

**LICENSING ACT 2003****LICENSING ACT 2003 SUB-COMMITTEE****13 APRIL 2017**

<b>REPORT TITLE</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

**REPORT SUMMARY**

The purpose of this report is to consider an application for an Expedited Review of a Premises Licence under the provisions of the Licensing Act 2003. The application is made by Merseyside Police and relates to the premises known as Traffic Bar, 110-112 Argyle Street, 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 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 which permits the following Licensable Activities:

#### **Sale by Retail of Alcohol**

Sunday to Thursday 10:00 to 03:00

Friday and Saturday 10:00 to 04:00

#### **Hours Open to the Public**

Sunday to Thursday 10:00 to 03:00

Friday and Saturday 10:00 to 04:00

#### **Live Music, Recorded Music and Performance of Dance**

Sunday to Thursday 10:00 to 03:00

Friday and Saturday 10:00 to 04:00

3.2 The Licensing Act 2003 Sub-Committee may, having regard to the application for an Expedited 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 Expedited Review does not require it to take any steps that are appropriate to promote the licensing objectives.

### 3.3 APPLICATION

3.4 In accordance with the Licensing Act 2003, Merseyside Police have applied to review the Premises Licence for the Traffic Bar by way of an Expedited Review. Merseyside Police consider that these premises have been associated with serious violent disorder.

3.5 On 22 March 2017, Members of the Licensing Act 2003 Sub-Committee considered whether interim steps should be taken following receipt of the application received from Merseyside Police for the Expedited Review of the Premises Licence. At this time Members deemed that it was necessary and appropriate to suspend the Premises Licence. The suspension of the Premises Licence took immediate effect pending the determination

of the Review. The Sub-Committee considered this step necessary and appropriate due to the premises being associated with serious violent disorder.

- 3.6 In considering the application the Licensing Act 2003 Sub-Committee took into account the Senior Police Officer's Certificate that accompanied the application and representations received from Merseyside Police. Members also had regard to the Summary Review Guidance issued by the Home Office and considered that the interim step to suspend the Premises Licence was necessary to prevent serious violent disorder occurring at the premises.
- 3.7 Further information to support the above grounds for the Expedited Review is included within the application which is available.

### 3.8 **RELEVANT REPRESENTATION**

#### **Wirral Licensing Authority**

In respect of this application, a representation has been received from the Licensing Authority. The Licensing Operations Manager has advised that there have been a number of violent incidents which have occurred at the premises over the past six months. The Licensing Operations Manager has also advised that the premises have traded beyond the hours permitted on the Premises Licence and that a number of breaches of the Premises Licence have been identified. These issues have resulted in an action plan being produced to put measures in place to prevent further issues from occurring. However, since the action plan was produced, a further serious violent incident has occurred on the premises which has resulted in this Expedited Review.

- 3.9 The last date in which representations may be submitted is 5 April 2017. Therefore, if any further representations are received they will be made available to Members of the Licensing Act 2003 Sub-Committee prior to the Hearing.
- 3.10 There have been no representations received from the following Responsible Authorities:

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

### 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.

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## APPENDICES

None

## REFERENCE MATERIAL

- Application for an Expedited Review of a Premises Licence

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location of Premises



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