

LICENSING ACT 2003**LICENSING ACT 2003 SUB-COMMITTEE****18 FEBRUARY 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 following a Closure Order issued by Wirral Magistrates Court. The Review relates to the premises known as Best Price, 82-84 Grange Road West, Birkenhead.

RECOMMENDATION/S

The Licensing Act 2003 Sub-Committee are asked 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 Review.

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 07:00 to 00:00

Hours Open to the Public

Sunday to Saturday 07:00 to 00:00

3.2 The Licensing Act 2003 Sub-Committee may, having regard to the 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 DETAILS OF REVIEW

The grounds for the review are that on 3 February 2016 Wirral Magistrates' Court notified the Licensing Authority that on 3 February 2016 it made a Closure Order under Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 following a closure notice issued by Merseyside Police.

The Court was satisfied that:

A person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour (meaning behaviour that constitutes a criminal offence) on the premises, or

The use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or

There has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

And that the order was necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

3.4 RELEVANT REPRESENTATION

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

Merseyside Police

A representation has been received from Merseyside Police who believe that these premises have been the location from which serious criminal activity has taken place.

Environmental Health

A representation has been received from Environmental Health who have serious concerns with the operation of the premises and the failing of the Licence Holder to promote the Licensing Objectives.

Trading Standards

A representation has been received from Trading Standards who have concerns with the ability of the premises to promote the Licensing Objectives due to the failure of the Licence Holder to comply with their legal obligations in respect of legislation enforced by Trading Standards.

Wirral Safeguarding Children Board

A representation has been received from the Wirral Safeguarding Children Board.

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

Planning Authority
Fire Authority
Wirral Licensing Authority
Public Health

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 Review.

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.

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APPENDICES

None

REFERENCE MATERIAL

- Closure Order issued by Wirral Magistrates Court
- Representations received from Merseyside Police, Environmental Health, Trading Standards and Wirral Safeguarding Children Board

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location of Premises



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