

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

1 OCTOBER 2015

SUBJECT:	APPLICATION TO REVIEW 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 the review of a Premises Licence under the provisions of the Licensing Act 2003. The application is made by Trading Standards and relates to the premises known as K & M General Store, 7-9 Oxtan Road, Birkenhead.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises currently have a Premises Licence with the following Licensable Activity:

Sale by Retail of Alcohol

Monday to Saturday 08:00 to 23:00
Sunday 09:00 to 23:00

Hours Open to the Public

Monday to Saturday 08:00 to 23:00
Sunday 09:00 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 Trading Standards to review the Premises Licence for the premises known as K & M General Store. The grounds for review are in relation to illegal activity occurring at the premises including the sale of duty divert alcohol, the sale of alcohol outside of the permitted hours and alcohol being sold to persons under the age of 18 years.
- 3.2 Further information to support the above grounds for review is included within the application which is available.

4.0 RELEVANT REPRESENTATION

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

Merseyside Police

A representation has been received from Merseyside Police who support the application made by Trading Standards due to the illegal activities taking place at these premises. A copy of the representation is available.

Environmental Health

A representation has been received from Environmental Health in support of the application made by Trading Standards. The representation relates to the Licensing Objectives not being upheld due to alcohol being sold to persons who are already drunk and duty diverted alcohol being sold at the premises. A copy of the representation is available.

Public Health

A representation has been received from Public Health who are in support of the application made by Trading Standards who consider that all four licensing objectives are being undermined by the Premises Licence Holder. 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
Fire Authority
Planning Authority
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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

8.1 There are no previously approved actions outstanding.

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 AND ENVIRONMENTAL 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 RECOMMENDATIONS

15.1 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.

16.0 REASONS FOR RECOMMENDATIONS

16.1 It is a statutory requirement for this Committee to determine the application.

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APPENDICES

- None

BACKGROUND PAPERS/REFERENCE MATERIAL

- Application to Review a Premises Licence
- Representation received from Merseyside Police
- Representation received from Environmental Health
- Representation received from Public Health

BRIEFING NOTES HISTORY

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location plan of Premises



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