

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 20 July 2017

Present:

Councillors D Burgess-Joyce
 C Meaden
 P Stuart

51 **APPOINTMENT OF CHAIR**

Resolved – That Councillor P Stuart be appointed Chair for this meeting.

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

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

53 **APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE VENUE, 30 CONWAY STREET, BIRKENHEAD**

The Managing Director for Delivery reported upon an application that had been received from the Licensing Authority for a Review of the Premises Licence in respect of The Venue, 30 Conway Street, Birkenhead, under the provisions of the Licensing Act 2003.

The Managing Director for Delivery advised that the Sub-Committee may, having regard to the application to review the Premises Licence and any relevant representations, take such of the following steps as it considered 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.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation to evidence of drug taking at the premises, breaches of the Premises Licence conditions and the fire exits being blocked.

A representation had been received from Merseyside Police which supported the application to Review the Premises Licence made by the Licensing Authority. A copy of the representation was available.

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report.

Mr A Bushell, Licensing Operations Manager attended the meeting together with Constable J Moran, Constable T Grafton, S Cushion and G Littlehales, Police Licensing.

Mr J Evans, Designated Premises Supervisor attended the meeting together with his representative, Ms S Maleki, Solicitor.

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

Mr A Bushell reported that the premises had been before the Licensing Act 2003 Sub-Committee on a number of previous occasions and had not re-opened until the licence had been transferred to the current premises licence holder on 19 October 2016. He advised that Mr Evans had become the Designated Premises Supervisor on 28 April 2017 and was also the Designated Premises Supervisor for another premises. Mr Bushell informed Members that following a joint visit made to the premises with Merseyside Police that had taken place on 22 April 2017, a number of breaches of the conditions attached to the Premises Licence had been identified. These related to the number of door supervisors on duty at the premises and the fact that they had not been wearing high-visibility jackets, the scanning device that was in place at the premises, the CCTV system, evidence of drugs being used on the premises, admitting members of the public after the permitted hours and the fire exits being blocked.

Members heard from Mr Bushell that he believed that the premises had not been run in a lawful or responsible manner and that the licensing objectives had been undermined. He provided details of further visits made to the premises. During a visit made to the premises on 25 May 2017 improvements were discussed and the conditions of the licence were outlined to the Designated Premises Supervisor as some of the conditions had still not been complied with. Mr Bushell was advised that the smoke machine that had been in use at the premises was a 'kids' smoke machine and that this had been replaced with a professional machine which had the ability to alter the density of smoke it produced. He was further advised that the issues identified with the fire exits had been rectified, the light was now illuminated, the push-bar was correctly attached to the door and an assurance had been given that the shutters were always lifted before the premises opened for business. Also a number of posters had been placed in the entrance in respect of the Challenge 25 Policy, sensible drinking and no knives, drugs or weapons were allowed on the premises. During this visit Constable J Moran identified that the quality of the CCTV footage was poor and that not all areas had been covered by the cameras, in particular an area of the dance floor where an assault had taken place on 14 April 2017 and the street adjoining the premises where an altercation had taken place on 22 April 2017. It was also identified that the door persons book had not been signed by the Designated Premises Supervisor or the Premises Licence Holder and when asked the Designated Premises Supervisor advised that he had only been at the premises three or four times since he had taken over.

Members were further informed that during a visit that was made on 15 June 2017 some breaches of the licence were identified in respect of door supervisors and ID scanning and many of the posters that had been put up were missing or hanging of the wall. It was also evident that no cleaning had taken place at the premises during the week. A subsequent visit was made on 16 July 2017 when breaches in respect of the door supervisors were further identified.

Mr Bushell responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and Ms Maleki.

S Cushion reported that the application to review the premises was fully supported by Merseyside Police due to the crime and disorder that had taken place at the premises. She advised that the incidents included a report of an assault inside the premises on 15 April 2017 resulting in a male sustaining a broken jaw, evidence of drug taking at the premises on 30 April 2017 and a report of an assault inside the premises when a female was assaulted by a male. She also made reference to the breaches of the Premises Licence which had been referred to by the Licensing Authority and the number of visits that had been made to the premises where breaches had been identified in that eight visits had been made since April and on only one visit the Premises Licence had been complied with.

S Cushion advised that it was clear to Merseyside Police that the premises had not been run in a responsible manner and that the licensing objectives had been undermined.

S Cushion responded to questions from Members of the Sub-Committee, Mr D K Abraham and Ms Maleki.

Ms Maleki addressed the Sub-Committee and after having acknowledged the problems in respect of the doorstaff she advised that a new security firm would be in place and increased cleaners will be employed. The Designated Premises Supervisor confirmed that the fire exit light and bar had been fixed and that the shutters were now kept open. She also advised that any suggestions from Merseyside Police or the Licensing Authority would be welcome and that full co-operation would be given and that the management of the premises would strive to continue to improve and adhere to any conditions imposed on the Premises Licence.

Ms Maleki responded to questions from Members of the Sub-Committee and Mr D K Abraham.

The Designated Premises Supervisor and his representative responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and Mr A Bushell.

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

Members considered the submissions made by the Licensing Authority which were supported by Merseyside Police. Members also considered the submissions made by the Designated Premises Supervisor and on his behalf by Ms Maleki.

Members gave consideration to the proposals put forward to address the causes of concern which had led to the Review. In determining the appropriateness of these proposals, Members did not consider that this would prevent the Licensing Objectives from being undermined in future.

Members considered the number of re-occurring breaches of the Premises Licence and the fact that there had continued to be non-compliance subsequent to the Review being applied for and despite the number of visits made. Therefore Members had serious concerns that the licensing objectives would not be upheld as the premises had still been run in an unlawful manner despite numerous warnings issued. Members did not believe that the modification of the conditions and the removal of the Designated Premises Supervisor would change the manner in which the premises were being run.

Members expressed their concerns that criminal activities had taken place at the premises in respect of drugs, assaults that had been carried out on the premises, health and safety concerns due to the fire exits being blocked and also concerns in respect of hygiene and did not consider it appropriate that any conditions would address these concerns.

In determining the Review Application the Licensing Act 2003 Sub-Committee accepted the evidence provided by the Licensing Authority and Merseyside Police. Members considered that licensing objectives had been seriously undermined.

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 Premises Licence in respect of The Venue, 30 Conway Street, Birkenhead be revoked.**