

REPORT OF THE DIRECTOR OF REGENERATION

**NAME OF PREMISES: BON ACCORD, 228 CLAUGHTON ROAD, BIRKENHEAD**

**NAME OF APPLICANT: MERSEYSIDE POLICE**

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## 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 Bon Accord currently has a Premises Licence to allow the following Licensable Activities:

### Supply of Alcohol

Monday to Saturday	6.00am to 11.00pm
Sunday	6.00am 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.

## 3.0 APPLICATION

3.1 An application has been received from Merseyside Police to review the Premises Licence for Bon Accord, Claughton Road, Birkenhead. The Licensing Sergeant has advised that the grounds for review are as follows:

12 October 2006 – Test purchase using an underage volunteer was undertaken at the premises. A 15 year old volunteer was able to purchase a one litre bottle of Smirnoff Vodka. An £80.00 fixed penalty was issued to the seller. The Designated Premises Supervisor, Harbans Binning, was cautioned for the sale of alcohol to a person under 18.

17 April 2007 – Test purchase using an underage volunteer was undertaken at the premises. A 15 year old volunteer was able to purchase a 70cl bottle of Smirnoff Vodka. A summons file was submitted prosecuting the seller and the Designated Premises Supervisor, Harbans Bining.

16 June 2007 – Following action taken by Police Licensing Officers, Sales Assistant, Parminder Kaur Bining was issued a fixed penalty for selling alcohol to drunken persons. The Designated Premises Supervisor, Harbans Bining, was cautioned for the offence of knowingly selling alcohol to drunken persons.

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

#### 4.0 **RELEVANT REPRESENTATIONS**

4.1 There have been no representations received from interested parties or 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 Birkenhead and Tranmere 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 ANTI-POVERTY IMPLICATIONS**

12.1 There are none arising from this report.

**13.0 SOCIAL INCLUSION IMPLICATIONS**

13.1 There are none arising from this report.

**14.0 BACKGROUND PAPERS**

14.1 Application form applying to review a Premises Licence.

14.2 Operating Schedule relating to the Premises Licence for Bon Accord.

**15.0 RECOMMENDATIONS**

15.1 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.