

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 18 December 2008

Present: Councillors D Roberts A Taylor
J Salter C Teggin

57 APPOINTMENT OF CHAIR

The Director of Law, HR and Asset Management requested nominations for the appointment of Chair.

Resolved –

(1) That Councillor J Salter be appointed Chair for consideration of agenda item 3 (Sherlocks).

(2) That Councillor C Teggin be appointed Chair for consideration of agenda item 4 (Five Bars Rest).

COUNCILLOR J SALTER IN THE CHAIR

58 DECLARATIONS OF INTEREST

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

Councillor Salter declared his personal interest in relation to agenda item 3 – Sherlocks (see minute 13 post) in that he knew the Premises Licence Holder. However, this was on an informal basis and neither side objected to Councillor Salter remaining on the sub-committee to determine this matter.

59 SHERLOCKS

The Director of regeneration reported upon an application by Merseyside Police for review of a Premises Licence under the provisions of the Licensing Act 2003, in relation to Sherlock's, 24 – 28 Conway Street, Birkenhead. The grounds for review were in relation to the prevention of crime and disorder and public safety and the Director set out the steps which could be taken by the sub-committee to promote the licensing objectives. No representations had been received from other Responsible Authorities and he reported that the Premises Licence allowed the following licensable activities –

Supply of Alcohol

Monday to Wednesday	10.00pm to 2.30am
Thursday to Saturday	10.00pm to 3.45am
Sunday	12.00noon to 12.30am

Hours Open to the Public

Monday to Wednesday	10.00pm to 3.00am
Thursday to Saturday	10.00pm to 4.15am
Sunday	12.00noon to 1.00am

Regulated Entertainment (Recorded Music)

Monday to Wednesday	10.00pm to 2.30am
Thursday to Saturday	10.00pm to 3.45am
Sunday	12.00noon to 12.30am

Entertainment Facilities (Facilities for Dancing)

Monday to Wednesday	10.00pm to 2.30am
Thursday to Saturday	10.00pm to 3.45am
Sunday	12.00noon to 12.30am

Sgt D Peers and Con K Cottrell (Merseyside Police) were in attendance, and Mr R Kerr (Premises Licence Holder) and Ms C Hodgkin (Designated Premises Supervisor) were represented by Mr C Johnson (Solicitor).

Sgt Peers set out the reasons for the review, which were included within the application and related to glassing incidents within the premises. He commented also that further incidents nearby indicated that persons who attended premises in the vicinity were prepared to resort to high levels of violence and use glass as a weapon. Such offences undermined the prevention of crime and disorder objective and Merseyside Police sought a condition that no glass is served to any customers and plastic glasses and bottles must be used whilst the premises were open.

Mr Johnson indicated that following the incidents referred to, all glasses at the premises had been replaced voluntarily by the management with polycarbonate drinking vessels. However, he commented that there had been no incidents of violence at Sherlock's that had involved the use of glass bottles and customers had expressed a clear preference for the continued use of bottles over drinks being decanted into plastic drinking vessels, so as to prevent drinks being spiked. In response to questions from members, Mr Kerr indicated that some of the bottled drinks sold at the premises were available in polycarbonate bottles, but most were not. However, Mr Johnson stated that Mr Kerr was prepared to move to the sole use of polycarbonate bottles if there was a single incident of violence involving a glass bottle at the premises in the future. He commented that the premises were very well managed and not high risk and suggested that a condition regarding the use of plastic bottles would not be proportionate to promote the Licensing Objectives.

In determining the application, the sub-committee had regard to the Council's Statement of Licensing Policy, the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003 and to the Licensing Objectives.

Resolved –

(1) That, in accordance with regulation 14.2 of the Licensing Act 2003, the public be excluded from the meeting during the determination of the application.

(2) That, having regard to the objectives to promote public safety and to prevent crime and disorder and whilst noting the professionalism shown by Mr Kerr, the sub-committee considered the following condition necessary and proportionate to prevent the risk of serious injury –

(i) All drinks must be served to customers in polycarbonate containers with effect from 1 February 2009.

COUNCILLOR C TEGGIN IN THE CHAIR

60 FIVE BARS REST

The Director of Regeneration reported upon an application by Merseyside Police to review a Premises Licence in relation to the Five Bars Rest, 61 Borough Road, Wallasey, under the provisions of the Licensing Act 2003. The application was related to the prevention of crime and disorder and public safety. The Five Bars Rest currently had a Premises Licence to allow the following Licensable Activities –

Supply of Alcohol

Monday to Sunday 11.00am to 2.00am

Hours Open to the Public

Monday to Sunday 11.00am to 2.30am

Regulated Entertainment (Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)

Monday to Sunday 12.00noon to 1.00am

Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Monday to Sunday 12.00noon to 1.00am

The Licensing Manager set out the steps that could be taken by the sub-committee for the promotion of the Licensing Objectives and commented that no representations had been received from other Responsible Authorities.

In attendance were Sgt D Peers and Con K Cottrell (Merseyside Police), Mr T Jones (Designated Premises Supervisor) Ms K Smith (Manager) and Mr D Howard (employee at the Five Bars Rest).

Sgt Peers commented that Mr Jones had always cooperated fully with Merseyside Police and that the premises had been well managed. However, he indicated that the application had been made as a result of a number of incidents that had occurred within the past months, which undermined the prevention of crime and disorder objective. Merseyside Police were seeking a condition that two SIA registered doorstaff were on duty from 2100hrs whenever the premises were having entertainment and that the CCTV within the premises was to the local authority specification.

Mr Jones commented that a new CCTV system had been installed and that signs had been placed in the bar area which indicated that anybody committing crime would be prosecuted. In addition, a 21 age limit had been put in place. He addressed each of the incidents that had been highlighted by Merseyside Police and commented that four were as a result of false allegations by people wasting police time. There were other incidents that had been reported to the Police by staff members in order to demonstrate that troublesome customers would be prosecuted and to send out a clear message that violent or threatening behaviour would not be tolerated. Other, more serious incidents had taken place in the vicinity that were in no way connected to the Five Bars Rest, but had been linked to the premises by the Police because of its proximity.

Mr Jones referred to the proposed condition for the employment of doorstaff when regulated entertainment was taking place and advised the sub-committee that he always made a considered judgement as to whether doorstaff would be required, having regard to the type of entertainment provided and to the likely numbers and age range of the customers expected.

Merseyside Police informed Members of the sub-committee that in their experience, Mr Jones had always honoured anything that he had said he would do.

In determining the application, the sub-committee had regard to the Council's Statement of Licensing Policy, the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003 and to the Licensing Objectives.

Resolved –

(1) That, in accordance with regulation 14.2 of the Licensing Act 2003, the public be excluded from the meeting during the determination of the application.

(2) That having listened carefully to the representations from both sides, the sub-committee thanks Mr Jones for his citizenship and the approach to his job in seeking to make the area safer and encourages him and his staff to continue.

(3) The sub- committee is pleased to note that an appropriate and functioning CCTV system has been installed and that this will voluntarily be adopted as a condition of the licence. Confirmation is sought from Merseyside Police that the system is to the specification of the local authority.

(4) That in relation to the provision of doorstaff, the sub-committee has been re-assured by Mr Jones and relies on him to make a proper assessment. The

sub-committee welcomes his assurance that doorstaff will be employed when he judges it to be appropriate and that he will not provide entertainment of a sort likely to lead to disorder. The sub-committee is confident that the Police will bring it to the attention of the sub-committee if their trust and judgement has been misplaced.