

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 29 November 2012

Present:

Councillors    S Niblock  
                      D Roberts  
                      J Salter

63    **APPOINTMENT OF CHAIR**

**Resolved - That Councillor J Salter be appointed Chair for this meeting.**

64    **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

65    **K AND G NEWS AND WINE, 338 OLD CHESTER ROAD, ROCK FERRY - APPLICATION TO REVIEW A PREMISES LICENCE**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police for the review of a Premises Licence in respect of K and G News and Wine, under the provisions of the Licensing Act 2003.

The premises have a Premises Licence which allows the licensable activities as set out in the report.

The Acting Director advised that the Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considered appropriate 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 would be appropriate if it found that the review did not require it to take any steps appropriate to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant had stated that the grounds for review were in relation to the prevention of crime and disorder due to illegal immigrants being found working at the premises.

Since the application to review the Premises Licence had been submitted applications had been made to transfer the Premises Licence and to change the Designated Premises Supervisor which had been granted following no objections being received by Merseyside Police.

Merseyside Police had since made a submission that due to the changes that had taken place at the premises they did not consider it was appropriate to take any further action to address their concerns in respect of the Premises Licence. Merseyside Police also confirmed that the Premises Licence Holder had accepted that a further condition be placed on the Premises Licence at their request.

Following the submission made by Merseyside Police both the Premises Licence Holder and Merseyside Police were content for the application for the review to be heard in their absence.

In determining the review application Members had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003.

Members gave consideration to the written submission by Merseyside Police that following changes that had taken place in respect of individuals involved in the operation of the premises since the review application had been made, they deemed that it would not be appropriate or necessary to take any steps other than to impose the condition below upon the Premises Licence in order to address the concerns that had led to the review application.

Members had regard to the fact that Merseyside Police did not consider it was appropriate to take any further action to address their concerns save that an additional condition be placed on the Premises Licence, namely that details of any proposed staff who do not hold a UK passport, must be passed to the Wirral Police Licensing Unit in order that their details can be checked by the UKBA in order to ascertain their immigration status and establish as to whether it is permissible and legal to employ them.

**Resolved - That the following condition be imposed on the Premises Licence:**

- **Details of any proposed staff who do not hold a UK passport, must be passed to the Wirral Police Licensing Unit in order that their details can be checked by the UKBA in order to ascertain their immigration status and establish as to whether it is permissible and legal to employ them.**