

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

4 OCTOBER 2012

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	SEACOMBE 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 **Five Bars Rest, 61 Borough Road, Seacombe.**

2.0 BACKGROUND AND KEY ISSUES

2.1 The Five Bars Rest currently has a Premises Licence, to allow the following Licensable Activities:

Sale by Retail of Alcohol

Sunday to Saturday 11:00 to 02:00

Hours Open to the Public

Sunday to Saturday 11:00 to 02:30

Regulated Entertainment (Live Music, Recorded Music Performance of Dance and Anything of a Similar Description)

Sunday to Saturday 12:00 to 01:00

Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Sunday to Saturday 12:00 to 01:00

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 Five Bars Rest. Merseyside Police have advised that the grounds for review are in relation to the Prevention of Crime and Disorder due to the Designated Premises Supervisor being associated with criminal activities.
- 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, an application has been made to change the Designated Premises Supervisor. Following no objections from Merseyside Police, this application has been granted.
- 3.4 Merseyside Police have made a submission to the Licensing Authority that due to changes that have taken place at the Premises 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.

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

