

**LICENSING ACT 2003****LICENSING PANEL****26 NOVEMBER 2021**

<b>REPORT TITLE</b>	<b>SUMMARY REVIEW APPLICATION UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is to consider an application for a Summary 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 Platinum Bar, Conway Street, Birkenhead, CH41 6JD.

The report also requests Members to review the interim step that was taken on 5 November 2021 which resulted in the suspension of the Premises Licence.

**RECOMMENDATION/S**

1. The Licensing Panel are asked to consider the Summary Review of the Premises Licence in respect of the above premises.
2. The Licensing Panel are also asked to consider and review the interim step that was taken to suspend the Premises Licence by the Licensing Panel on 5 November 2021.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is a statutory requirement for this Panel 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**

Monday to Thursday	12:00 to 04:00
Friday to Sunday	12:00 to 05:00

#### **Live Music and Recorded Music**

Monday to Thursday	12:00 to 04:00
Friday to Sunday	12:00 to 05:00

#### **Late Night Refreshment**

Monday to Thursday	23:00 to 04:00
Friday to Sunday	23:00 to 05:00

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

Monday to Thursday	12:00 to 04:00
Friday to Sunday	12:00 to 05:15

3.2 The Licensing Panel may, having regard to the application for the Summary Review and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are:

- To 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, or
- Revoke the Licence.

### 3.3 APPLICATION

3.4 In accordance with the Licensing Act 2003, Merseyside Police have applied to review the Premises Licence for the Platinum Bar by way of a Summary Review. The application made by Merseyside Police follows a serious assault and disorder at the premises.

3.5 On 5 November 2021, Members of the Licensing Panel considered whether interim steps should be taken following receipt of the application received from Merseyside Police for the Summary Review of the Premises Licence. At this time Members of the Licensing Panel 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 and continues to have effect at this time. The Licensing Panel considered that this step was necessary and appropriate due to the premises being associated with serious violent disorder.

3.6 In considering whether to impose interim steps the Licensing Panel took into account the Senior Police Officer's Certificate that accompanied the application and representations received from Merseyside Police as well as representations made by the Premises Licence Holder. Members also had regard to the Statutory Guidance issued under the Licensing Act 2003 and considered that the interim step to suspend the Premises Licence was necessary to prevent serious violent disorder occurring at the premises.

3.7 Following determination of the Summary Review application Members of the Licensing Panel must also review the interim step that was taken to suspend the Premises Licence by the Licensing Panel on 5 November 2021. In reviewing the interim step the Licensing Panel must:

- consider whether the interim step is appropriate for the promotion of the licensing objectives
- consider any relevant representations
- determine whether to withdraw or modify the interim step taken

3.8 Any interim steps taken will apply until:

(a) the end of the period given for appealing against a decision of the summary review of the premises licence (21 days),

(b) if the decision in respect of the summary review of the premises licence is appealed against, the time the appeal is disposed of, or

(c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

3.9 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  
Licensing 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 Panel 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.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

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## APPENDICES

None

## BACKGROUND PAPERS

- Application for a Summary Review of the Premises Licence
- Certificate under Section 53A(1)(b) of the Licensing Act 2003
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	5 November 2021