

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

2 MAY 2013

SUBJECT:	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	BIRKENHEAD AND TRANMERE
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Sinnathamby Elangaiventhan** and relates to the premises located at **65/67 Oxtan Road, Birkenhead.**

2.0 BACKGROUND AND KEY ISSUES

- 2.1 These premises currently have a Premises Licence with the following hours:

Sale by Retail of Alcohol

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Good Friday	12:00 to 22:30
Christmas Day	12:00 to 15:00 & 19:00 to 22:30

- 2.2 These premises are currently closed. The premises previously traded as a Public House.
- 2.3 The applicant is seeking a substantial variation to the Premises Licence which will include the premises supplying alcohol for consumption off the premises only. In these circumstances it is a requirement under the Licensing Act 2003 that an application is made for the grant of a licence.

3.0 APPLICATION

- 3.1 The application for the grant of a new Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

4.0 PROMOTION OF LICENSING OBJECTIVES

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business in accordance with the four Licensing Objectives. A copy of the full application is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the licence be granted.

5.0 RELEVANT REPRESENTATIONS

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

Representations have been received from three local residents and one from a local business. A petition signed by 201 local residents has also been received. The representations relate to public nuisance being caused by Street Drinkers within the vicinity of the premises and concerns that if the application is granted public nuisance will increase. Copies of the representations and petition are available.

A representation has also been received from Birkenhead and Tranmere Ward Councillors. The representation supports the concerns expressed by local residents and business. A copy of the representation is available.

Merseyside Police

A representation has been received from Merseyside Police. The representation relates to a number of factors that cause them to believe that the Licensing Objectives will be undermined should the application be granted. These include the following:

- The premises are located in an area which is highlighted as Wirral's number one hotspot for anti-social behaviour.
- History of alcohol related crime and disorder within the vicinity of the premises.
- A problem with street drinkers within the vicinity of the premises which presents a significant risk to the safety of the public.
- The application makes no reference to how it will protect children from the harm of being exposed to the increased availability of alcohol to local people who openly misuse it in public places.

A copy of the representation is available.

5.2 There have been no other representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board
Trading Standards
Planning Authority
Fire Authority
Environmental Health
Wirral PCT
Wirral Licensing Authority

6.0 RELEVANT RISKS

6.1 There are none arising directly from this report.

7.0 OTHER OPTIONS CONSIDERED

7.1 There is no provision for other options to be considered.

8.0 CONSULTATION

8.1 Statutory consultation has been undertaken in respect of this application.

9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

9.1 There are no specific implications arising from this report.

10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

10.1 There are no specific implications arising from this report.

11.0 LEGAL IMPLICATIONS

11.1 A decision of this Committee can be subject to Appeal.

12.0 EQUALITIES IMPLICATIONS

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

13.0 CARBON REDUCTION IMPLICATIONS

13.1 There are no specific implications arising from this report.

14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

14.1 There are no Planning implications arising from this report.

15.0 RECOMMENDATION

15.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

16.0 REASONS FOR RECOMMENDATION

16.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

REPORT AUTHOR: **Richard Leyland**
Licensing Team Leader
telephone: 0151 691 8478
email: richardleyland@wirral.gov.uk

APPENDICES

- Application for a Premises Licence
- Representations received from Local Residents, a Local Business and Ward Councillors
- Representation received from Merseyside Police

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

Location plan of Premises



© Crown copyright and database rights 2012 Ordnance Survey 100019803
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form