

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 JANUARY 2013

SUBJECT:	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HOYLAKE AND MEOLS 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 **Mojo's, 3 Dee Lane, West Kirby.**

2.0 BACKGROUND AND KEY ISSUES

2.1 At the time the application for the Review was received the Premises Licence allowed the following Licensable Activities:

Sale by Retail of Alcohol

Sunday to Thursday 11:00 to 00:00
Friday and Saturday 11:00 to 01:00

Hours Open to the Public

Sunday to Thursday 11:00 to 00:30
Friday and Saturday 11:00 to 01:30

Regulated Entertainment (Recorded Music)

Sunday to Saturday 11:00 to 00:00

Regulated Entertainment (Live Music)

Thursday to Sunday 20:00 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 was received from Merseyside Police on 4 December 2012 to review the Premises Licence for the premises known as Mojo's. Merseyside Police advised that the grounds for review are in relation to the Prevention of Crime and Disorder, Public Nuisance and Public Safety following incidents of violent assaults taking place within the immediate vicinity of the premises.
- 3.2 Further information to support the above grounds for review is included within the application which is available.
- 3.3 On 24 December 2012 a Summary Review of the Premises Licence was submitted by Merseyside Police following a separate incident of serious disorder which occurred in connection with these premises. On 28 December 2012, Members of the Licensing Act 2003 Sub-Committee considered whether interim steps should be taken following receipt of the application received from Merseyside Police for the Summary Review of the Premises Licence. At that time Members deemed that it was appropriate as an interim step to suspend the Premises Licence pending the determination of the Review. A Review Hearing took place on 18 January 2013 when it was determined that the conditions of licence be amended as follows:

- The hours be amended as follows:

Sale by Retail of Alcohol

Sunday to Saturday 11:00 to 00:00

Hours Open to the Public

Sunday to Saturday 11:00 to 00:30

- The use of the balcony must terminate no later than 21:30
- The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.
- A Personal Licence Holder must be on duty whenever alcohol is being supplied.
- A drug safe must be installed at the premises and used appropriately.
- The Premises must be a member of the local Pub Watch Scheme.
- From 28 February 2013, all employees authorised to sell alcohol at the premises must hold a minimum Level 1 Award for Responsible Alcohol Retailing.

- No person shall be permitted to enter the premises after 23:30.
- A minimum of three SIA Registered Doorpersons must be on duty from 22:00 until closing time on Fridays and Saturdays.

3.4 Merseyside Police have made a submission to the Licensing Authority that due to the above modification to the Premises Licence that have taken place 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 on the understanding that Members are content to accept the view of Merseyside Police.

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.

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APPENDICES

- Application to Review the Premises Licence.

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Local plan of Premises



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