

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 23 June 2010

Present:

Councillors	D Knowles	H Smith
	J Salter	

1 **APPOINTMENT OF CHAIR**

Resolved - That Councillor Harry Smith be appointed Chair for this meeting.

2 **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.

3 **BAM BUDDHA LOUNGE**

The Director of Law, HR and Asset Management reported upon an application that had been received from David Doyle to vary a Premises Licence in respect of Bam Buddha Lounge, 34-42 Conway Street, Birkenhead, under the provisions of the Licensing Act 2003.

The application to vary the Premises Licence was as follows:

Supply of Alcohol

Sunday to Friday	10:00 to 04:00
Saturday	10:00 to 05:00

Hours Open to the Public

Sunday to Friday	10:00 to 04:30
Saturday	10:00 to 05:30

Regulated Entertainment (Live Music)

Sunday to Friday	20:00 to 04:00
Saturday	10:00 to 05:00

Regulated Entertainment (Recorded Music and Anything of a Similar Description)

Sunday to Friday	10:00 to 04:00
Saturday	10:00 to 05:00

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

Sunday to Friday	10:00 to 04:00
Saturday	10:00 to 05:00

Late Night Refreshment

Sunday to Friday	23:00 to 04:00
Saturday	23:00 to 05:00

In respect of the application Merseyside Police had made a representation concerning the prevention of crime and disorder. The Licensing Sergeant considered that any extension in hours would increase the number of incidents of anti-social behaviour within the vicinity of the premises. A copy of the representation and police logs were available.

Mr D Doyle, Designated Premises Supervisor attended the meeting together with Barry Holland, Solicitors, acting on his behalf and Mr N Baker.

Sergeant P Jenkins and Constable K Cottrell, Police Licensing were also present. The Licensing Officer confirmed that all documents had been sent and received and that some additional documentation produced by Merseyside Police had been consented by Mr Holland, these were therefore distributed to all parties.

Mr Holland reported that the application was to extend the hours for licensable activities for one hour from 4am to 5am on Saturday only. He outlined the history of the premises and referred to the fact that the premises had previously held a licence until 6am however this had been reduced to 4am following a review. Following a further review in May 2009 a condition to upgrade the CCTV system was imposed on the licence. He informed the Sub-Committee that the premises now have 48 cameras, that door supervisors wore fluorescent jackets and polycarbonate vessels were used at the premises.

He outlined the location of the premises, that they were situated on the first floor of the building and reported that the premises below named Aura was also owned by Mr Baker and run by Mr Doyle which currently held a licence until 5am on Fridays and Saturdays.

He informed Members that the premises had been well conducted since May 2009 and since this time only four incidents had been referred to by Merseyside Police which were outlined within their report. He therefore felt that the operators had shown they were capable of running the premises within the confines of the four licensing objectives. He reported that during the period since May 2009 there had been 14 Temporary Event Notices which had operated until 5am, none of which had been opposed by Merseyside Police and no incidents had occurred as a result.

Mr Holland referred to the concerns of Merseyside Police regarding migration, however he asked that the application be based on the evidence presented to the Sub-Committee and the fact that there had only been four incidents since May 2009.

Mr Holland responded to questions from Members of the Sub-Committee.

Sergeant Jenkins addressed the Sub-Committee and agreed that the premises had been well run over the last twelve months, however he referred to the numerous incidents that had occurred at the premises in 2007 when the licensable activities were permitted until 6am and the subsequent review. He felt that if a later hour were granted other premises would request the same and migration from other premises would occur. He objected on the grounds that there would be huge problems in the area and there would not be enough police resources to deal with any issues arising. Sergeant Jenkins also referred to the Temporary Event Notices and confirmed that they would run for a specific event.

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

Mr Holland reported that he was grateful to Sergeant Jenkins for his comments and accepted that the Temporary Event Notices related to special occasions. He felt that the application should not be based on perceptions of problems that may occur but on the evidence presented.

Sergeant Jenkins believed that the fears of Merseyside Police were likely to happen and not just perception and that it was clear that the number of incidents related to the later hour operated at the premises.

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 Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003.

Members gave careful consideration to the application made by representatives from Bam Buddha including Mr Holland and representations made both in writing and orally by Merseyside Police. Members took into account the acknowledgement by Merseyside Police that the premises were well managed and that there had been no evidence presented to link these premises directly with incidents of crime and disorder statistics produced by 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 application to vary the Premises Licence under the provisions of the Licensing Act 2003 be granted as follows:**

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