licence for the Wine Cellar, Martins Lane, Wallasey. The Licensing Sergeant has advised that the grounds for review are as follows:

At 19:55 on 17 April 2007 the premises were visited by an under aged volunteer and a sale was made, namely a bottle of Smirnoff Vodka. A summons file has been submitted for prosecution in relation to this offence.

The Licensing Sergeant has advised that the area immediately surrounding the premises has been identified as a youth disorder hot spot. Youths regularly congregate in the vicinity of the premises, resulting in disorder and alcohol related disorder.

The Licensing Sergeant has also advised that the premises have continued to sell alcohol to under aged persons even after a suspension of the licence and as such Merseyside Police take the view that the premises should not continue to be allowed to sell alcohol.

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

3.3 At the time of the offence Kelly Louise Sirimsu was the appointed Designated Premises Supervisor.

3.4 On 11 June 2007 an application was received from Eira Gwyn Horton, Premises Licence Holder, to change the Designated Premises Supervisor from Ms Sirimsu to Michael Horton. Following no representations from Merseyside Police to this application Mr Horton is now the Designated Premises Supervisor.

4.0 RELEVANT REPRESENTATIONS

4.1 The following Representations have been received in respect of the above application:

Interested Party – Local Residents

In respect of this application a representation has been received from a local resident in support of the review application made by Merseyside Police. A copy of the representation received is available.

A representation has also been received from Councillor Hawkins.

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

Wirral Area Child Protection Committee
Trading Standards
Environmental Health
Fire Authority
Planning Authority

5.0 FINANCIAL AND STAFFING IMPLICATIONS

5.1 There are no financial implications and my existing Licensing staff will deal with this application.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are none arising from this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are none arising directly from this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 The premises are located in the Liscard Ward.

9.0 HUMAN RIGHTS IMPLICATIONS

9.1 Article 6 and Article 1 of the First Protocol which is concerned with the protection of property is most likely to have a particular impact.

10.0 COMMUNITY SAFETY IMPLICATIONS

10.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

11.0 PLANNING IMPLICATIONS

11.1 There are no planning implications arising from this report.

12.0 BACKGROUND PAPERS

12.1 Application form applying to review a Premises Licence.

12.2 Operating Schedule relating to the Premises Licence for the Wine Cellar.

12.3 Representations supporting the review from a local resident and a local councillor.

13.0 RECOMMENDATIONS

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

Alan Stennard
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478.