

# WIRRAL COUNCIL

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

17 AUGUST 2012

<b>SUBJECT:</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>HESWALL WARD</b>
<b>REPORT OF:</b>	<b>ACTING DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</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 Merseyside Police and relates to the premises known as **The Black Horse Hotel, School Hill, Heswall.**

### 2.0 BACKGROUND AND KEY ISSUES

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

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

Monday to Wednesday 11:00 to 23:00  
Thursday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

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

Monday to Wednesday 11:00 to 23:00  
Thursday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

#### **Regulated Entertainment (Live Music and Recorded Music)**

Monday to Wednesday 11:00 to 23:00  
Thursday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

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 Black Horse 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 the current Designated Premises Supervisor, Christopher Mitchell, having assaulted a Police Officer at the premises. The Licensing Sergeant has also advised that Mr Mitchell has previously been arrested on two other occasions for assault at these premises.
- 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 Representation has been received in respect of the above application.

A representation has been received from an individual who wishes to remain anonymous due to fear of reprisal. This individual supports the application made by Merseyside Police due to the Designated Premises Supervisor 'bullying' his customers, many of which are in their seventies and who no longer attend the premises. 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.

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## **APPENDICES**

- Application to Review the Premises Licence.
- Representation received in respect of the application.

## **REFERENCE MATERIAL**

None

## **SUBJECT HISTORY (last 3 years)**

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

# Local plan of Premises

