



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	<b>Wednesday, 13 November 2013</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Wallasey Town Hall</b>

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### 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 - THE SWINGING ARM, 61-63 CHURCH STREET, BIRKENHEAD (Pages 1 - 6)**
- 4. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

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

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## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

13 NOVEMBER 2013

<b>SUBJECT:</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>BIRKENHEAD AND TRANMERE WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 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 Environmental Health (Pollution Control) and relates to the premises known as **The Swinging Arm, 61-63 Church Street, Birkenhead.**

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The Swinging Arm currently has a Premises Licence, to allow the following Licensable Activities:

##### **Sale by Retail of Alcohol**

Sunday to Thursday	09:00 to 00:00
Friday and Saturday	09:00 to 00:30

##### **Hours Open to the Public**

Sunday to Thursday	09:00 to 00:30
Friday and Saturday	09:00 to 01:00

##### **Regulated Entertainment**

Sunday to Saturday	09:00 to 00:00
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##### **Regulated Entertainment (Performance of Dance)**

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

##### **Late Night Refreshment**

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 00:30

## **Non-Standard Timings**

The above Licensable Activities until 01:00 (and Hours Open to the Public extended until 01:30) on Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Summer Bank Holiday.

New Years Eve Licensable Activities:

10:00 to the terminal hour for the supply of alcohol on New Years Day.

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 Environmental Health (Pollution Control) to review the Premises Licence for the premises known as The Swinging Arm, 61-63 Church Street, Birkenhead. Environmental Health have advised that the grounds for review are in relation to the Prevention of Public Nuisance due to noise from music and customers of the premises late at night which is causing a statutory nuisance.

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

Two representations have been received from local residents who support the application made by Environmental Health due to noise nuisance being caused by customers of the premises leaving at a late hour.

Six representations have been received from local residents who have advised that these premises are not undermining any of the Licensing Objectives.

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

Wirral Safe Guarding Children Board  
Merseyside Police

Fire Authority  
Planning Authority  
Trading Standards  
Public Health  
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:**

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**APPENDICES**

- Application to Review the Premises Licence.
- Representations received from Local Residents.

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

# Local plan of Premises



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