



## Licensing Act 2003 Sub-Committee

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| <b>Date:</b>  | <b>Thursday, 17 March 2016</b>        |
| <b>Time:</b>  | <b>10.00 am</b>                       |
| <b>Venue:</b> | <b>Conference Room – South Annexe</b> |

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### AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-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 UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - AL CAPONES, 70 ARGYLE 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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## LICENSING ACT 2003

### LICENSING ACT 2003 SUB-COMMITTEE

17 MARCH 2016

|                     |  |
|---------------------|--|
| <b>REPORT TITLE</b> | <b>APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b> |
| <b>REPORT OF</b>    | <b>ASSISTANT CHIEF EXECUTIVE</b>   |

### REPORT SUMMARY

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 Al Capones, 70 Argyle Street, Birkenhead.

### RECOMMENDATION/S

The Licensing Act 2003 Sub-Committee are asked to consider an application to Review the Premises Licence in respect of the above premises.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is a statutory requirement for this Committee to determine the application.

### 2.0 OTHER OPTIONS CONSIDERED

2.1 There is no provision for other options to be considered.

### 3.0 BACKGROUND INFORMATION

3.1 These premises currently have a Premises Licence with the following Licensable Activity:

#### Late Night Refreshment

Monday to Thursday 23:00 to 02:30  
Friday and Saturday 23:00 to 03:30  
Sunday 23:00 to 01:30

#### Hours Open to the Public

Monday to Thursday 17:00 to 02:30  
Friday and Saturday 17:00 to 03:30  
Sunday 17:00 to 01:30

3.2 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.

### 3.3 APPLICATION

An application has been received from Merseyside Police to review the Premises Licence for the premises known as Al Capones. The grounds for review are in relation to serious criminal offences that have taken place at the premises and in the course of the business.

### 3.4 RELEVANT REPRESENTATION

3.5 The following representation has been received in respect of the above application.

#### Wirral Licensing Authority

A representation has been received from Wirral Licensing Authority who are in support of the application made by Merseyside Police. Following recent inspections at the premises by Licensing Enforcement Officers, a number of breaches of the Premises Licence were

identified. The premises were trading at a time when the Premises Licence was suspended due to the non-payment of their Annual Fee. A copy of the representation is available.

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

Wirral Safe Guarding Children Board  
Planning Authority  
Fire Authority  
Environmental Health  
Public Health  
Trading Standards

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 A decision of this Committee can be subject to Appeal.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are none arising directly from this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Statutory consultation has been undertaken in respect of this application.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

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#### **APPENDICES**

None

#### **REFERENCE MATERIAL**

- Application to Review a Premises Licence
- Representation received from Wirral Licensing Authority

**SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b> | <b>Date</b> |
|------------------------|-------------|
|                        |             |

Location of Premises



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