

# WIRRAL COUNCIL

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

30 JANUARY 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>BROMBOROUGH 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 **Bertha Macs, 16 Bebington Road, New Ferry.**

### 2.0 BACKGROUND AND KEY ISSUES

2.1 Bertha Macs currently has a Premises Licence, to allow the following Licensable Activities:

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

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

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

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

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

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

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 Bertha Macs. Merseyside Police have advised that the grounds for review are in relation to the Prevention of Crime and Disorder and Public Safety due to electricity and gas at the premises being illegally abstracted. Merseyside Police have also advised that complaints have been received from local residents relating to anti-social behaviour in respect of these premises.
- 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, two separate applications have been made to Transfer the Premises Licence and to change the Designated Premises Supervisor. Following no objections from Merseyside Police, these applications have been granted.

### **4.0 RELEVANT REPRESENTATIONS**

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

A representation has been received from a local resident. The representation relates to public nuisance and anti-social behaviour caused by customers of the premises. A copy of the representation is available.

A representation has also been received from Councillor Steve Niblock, Ward Councillor, who supports the Review made by Merseyside Police and supports the representation made by the local resident. 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.

**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.
- Representation received from a Local Resident and a Ward Councillor

## **REFERENCE MATERIAL**

None

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

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

# Local plan of Premises



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