

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 16 May 2012

Present:

Councillors M Hornby
S Niblock
J Salter

138 **APPOINTMENT OF CHAIR**

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

139 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

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

No such declarations were made.

140 **APPLICATION TO REVIEW A PREMISES LICENCE - HIGHER TRANMERE EXPRESS, 10 BEBINGTON ROAD, TRANMERE**

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 Higher Tranmere Express, 10 Bebington Road, Tranmere, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allowed the licensable activities as set out in the report.

The Director advised that the 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.

The application had been submitted by Merseyside Police and the Licensing Sergeant advised that the grounds for review were in relation to the premises being

linked to criminal activity, namely a number of illegal immigrants being employed at the premises.

Sergeant P Jenkins and Constable P Coley, Merseyside Police, attended the meeting.

Mrs N Thirkawala, Premises Licence Holder was also in attendance together with her Solicitor, Mr R Williams.

The Licensing Manager reported that all documentation had been sent and received.

Sergeant Jenkins outlined the application for review. He reported that a number of illegal immigrants had been found working at the premises and gave details of the individuals, how they had been discovered at the premises and the action that had been taken against them by the relevant agencies. He informed Members that it was a criminal offence to knowingly employ an illegal immigrant and as such there had been clear evidence that the licensing objective of the prevention of crime and disorder had been compromised.

Sergeant Jenkins advised Members that Mrs Thirkawala had been fully co-operative with the Police and had expressed a willingness to work with them in the future and requested that the conditions of the Premises Licence be modified.

Sergeant Jenkins responded to questions from Members of the Sub-Committee.

Mr Williams reported that Mrs Thirkawala accepted that a crime had been committed and that the individuals should not have been working at the premises. He requested that the conditions be modified as proposed by Merseyside Police.

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

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at Higher Tranmere Express, 10 Bebington Road, Tranmere and the representations made in writing and orally at the hearing by officers from Merseyside Police, Mrs Thirkawala, the Premises Licence Holder and Designated Premises Supervisor and her legal advisor, Mr Williams.

In determining the review application Members had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003.

Members accepted the evidence provided by Merseyside Police that illegal immigrants were found working at the premises. Members also had regard to the fact that Mrs Thirkawala had accepted the seriousness of the matter and had shown a willingness to work with Merseyside Police.

Resolved -

(1) 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 conditions of the Premises Licence be modified as follows:
1. The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.
 2. From 1 September 2012, all staff working at the premises must attend training provided by Wirral Trading Standards in relation to the prevention of the sale of alcohol to persons under 18 years and the consequences that arise from the selling of alcohol to under-aged persons. A record of this training must be made available to an authorised officer on request.
 3. All staff working at the premises must be trained in house on preventing underage sales of alcohol prior to being authorised to sell alcohol and a minimum of every 4 months thereafter. Written training records must be maintained and be made available to an authorised officer on request.
 4. A 4 camera hard drive CCTV system must be installed at the premises and must comply with the minimum specification of Wirral Borough Council. Recordings must be retained for a minimum period of 28 days and footage must be made available on DVD to an authorised officer on request. The system must be maintained in good working order and in compliance with the minimum specifications of Wirral Borough Council.
 5. An EPOS till prompt system must be installed and maintained at the premises. The till prompts a seller to check the age of any purchaser attempting to buy age related products. An electronic register of refusals must be maintained giving details of the product, date, time and reason for refusal.
 6. The premises must maintain a hand-written log which must be checked regularly by the Designated Premises Supervisor or Premises Licence Holder who must sign the log after each check. All staff must be trained to ensure that they are aware what the refusals log is and where it is kept. The refusals log must be kept next to the till at all times when the premises is open. The refusals log must be made available to an authorised officer upon request.
 7. A Challenge 25 Policy must be in force at the premises and must be maintained. Signage must be prominently displayed regarding this policy.
 8. Details of any employee or proposed employee who is not a registered UK citizen must be notified to Merseyside Police by e-mail in the case of a proposed employee prior to them commencing employment, in order that their immigration status can be verified.

141 **APPLICATION TO REVIEW A PREMISES LICENCE - THE LOCAL, 186 PENSBY ROAD, HESWALL**

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 Local, 186 Pensby Road, Heswall, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allowed the licensable activities as set out in the report.

The Director advised that the 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.

The application had been submitted by Merseyside Police and the Licensing Sergeant advised that the grounds for review were in relation to the premises being linked to criminal activity, namely an illegal immigrant being employed at the premises.

Sergeant P Jenkins and Constable P Coley, Merseyside Police, attended the meeting.

Mrs J Roddick attended the meeting on behalf of Mr Roddick, Premises Licence Holder.

The Licensing Manager reported that all documentation had been sent and received and that Mr Roddick had given permission for his wife to speak on his behalf.

Sergeant Jenkins outlined the application for review. He reported that an illegal immigrant had been found working at the premises and reported upon the details and circumstances surrounding the immigrant being discovered working at the premises. Sergeant Jenkins advised that, Mr and Mrs Roddick had subsequently removed the Designated Premises Supervisor from the premises and terminated their contract with him.

Sergeant Jenkins advised Members that Mrs Roddick was in full agreement with the proposed conditions suggested by Merseyside Police.

Sergeant Jenkins responded to questions from Members of the Sub-Committee.

Mrs Roddick stated that she would like to retain the Premises Licence as she had been approached by a proposed purchaser for the lease.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at The Local, 186 Pensby Road, Heswall and the representations made in writing and orally at the hearing by officers from Merseyside Police and Mrs Roddick on behalf of the Premises Licence Holder, Mr Roddick.

In determining the review application Members had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003.

Members accepted the evidence provided by Merseyside Police that an illegal immigrant had been working at the premises. Members also had regard to the fact that Mrs Roddick had accepted the seriousness of the matter and as a result had terminated the business relationship with the Designated Premises Supervisor, Mr Kumaraguru.

Resolved -

(1) 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 Mr S M Kumaraguru be removed as Designated Premises Supervisor.

(3) That the conditions of the Premises Licence be modified as follows:

- 1. The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors and must be responsible for in-house training.**
- 2. The premises must maintain a refusals book which must be checked regularly by the Designated Premises Supervisor or Premises Licence Holder who must sign the log after each check. All staff must be trained to ensure that they are aware what the refusals log is and where it is kept. The refusals log must be kept next to the till at all times when the premises is open. The refusals log must be made available to an authorised officer upon request.**
- 3. A Challenge 25 Policy must be in force at the premises and must be maintained. Signage must be prominently displayed regarding this policy.**
- 4. Details of any employee or proposed employee who is not a registered UK citizen must be notified to Merseyside Police by e-mail in the case of a proposed employee prior to them commencing employment, in order that their immigration status can be verified.**
- 5. Staff training records must be kept and updated on a regular basis and that they be signed and dated by both the Designated Premises Supervisor and the staff member accordingly.**