



**LICENSING ACT 2003**

**LICENSING PANEL**

**19 MAY 2023**

<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>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is for the Licensing Panel to consider an application to Review a Premises Licence under the provisions of the Licensing Act 2003. The application is made by the Licensing Authority and relates to the premises known as Family Shopper at 164-166 Bedford Road, Rock Ferry, CH42 2AS.

**RECOMMENDATION**

The Licensing Panel is recommended to Review the Premises Licence in respect of the premises known as Family Shopper at 164-166 Bedford Road, Rock Ferry, CH42 2AS.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 In accordance with the Licensing Act 2003 it is a statutory requirement for this Panel to determine the application to Review the Premises Licence.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There is no provision for other options to be considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The premises currently have a Premises Licence which permits the following Licensable Activity:

**The sale of alcohol during the following hours for consumption 'off' the premises only:**

Sunday to Saturday 07:00 to 23:00

**Hours Open to the Public:**

Sunday to Saturday 06:00 to 23:00

### **3.2 APPLICATION**

- 3.3 An application has been received from the Licensing Authority to review the Premises Licence for Family Shopper at 164-166 Bedford Road, Rock Ferry, CH42 2AS. The grounds for the review relate to illegal activity taking place at the premises. It has been identified that individuals have been working at the premises who were not legally entitled to live or work in the United Kingdom. The Licensing Authority considers that this undermines the licensing objective regarding the prevention of crime and disorder.
- 3.4 Further information to support the above grounds for the Review will be provided to the Licensing Panel in advance of the hearing.
- 3.5 The Licensing Panel may, having regard to the application for the 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 Panel 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.

### **3.6 REPRESENTATION**

#### **HOME OFFICE**

A representation has been received from the Home Office who support the application to review the Premises Licence by the Licensing Authority. A copy of the representation will be provided to the Licensing Panel in advance of the hearing.

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  
Environmental Health  
Planning Authority

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

### **5.0 LEGAL IMPLICATIONS**

5.1 Section 51 of the Licensing Act 2003 provides that at any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

### **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 Premises that hold a Premises Licence must operate in such a manner to uphold the licensing objectives. Should this not be the case the public are at risk in respect of crime and disorder, public safety, public nuisance. Children may also be at risk to harm.

### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Statutory consultation has been undertaken in respect of this application.

### **9.0 EQUALITY IMPLICATIONS**

9.1 The potential impact has been reviewed and it is considered that there will be no direct impact on any of the protected groups.

### **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 There are none arising directly from the content of this report.

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## APPENDICES

None

## BACKGROUND PAPERS

- Application for a Review of the Premises Licence
- Representation received from the Home Office
- Wirral Council's Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- 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