



Licensing Act 2003 Sub-Committee

Date:	Wednesday, 18 July 2012
Time:	10.00 am
Venue:	Committee Room 2 - Wallasey Town Hall

Contact Officer: Anne Beauchamp
Tel: 0151 691 8608
e-mail: annebeauchamp@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

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 - POULTON POP IN, POULTON ROAD, WALLASEY (Pages 1 - 4)**
- = B R E A K =**
4. **APPLICATION TO REVIEW A PREMISES LICENCE - FAIRFIELD HOTEL, 292 OLD CHESTER ROAD, ROCK FERRY (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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18 JULY 2012

SUBJECT:	APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	SEACOMBE 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 a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Krishnapillai Krishnabalan** and relates to the premises known as **Poulton Pop In, Poulton Road, Wallasey**.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises previously had a Premises Licence with the following hours:

Sale by Retail of Alcohol

Monday to Saturday 08:00 to 23:00
 Sunday 10:00 to 22:30

2.2 On 4 November 2011, the Licensing Act 2003 Sub-Committee resolved to revoke the Premises Licence following an application from Trading Standards and supported by Merseyside Police to Review the Licence. The grounds on which the Licence was revoked was that the premises was linked to serious crime. Illicit alcohol had been seized from the premises and an illegal immigrant had been employed at the premises. This Premises Licence was held by Mr Sinathampy Saravanapavan and the Designated Premises Supervisor was Mr Christopher Ditchfield. The decision of the Licensing Act 2003 Sub-Committee was appealed by the Premises Licence Holder at Wirral Magistrates Court on 5 March 2012. Judge Ableson who considered the matter resolved to uphold the decision of the Licensing Act 2003 Sub-Committee and revoke the 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:

Sale by Retail 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.

Merseyside Police

In respect of this application, a representation has been received from Merseyside Police. The Licensing Sergeant has advised that the granting of the application would undermine the Licensing Objectives. The Licensing Sergeant has advised that there has been a significant reduction in the level of alcohol related crime and domestic violence within the vicinity of the premises since the Premises Licence was revoked on 5 March 2012. A copy of the representation is available.

Interested Parties

In respect of this application, three representations have been received from local residents. A representation has also been received from Tate Triangle Residents Association. The representations relate to high levels of anti-social behaviour caused by youths within the immediate vicinity of the premises due to the availability of alcohol when the premises previously held a Premises Licence. Copies of the representations are available.

Ward Councillor, John Salter, will address the Sub-Committee on behalf of local residents.

- 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
Wirral Licensing Authority
Wirral PCT

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**
Licensing Team Leader
telephone: 0151 691 8478
email: richardleyland@wirral.gov.uk

APPENDICES

- Application for the grant of a Premises Licence
- Representations received from Merseyside Police and Local Residents

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Sub-Committee (See para. 2.2 of this report)	4 November 2011

Location plan of Premises



**LICENSING ACT 2003 COMMITTEE
LICENSING ACT 2003 SUB-COMMITTEE**

18 JULY 2012

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	ROCK FERRY 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 **Fairfield Hotel, 292 Old Chester Road, Rock Ferry**.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Fairfield Hotel currently has a Premises Licence, to allow the following Licensable Activities:

Sale by Retail of Alcohol

Sunday to Wednesday 10:00 to 23:30
Thursday to Saturday 10:00 to 00:00

Hours Open to the Public

Sunday to Wednesday 10:00 to 00:00
Thursday to Saturday 10:00 to 00:30

Regulated Entertainment (Live Music and Recorded Music)

Sunday to Saturday 10:00 to 23:00

Entertainment Facilities (Facilities for Making Music and Dancing)

Sunday to Saturday 10:00 to 23:00

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 Fairfield Hotel. 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 gas at the premises being illegally abstracted.
- 3.2 Further information to support the above grounds for review is included within the application which is available.

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**
Licensing Team Leader
telephone: 0151 691 8478
email: richardleyland@wirral.gov.uk

APPENDICES

- Application to Review the Premises Licence.

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Local plan of Premises

