

LICENSING ACT SUB-COMMITTEE**21 SEPTEMBER 2023**

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 for the Licensing Act Sub-Committee to consider an application to Review 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 Sue's Bar, 25 Argyle Street, Birkenhead, CH41 6AA.

RECOMMENDATION

The Licensing Act Sub-Committee is recommended to Review the Premises Licence in respect of the premises known as Sue's Bar, 25 Argyle Street, Birkenhead, CH41 6AA.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 In accordance with the Licensing Act 2003 it is a statutory requirement for this Sub-Committee 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 Activities:

The sale of alcohol during the following hours for consumption 'on' and 'off' the premises:

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 APPLICATION

- 3.3 An application has been received from Merseyside Police to review the Premises Licence for Sue's Bar, 25 Argyle Street, Birkenhead, CH41 6AA. The grounds for the review relate to reports of serious incidents and violent disorder occurring at the premises as well as frequent breaches of the conditions attached to the Premises Licence. Merseyside Police consider that the current operation of these premises undermines the licensing objectives in particular the prevention of crime and disorder, and public safety.
- 3.4 Further information to support the above grounds for the Review will be provided to the Licensing Act Sub-Committee in advance of the hearing.

3.5 The Licensing Act Sub-Committee 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 Act Sub-Committee 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 REPRESENTATIONS

LICENSING AUTHORITY

A representation has been received from the Licensing Authority who support the application to review the Premises Licence made by Merseyside Police. The representation relates to serious crime and disorder occurring at the premises being caused by customers of the premises. A copy of the representation is available.

ENVIRONMENTAL HEALTH

A representation has been received from Environmental Health who have advised that they have issued the premises with a Section 80 Environmental Protection Act 1990 Abatement Notice for Statutory Noise Nuisance which is currently in force. A copy of the representation is available.

LOCAL RESIDENT

A representation has been received from a Local Resident which relates to anti-social behaviour being caused by customers of the premises. 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
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 Licensing Authority
- Representation received from Environmental Health
- Representation received from a Local Resident
- 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 Act Sub-Committee 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
Licensing Panel – Objection Notice relating to a Temporary Event Notice	19 December 2022