

# WIRRAL COUNCIL

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

4 OCTOBER 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>NEW BRIGHTON 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 **Peggy Gadflys, 93 Victoria Road, New Brighton.**

### 2.0 BACKGROUND AND KEY ISSUES

2.1 Peggy Gadflys currently has a Premises Licence, to allow the following Licensable Activities:

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

Monday and Tuesday	11:00 to 23:00
Wednesday	11:00 to 00:00
Thursday	11:00 to 01:00
Friday and Saturday	11:00 to 02:00
Sunday	12:00 to 01:00

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

Monday and Tuesday	11:00 to 23:30
Wednesday	11:00 to 00:30
Thursday	11:00 to 01:30
Friday and Saturday	11:00 to 02:30
Sunday	12:00 to 01:30

#### **Regulated Entertainment (Exhibition of Films and Recorded Music)**

Monday and Tuesday	11:00 to 23:00
Wednesday and Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00
Sunday	12:00 to 00:00

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

Monday and Tuesday	11:00 to 23:00
Wednesday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

## **Entertainment Facilities (Facilities for Dancing)**

Monday and Tuesday	11:00 to 23:00
Wednesday and Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00
Sunday	12:00 to 00:00

## **Late Night Refreshment**

Thursday	23:00 to 01:00
Friday and Saturday	23:00 to 02:00
Saturday	23:00 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 Peggy Gadflys. Merseyside Police have advised that the grounds for review are in relation to the Prevention of Crime and Disorder due to persons within the flat above the premises being found constructing a large scale cannabis farm. Merseyside Police have also reported that electricity at the premises was being illegally abstracted.
- 3.2 Further information to support the above grounds for review is included within the application which is available.
- 3.3 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.
- 3.4 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](mailto: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

