

LICENSING ACT SUB-COMMITTEE**30 APRIL 2024**

REPORT TITLE	APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is for the Licensing Act Sub-Committee to consider an application for the 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 **The Monkey's Nuts, 68 Market Street, Birkenhead, CH41 5BT**.

The report also requests Members to review the interim step that was taken on 4 April 2024 which resulted in the suspension of the Premises Licence.

RECOMMENDATION

1. The Licensing Act Sub-Committee is recommended to Review the Premises Licence in respect of the premises known as The Monkey's Nuts, 68 Market Street, Birkenhead, CH41 5BT.
2. The Licensing Act Sub-Committee are also asked to consider and review the interim step that was taken to suspend the Premises Licence by the Licensing Act Sub-Committee on 4 April 2024.

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' the premises:

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

Hours Open to the Public:

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

Live Music

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 23:00

Recorded Music

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

- 3.2 The Licensing Act Sub-Committee 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 held by The Monkey's Nuts Pub Limited trading as The Monkey's Nuts by way of a Summary Review. The application made by Merseyside Police follows serious crime and disorder that has occurred at the premises. A copy of the application is available.

3.5 On 4 April 2024, Members of the Licensing Act Sub-Committee 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 Act Sub-Committee deemed that it was necessary and appropriate to suspend the Premises Licence. The suspension of the Premises Licence took effect at 2.00pm on 4 April 2024 and continues to have effect at this time. The Licensing Act Sub-Committee considered that this step was necessary and appropriate due to the premises being associated with serious crime and disorder.

3.6 In considering whether to impose interim steps the Licensing Act Sub-Committee 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 and appropriate to prevent serious crime and disorder occurring at the premises.

3.7 Following determination of the Summary Review application Members of the Licensing Act Sub-Committee must also review the interim step that was taken to suspend the Premises Licence by the Licensing Act Sub-Committee on 4 April 2024. In reviewing the interim step the Licensing Act Sub-Committee 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,

(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 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 a number of complaints being received since the current Premises Licence Holder has been operating the premises. The complaints include allegations of noise emanating from the premises, drug-dealing taking place at the premises, drug taking by customers of the premises, and the premises opening beyond the hours permitted on their licence. Inspections have taken place at the premises by Licensing Enforcement Officers who identified breaches of the conditions of the Premises Licence which resulted in a warning letter being issued. A copy of the representation is available.

ENVIRONMENTAL HEALTH

A representation has been received from Environmental Health who have received complaints from local residents due to noise nuisance emanating from the premises. A copy of the representation is available.

- 3.10 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 53A of the Licensing Act 2003 provides that:

The Chief Officer of Police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—

- (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
- (b) a senior member of that force has given a certificate that it is their opinion that the premises are associated with serious crime or serious disorder or both; and that certificate must accompany the application.

- 5.2 Section 53B of the Licensing Act 2003 provides that a Licensing Authority may determine whether it is necessary to take interim steps pending the determination of the review applied for.
- 5.3 Section 53D of the Licensing Act 2003 provides that at the Hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.

5.4 A decision of this Sub-Committee 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 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 and 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 In determining the application the Sub-Committee must have regard to the Public Sector Equality Duty imposed on public authorities which requires them to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic.

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.

REPORT AUTHOR: **Richard Leyland**
Licensing Team Leader
email: richardleyland@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

- Application for a Summary Review of the Premises Licence
- Representation received from the Licensing Authority
- Representation received from Environmental Health
- Wirral Council's Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003

- The Equality Act 2010

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 Act Sub-Committee	4 April 2024