



LICENSING ACT 2003

LICENSING ACT 2003 SUB-COMMITTEE

28 JANUARY 2016

REPORT TITLE	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	ASSISTANT CHIEF EXECUTIVE

REPORT SUMMARY

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 Wirral Licensing Authority and relates to the premises known as Kelly's Discount Booze, 52 Argyle Street, Birkenhead.

RECOMMENDATION/S

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

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

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

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

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

Sale by Retail of Alcohol

Sunday to Saturday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

3.2 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.

3.3 APPLICATION

An application has been received from Wirral Licensing Authority to review the Premises Licence for the premises known as Kelly's Discount Booze. The grounds for review are in relation to the premises selling alcohol to intoxicated persons.

Further information to support the above grounds for review is included within the application which is available.

3.4 RELEVANT REPRESENTATION

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

Public Health

A representation has been received from Public Health who are in support of the application made by Wirral Licensing Authority who consider that all four licensing objectives are being undermined by the Premises Licence Holder. A copy of the representation is available.

Environmental Health

A representation has been received from Environmental Health who are in support of the application made by Wirral Licensing Authority. Environmental Health have concerns due to super strength alcohol being sold to persons who are already intoxicated. A copy of the representation is available.

Trading Standards

A representation has been received from Trading Standards who supports the application made by Wirral Licensing Authority who have concerns that the premises are failing to promote the Licensing Objectives due to super strength alcohol being sold to persons who are already intoxicated. A copy of the representation is available.

Wirral Ark

A representation has been received from the Wirral Ark who are a local charity who support people at risk including street drinkers. The Wirral Ark have concerns with these premises as they currently sell super strength alcohol which is consumed by street drinkers who then cause a public nuisance within the vicinity of the premises. A copy of the representation is available.

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

Wirral Safe Guarding Children Board
Planning Authority
Fire Authority

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

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

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

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

9.0 EQUALITY IMPLICATIONS

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

No because there is no relevance to equality.

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

APPENDICES

None

REFERENCE MATERIAL

- Application to Review a Premises Licence
- Representations received from Wirral Ark, Public Health, Environmental Health and Trading Standards

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location of Premises



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