

LICENSING ACT 2003

LICENSING PANEL

22 OCTOBER 2021

REPORT TITLE	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to consider an application for a Review of a Premises Licence under the provisions of the Licensing Act 2003. The application is made by Local Residents and relates to the premises known as Freddie's, 36 Stanley Road, New Ferry.

RECOMMENDATION/S

The Licensing Panel 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 Activity:

Sale by Retail of Alcohol

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Christmas Day	12:00 to 15:00 and 19:00 to 22:30
Good Friday	12:00 to 22:30

3.2 The Licensing Panel may, having regard to the application for a 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

3.4 An application has been received from Local Residents to review the Premises Licence for the premises known as Freddie's. The grounds for the review are in relation anti-social behaviour being caused by customers of the premises, public nuisance being caused to local residents, and concern in respect public safety in particular the safety of children.

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

3.6 REPRESENTATIONS

LOCAL RESIDENTS – SUPPORT OF REVIEW APPLICATION

In respect of the review application, 12 representations have been received from Local Residents who support the application to review the Premises Licence. Copies of the representations are available.

LOCAL RESIDENT – SUPPORT FOR PREMISES

A representation has been received from a local resident who considers that the way in which the premises operates does not undermine the Licensing Objectives. A copy of the representation is available.

LICENSING AUTHORITY

A representation has been received from the Licensing Authority who have reported that complaints have been received from Local Residents in respect of the operation of the premises. The complaints relate to a number of issues which residents advise are linked to the premises, these include anti-social behaviour, noise nuisance and drug use. As a result of these complaints, the premises have been visited a number of times by a Licensing Enforcement Officer. A copy of the representation is available.

ENVIRONMENTAL HEALTH

A representation has been received from Environmental Health who have advised that complaints have been received from Local Residents regarding potential statutory nuisances from the premises relating to odours from cooking, light nuisance and noise nuisance. Environmental Health have been liaising with the premises regarding these matters. A copy of the representation is available.

PLANNING AUTHORITY

A representation has been received from the Planning Authority who have reported that in accordance with the planning permission the premises are permitted to operate as a restaurant. The Planning Authority have received complaints from Local Residents who have indicated that the premises are not operating as a restaurant. These allegations are currently being investigated by the Planning Authority. The Planning Authority have also advised that a number of physical alterations have been made to the premises, some of which were carried out in breach of planning control. The premises have submitted a retrospective planning application in relation to these physical changes. A copy of the representation is available.

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

Wirral Safeguarding Children Board
Fire Authority
Public Health
Trading Standards
Merseyside Police

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.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

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APPENDICES

None

BACKGROUND PAPERS

- Application for a Review of the Premises Licence
- Representations received from Local Residents
- Representation received from the Licensing Authority
- Representation received from Environmental Health
- Representation received from the Planning Authority

SUBJECT HISTORY (last 3 years)

Council Meeting	Date