



Licensing Act 2003 Sub-Committee

Date:	Wednesday, 30 January 2013
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 of the Committee are 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.
- 3. APPLICATION TO REVIEW A PREMISES LICENCE - BERTHA MACS, 16 BEBINGTON ROAD, NEW FERRY (Pages 1 - 6)**

= BREAK =
- 4. APPLICATION TO VARY A PREMISES LICENCE - MNS FOOD AND WINE AND NEWS, 105 ROYDEN ROAD, UPTON (Pages 7 - 12)**
- 5. APPLICATION TO REVIEW A PREMISES LICENCE - MOJO'S, 3 DEE LANE, WEST KIRBY. (Pages 13 - 18)**
- 6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

This page is intentionally left blank

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 JANUARY 2013

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	BROMBOROUGH WARD
REPORT OF:	ACTING 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 **Bertha Macs, 16 Bebington Road, New Ferry.**

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Bertha Macs currently has a Premises Licence, to allow the following Licensable Activities:

Sale by Retail of Alcohol

Monday to Friday	10:00 to 23:30
Saturday	10:00 to 00:00
Sunday	10:00 to 23:00

Hours Open to the Public

Monday to Friday	10:00 to 00:00
Saturday	10:00 to 00:30
Sunday	10:00 to 23:30

Regulated Entertainment (Recorded Music)

Monday to Friday	10:00 to 23:30
Saturday	10:00 to 00:00
Sunday	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 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 is appropriate if it finds that the review does not require it to take any steps that are appropriate 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 Bertha Macs. Merseyside Police have advised that the grounds for review are in relation to the Prevention of Crime and Disorder and Public Safety due to electricity and gas at the premises being illegally abstracted. Merseyside Police have also advised that complaints have been received from local residents relating to anti-social behaviour in respect of these premises.
- 3.2 Further information to support the above grounds for review is included within the application which is available.
- 3.3 Since the application to Review the Premises Licence was made by Merseyside Police, two separate applications have been made to Transfer the Premises Licence and to change the Designated Premises Supervisor. Following no objections from Merseyside Police, these applications have been granted.

4.0 RELEVANT REPRESENTATIONS

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

A representation has been received from a local resident. The representation relates to public nuisance and anti-social behaviour caused by customers of the premises. A copy of the representation is available.

A representation has also been received from Councillor Steve Niblock, Ward Councillor, who supports the Review made by Merseyside Police and supports the representation made by the local resident. A copy of the representation is available.

- 4.2 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.
- Representation received from a Local Resident and a Ward Councillor

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Local plan of Premises



© Crown copyright and database rights 2012 Ordnance Survey 100019803
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

This page is intentionally left blank

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 JANUARY 2013

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	UPTON WARD
REPORT OF:	ACTING 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 to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Maheswaran Krisnapillai** and relates to the premises known as **MNS Food and Wine and News, 105 Royden Road, Upton**.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises currently have 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

Non Standard Timings

Christmas Day 12:00 to 15:00 and 19:00 to 22:30
Good Friday 08:00 to 22:30

3.0 APPLICATION

3.1 The application to vary the Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Saturday 06:00 to 00:00

Hours Open to the Public

Sunday to Saturday 06:00 to 00:00

3.2 The applicant has requested to remove the non-standard timings as stated within paragraph 2.1 of this report.

3.3 The applicant has also requested to increase the licensed area. A copy of the existing and proposed plan of the premises is available.

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 Representation has been received in respect of the above application.

Merseyside Police

Merseyside Police have made a representation to the application as they consider that crime and disorder and public nuisance will increase in the vicinity of the premises if the application is granted

The representation also refers to the fact that an illegal immigrant was found to be working at the premises which lead the Premises Licence being reviewed by the Licensing Act 2003 Sub-Committee on 27 January 2012. Merseyside Police have advised that the conditions imposed by the Sub-Committee were not being complied with when the premises were inspected by Police Licensing Officers. These conditions are now being complied with.

A copy of the representation is available.

- 5.2 There have been no other representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board
Trading Standards
Planning Authority
Fire Authority
Environmental Health
Primary Care Trust
Wirral Licensing Authority

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 can be 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 to vary the 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 to vary a Premises Licence
- Representation received from Merseyside Police
- Existing and proposed plan of the premises

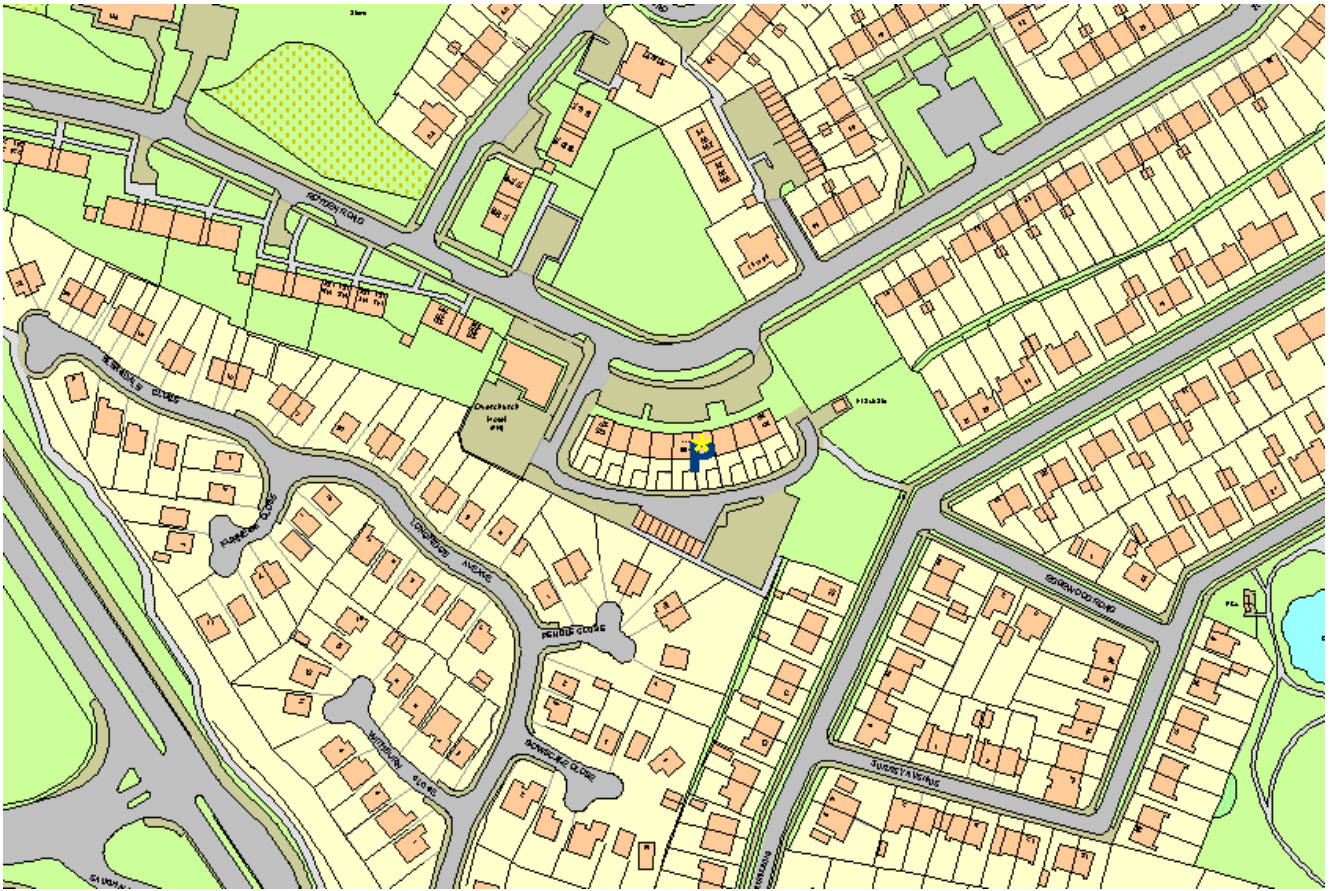
REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Sub-Committee	27 January 2012

Location Plan of Premises



© Crown copyright and database rights 2012 Ordnance Survey 100019803
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

This page is intentionally left blank

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 JANUARY 2013

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HOYLAKE AND MEOLS WARD
REPORT OF:	ACTING 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 **Mojo's, 3 Dee Lane, West Kirby.**

2.0 BACKGROUND AND KEY ISSUES

- 2.1 At the time the application for the Review was received the Premises Licence allowed the following Licensable Activities:

Sale by Retail of Alcohol

Sunday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00

Hours Open to the Public

Sunday to Thursday	11:00 to 00:30
Friday and Saturday	11:00 to 01:30

Regulated Entertainment (Recorded Music)

Sunday to Saturday	11:00 to 00:00
--------------------	----------------

Regulated Entertainment (Live Music)

Thursday to Sunday	20:00 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 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 is appropriate if it finds that the review does not require it to take any steps that are appropriate to promote the licensing objectives.

3.0 APPLICATION

- 3.1 An application was received from Merseyside Police on 4 December 2012 to review the Premises Licence for the premises known as Mojo's. Merseyside Police advised that the grounds for review are in relation to the Prevention of Crime and Disorder, Public Nuisance and Public Safety following incidents of violent assaults taking place within the immediate vicinity of the premises.
- 3.2 Further information to support the above grounds for review is included within the application which is available.
- 3.3 On 24 December 2012 a Summary Review of the Premises Licence was submitted by Merseyside Police following a separate incident of serious disorder which occurred in connection with these premises. On 28 December 2012, Members of the Licensing Act 2003 Sub-Committee considered whether interim steps should be taken following receipt of the application received from Merseyside Police for the Summary Review of the Premises Licence. At that time Members deemed that it was appropriate as an interim step to suspend the Premises Licence pending the determination of the Review. A Review Hearing took place on 18 January 2013 when it was determined that the conditions of licence be amended as follows:

- The hours be amended as follows:

Sale by Retail of Alcohol

Sunday to Saturday 11:00 to 00:00

Hours Open to the Public

Sunday to Saturday 11:00 to 00:30

- The use of the balcony must terminate no later than 21:30
- The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.
- A Personal Licence Holder must be on duty whenever alcohol is being supplied.
- A drug safe must be installed at the premises and used appropriately.
- The Premises must be a member of the local Pub Watch Scheme.
- From 28 February 2013, all employees authorised to sell alcohol at the premises must hold a minimum Level 1 Award for Responsible Alcohol Retailing.

- No person shall be permitted to enter the premises after 23:30.
- A minimum of three SIA Registered Doorpersons must be on duty from 22:00 until closing time on Fridays and Saturdays.

3.4 Merseyside Police have made a submission to the Licensing Authority that due to the above modification to the Premises Licence that have taken place they do not consider it is appropriate to take any further action to address their concerns in respect of the Premises Licence.

3.5 Following the submission made by Merseyside Police both the Premises Licence Holder and Merseyside Police are content for the application for the Review to be heard in their absence on the understanding that Members are content to accept the view of Merseyside Police.

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.

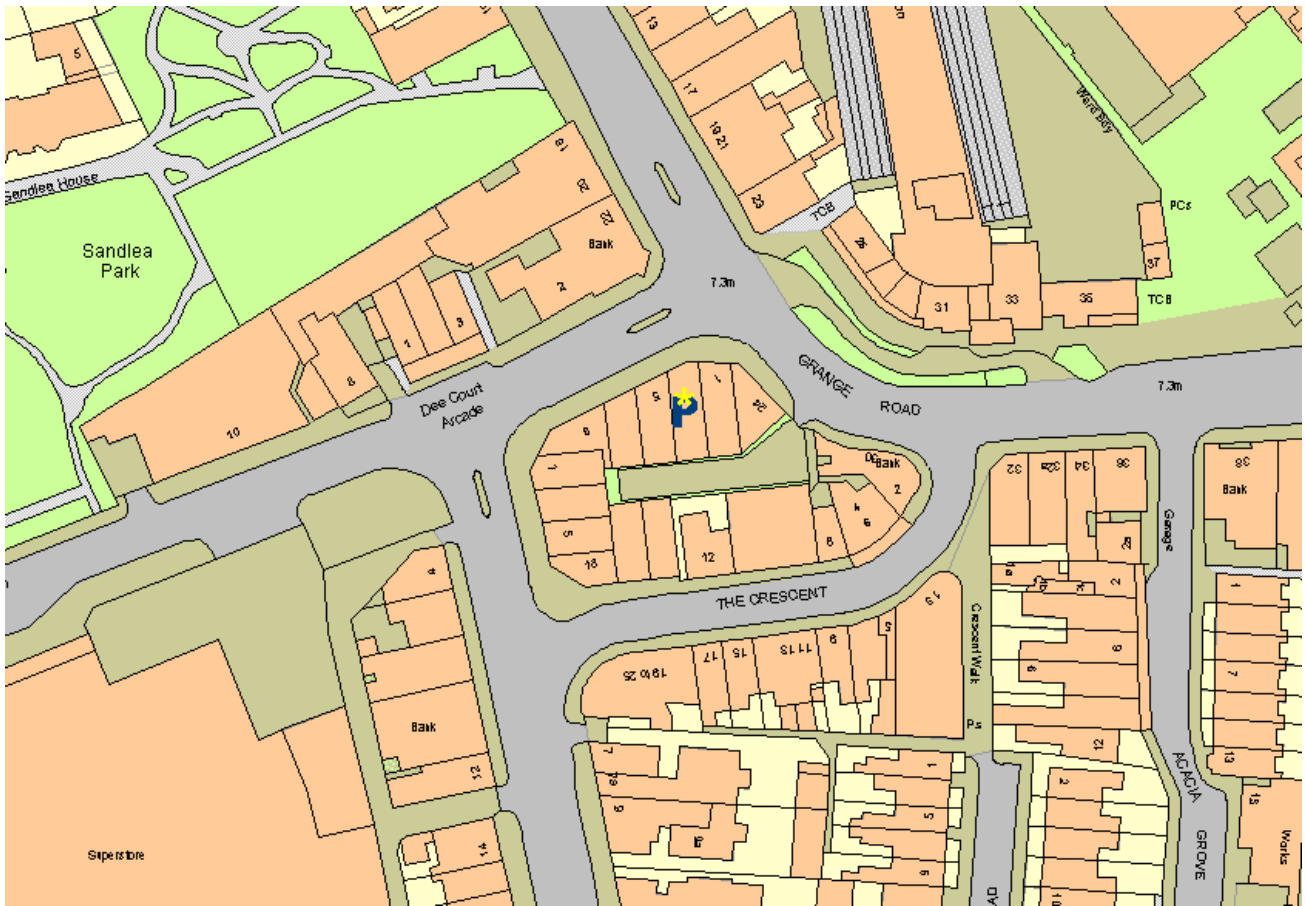
REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Local plan of Premises



© Crown copyright and database rights 2012 Ordnance Survey 100019803
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

This page is intentionally left blank