

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 2 March 2011

Present

Councillors

S Niblock
D McCubbin

R Wilkins

88 APPOINTMENT OF CHAIR

Resolved - That Councillor S Niblock be appointed Chair for this meeting.

89 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any personal or prejudicial interests in connection with the item on the agenda, and, if so, to declare them and state what they were.

No such declarations were made.

90 SEACOMBE FERRY, VICTORIA PLACE, SEACOMBE

The Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police for the review of a Premises Licence in respect of the Seacombe Ferry, Victoria Place, Seacombe, under the provisions of the Licensing Act 2003.

The premises currently has a Premises Licence and the details of the Premises Licence setting out the hours of the Licensable Activities was included in the report.

The Licensing Act 2003 Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considered necessary 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 authority may decide that no action would be necessary if it found that the review did not require it to take any steps necessary to promote the licensing objectives.

In accordance with the Licensing Act 2003, Merseyside Police had applied to review the Premises Licence for the Seacombe Ferry Hotel by way of an expedited review. Merseyside Police considered that these premises were associated with serious crime and disorder. Within 48 hours of receiving the application the Licensing Authority had to consider whether interim steps should be taken pending the determination of the review of the premises licence and on 2 February 2011, a

meeting was held by Members of the Licensing Act 2003 Committee to consider whether interim steps should be taken. At this time Members deemed that it was necessary to suspend the Premises Licence pending the determination of the Review. Members of the Licensing Act 2003 Committee considered this step was necessary due to the premises being associated with serious crime and disorder.

During the determination of this interim step Members considered evidence from Merseyside Police that serious crime and disorder had occurred inside and outside the premises on Saturday, 29 January 2011. Evidence had been provided of a large scale disturbance by individuals associated with the premises which had resulted in a number of serious injuries and a number of vehicles being damaged. Reports had been made that weapons such as glass, bottles, planks of wood and an axe were being used during the disturbance.

Sergeant P Jenkins attended the meeting.

Mr R Taylor, Solicitor and Mr D Halton, Regional Manager, Enterprise Inns were also in attendance.

The Licensing Officer confirmed that all documentation had been sent and received.

Sergeant Jenkins gave details of the incidents which had occurred inside and outside the Premises on 29, January 2011 and informed the Sub-Committee that the Designated Premises Supervisor had left the Premises prior to this date. The previous tenant had now been removed from the Premises and Merseyside Police now sought the imposition of conditions submitted rather than revocation of the Premises Licence.

Sergeant Jenkins responded to questions from Members of the Sub-Committee and Mr Abraham Legal Adviser to the Sub-Committee.

Mr R Taylor, Solicitor addressed the Sub-Committee. Mr Taylor reported that the Premises were currently empty but discussions had been held with Merseyside Police regarding the imposition of conditions should the Premises be reopened which his client accepted. Details of any new tenant or proposed Designated Premises Supervisor would be submitted to Merseyside Police.

Mr Taylor and Mr Halton responded to questions from Members of the Sub-Committee and Mr Abraham Legal Advisor to the Sub-Committee.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy, and the Statutory Guidance, issued under Section 182 of the Licensing Act 2003.

Members considered carefully the representations made by all parties and considered that the decision to place additional conditions upon the Premises Licence were necessary and proportionate.

Resolved -

That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the current Designated Premises Supervisor be removed from the Premises Licence.

That the conditions of the Premises Licence be modified as follows:

(3) A challenge 25 policy must be implemented. Posters advertising that policy must be displayed and staff are to be trained in challenging people and ascertaining their age. Records of training undertaken must be made available to an Authorised Officer.

(4) CCTV must be installed at the premises (prior to the premises re-opening) in accordance with the specification issued by the Licensing Authority. Tapes and visual images recorded shall be retained for a period of 31 days and must be handed to the Police on request and made available to an authorised officer.

(5) A drug safe must be installed. The key is to be handed to Merseyside Police in order that it can be inspected and emptied on a regular basis.

(6) An incident book must be kept and endorsed accordingly.

(7) A register of door personnel must be kept and updated accordingly when door staff are utilised at the premises.

(8) The premises must not be used for 18th Birthday Parties or Celebrations.