

**LICENSING PANEL****20 DECEMBER 2022**

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

**REPORT SUMMARY**

The purpose of this report is to consider the objections that have been submitted by Merseyside Police in respect of Temporary Event Notices in accordance with the provisions of the Licensing Act 2003. The proposed Premises User is **Mark Rogers** and the Temporary Event Notices relate to the Premises known as **Platinum Bar, Conway Street, Birkenhead**.

**RECOMMENDATION**

The Licensing Panel are asked to determine whether the Licensing Authority should issue Counter Notices to the Temporary Event Notices 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 Notices.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Licensing Panel may determine that Counter Notices should not be issued and that licensable activities be permitted to take place in accordance with the Temporary Event Notices. The Licensing Panel may also impose conditions on the Temporary Event Notices 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**

Monday to Thursday	12:00 to 03:30
Friday to Sunday	12:00 to 04:00

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

Monday to Thursday	12:00 to 04:00
Friday to Sunday	12:00 to 04:30

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

Monday to Thursday	12:00 to 03:30
Friday to Sunday	12:00 to 04:00

#### **Late Night Refreshment**

Monday to Thursday	23:00 to 03:30
Friday to Sunday	23:00 to 04:00

- 3.2 A copy of the Premises Licence is available.

### 4.0 TEMPORARY EVENT NOTICES

- 4.1 In respect of the Temporary Event Notice for the period 23 December to 27 December 2022, the following Licensable Activities and hours have been proposed:

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

23 December 2022 – 21:00 to 05:00  
24 December 2022 – 21:00 to 05:00  
25 December 2022 – 21:00 to 04:00  
26 December 2022 – 21:00 to 05:00

The purpose of this Temporary Event Notice is for an extension of hours for the Christmas / Boxing Day weekend.

- 4.2 In respect of the Temporary Event Notice for the period 30 December 2022 to 1 January 2023, the following Licensable Activities and hours have been proposed:

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

30 December 2022 – 21:00 to 05:00

31 December 2022 – 20:00 to 05:00

The purpose of the Temporary Event Notice is for an extension to the hours permitted on the Premises Licence for the New Year weekend. 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 Notices referred to in paragraphs 4.1 and 4.2 above. The Objection relates to the Prevention of Crime and Disorder. Merseyside Police have advised that incidents of crime and disorder will occur if the premises are permitted to operate in accordance with the Temporary Event Notices. 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 Notices
- 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)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Panel</b>	<b>5 November 2021</b>
<b>Licensing Panel</b>	<b>26 November 2021</b>
<b>Licensing Panel</b>	<b>11 August 2022</b>