

LICENSING PANEL**19 DECEMBER 2022**

REPORT TITLE:	CONSIDERATION OF AN OBJECTION NOTICE IN RESPECT OF A TEMPORARY EVENT NOTICE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF:	HEAD OF LEGAL SERVICES AND INTERIM MONITORING OFFICER

REPORT SUMMARY

The purpose of this report is to consider an Objection Notice that has been submitted by Merseyside Police in respect of a Temporary Event Notice under the provisions of the Licensing Act 2003. The proposed Premises User is **Susan McIlroy** and the Temporary Event Notice relates to the premises known as **Sue's Bar, Argyle Street, Birkenhead**.

RECOMMENDATION

The Licensing Panel are asked to determine whether the Licensing Authority should issue a Counter Notice to the Temporary Event Notice following the submission of an Objection Notice by Merseyside Police.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION

- 1.1 It is a statutory requirement for the Licensing Panel to consider the Objection Notice submitted by Merseyside Police in respect of the Temporary Event Notice.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Licensing Panel may determine that a Counter Notice should not be issued and that licensable activities be permitted to take place in accordance with the Temporary Event Notice. The Licensing Panel may also impose conditions on the Temporary Event Notice from the existing conditions on the Premises Licence.

3.0 BACKGROUND INFORMATION

- 3.1 These premises currently have a Premises Licence with the following hours:

Sale by Retail of Alcohol

Sunday to Wednesday	10:00 to 01:00
Thursday	10:00 to 03:00
Friday and Saturday	10:00 to 04:00

Hours Open to the Public

Sunday to Wednesday	10:00 to 01:30
Thursday	10:00 to 03:30
Friday and Saturday	10:00 to 04:30

Live Music, Recorded Music and Anything of a Similar Description

Sunday to Wednesday	10:00 to 01:00
Thursday	10:00 to 03:00
Friday and Saturday	10:00 to 04:00

Late Night Refreshment

Sunday to Wednesday	23:00 to 01:00
Thursday	23:00 to 03:00
Friday and Saturday	23:00 to 04:00

- 3.2 A copy of the Premises Licence is available.

4.0 TEMPORARY EVENT NOTICE

- 4.1 In respect of the Temporary Event Notice, the following Licensable Activities have been proposed:

Sale by Retail of Alcohol, Regulated Entertainment and Late Night Refreshment

Monday 26 December starting at 23.00 until 4.00am on Tuesday 27 December 2022.

4.2 The purpose of the Temporary Event Notice is to allow an extension to the hours permitted on the Premises Licence for a Boxing Night party to take place. A copy of the Temporary Event Notice is available.

5.0 RELEVANT OBJECTION NOTICE

5.1 An Objection Notice has been received from Merseyside Police in relation to the Temporary Event Notice referred to in paragraphs 4.1 and 4.2 above. The Objection Notice relates to the Prevention of Crime and Disorder. Merseyside Police have indicated that there have been a number of incidents attributed to these premises as well as breaches of the Premises Licence conditions which have resulted in a warning letter being issued to the Premises. A copy of the Objection Notice is available.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no specific implications arising from this report.

7.0 LEGAL IMPLICATIONS

7.1 In accordance with Section 105 (2) of the Licensing Act 2003 where an Objection Notice is given to a Temporary Event Notice the Licensing Authority must hold a Hearing to consider the Notice unless the Premises User, Merseyside Police and the Licensing Authority agree that a Hearing is unnecessary.

8.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

8.1 There are no specific implications arising from this report.

9.0 RELEVANT RISKS

9.1 There are none arising directly from this report.

10.0 ENGAGEMENT/CONSULTATION

10.1 Statutory consultation has been undertaken in respect of this Temporary Event Notice.

11.0 EQUALITY IMPLICATIONS

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

No because there is no relevance to equality.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

12.1 There are no environment and climate implications arising directly from this report.

13.0 COMMUNITY WEALTH IMPLICATIONS

13.1 There are no community wealth implications arising directly from this report.

REPORT AUTHOR: Name
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APPENDICES

None

BACKGROUND PAPERS

- Temporary Event Notice
- Premises Licence
- Objection Notice
- Wirral Council's Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 9.3 of the Licensing Act Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution

SUBJECT HISTORY (last 3 years)

Council Meeting	Date