

# WIRRAL COUNCIL

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

15 JANUARY 2016

<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</b>
<b>REPORT OF:</b>	<b>ASSISTANT CHIEF EXECUTIVE</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 Trading Standards and relates to the premises known as The Offy, 235 Seabank Road, New Brighton.

### 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                      10:00 to 22:30

#### **Non-Standard Timings**

Christmas Day              12:00 to 15:00 & 19:00 to 22:30  
Good Friday                08:00 to 22:30

2.2 Subsequent to receiving the application to review the Premises Licence from Trading Standards, the Licensing Authority have received an application to Transfer the Premises Licence from Tarsem Singh into the name of Nisha Kaur. Following no objections from Merseyside Police, Nisha Kaur is now the Premises Licence Holder.

2.3 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 The Offy. The grounds for review are in relation to illegal activity occurring at the premises including the sale of illegal alcohol.
- 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.

#### **Wirral Licensing Authority**

A representation has been received from Wirral Licensing Authority who support the application made by Trading Standards. Following recent inspections at the premises by Licensing Enforcement Officers, a number of breaches of the Premises Licence were identified. The premises were also selling alcohol at a time when the Premises Licence was suspended due to the non-payment of their Annual Fee. 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 premises not complying with Environmental Health related legislation and concerns that the Licensing Objectives are not being upheld due to the fact that the premises have demonstrated a disregard to the law. 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

## **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 Wirral Licensing Authority
- Representation received from Environmental Health
- Representation received from Public Health

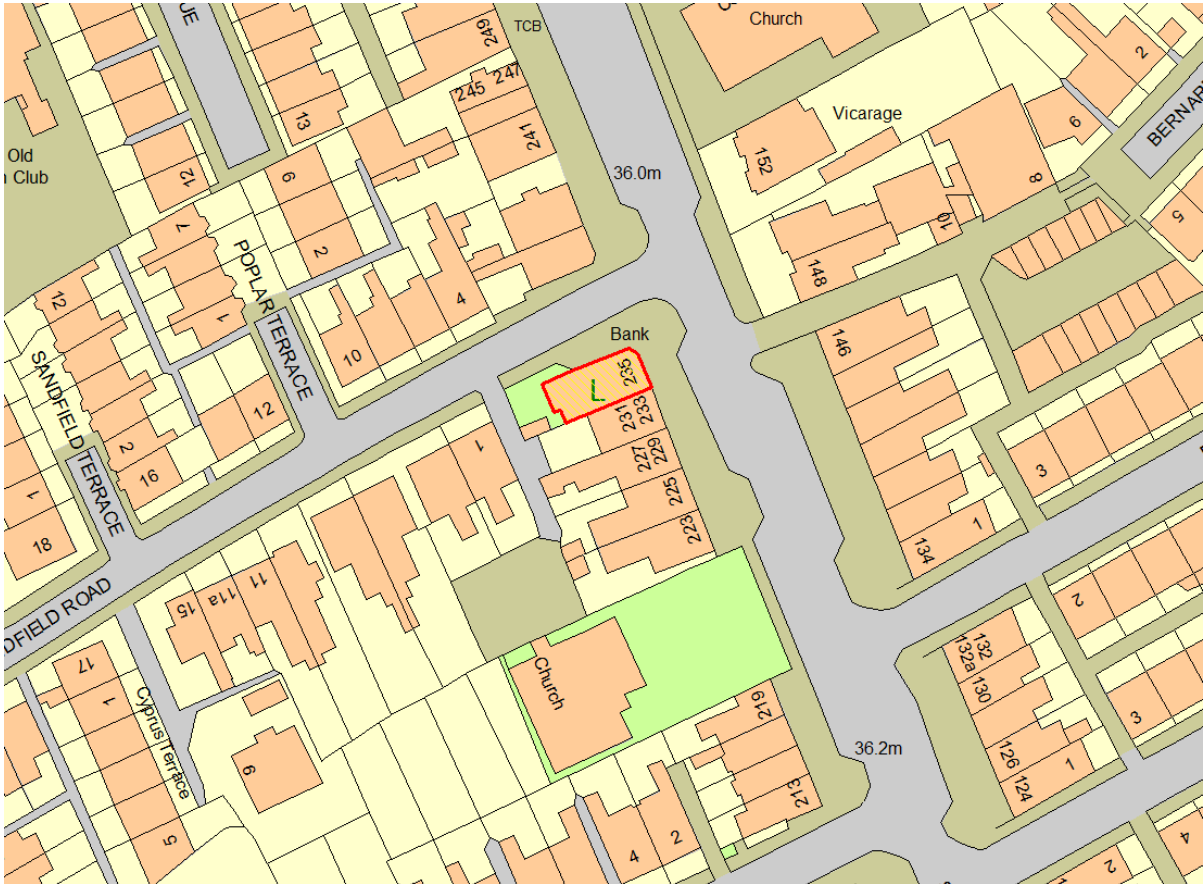
**BRIEFING NOTES HISTORY**

- None

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date

# Location plan of Premises



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