

LICENSING ACT SUB-COMMITTEE**22 AUGUST 2024**

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

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 Higher Tranmere Express, 8-10 Bebington Road, Tranmere, CH42 6PU.

RECOMMENDATION

The Licensing Act Sub-Committee is recommended to review the Premises Licence in respect of the premises known as Higher Tranmere Express, 8-10 Bebington Road, Tranmere, CH42 6PU.

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 Activity:

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

Sunday to Saturday 08:00 to 01:00

Hours Open to the Public:

Sunday to Saturday 06:00 to 01:00

3.2 APPLICATION

- 3.3 An application has been received from Merseyside Police to review the Premises Licence for Higher Tranmere Express, 8-10 Bebington Road, Tranmere, CH42 6PU. The grounds for the review relate to Nitrous Oxide being found at the premises which Merseyside Police considers undermines the licensing objective of 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

TRADING STANDARDS

A representation has been received from Trading Standards who support the application to review the Premises Licence made by Merseyside Police. The representation relates to the possession of vapes on the premises in contravention of Part 6 of the Tobacco and Related Products Regulations 2016 which Trading Standards considers undermines the prevention of crime and disorder licensing objective. A copy of the representation is available.

OTHER PERSONS (CUSTOMERS OF PREMISES)

The Premises Licence Holder has submitted 63 representations signed by customers of the premises who consider that the Licensing Objectives will not be undermined if the premises continue to hold a Premises Licence. Copies of the representations are 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
Licensing 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 Licensing Act Sub-Committee must have regard to the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

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 Trading Standards
- Representations signed by customers of the premises
- Wirral Council's statement of 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