

# LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 30 June 2010

Present:

Councillors      E Boulton                              H Smith  
                                     G Davies

5      **APPOINTMENT OF CHAIR**

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

6      **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 this agenda, and, if so, to declare them and state what they were.

No such declarations were made.

7      **ARCHERS, 149 MARK RAKE, BROMBOROUGH**

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 Archers, 149 Mark Rake, Bromborough, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allowed the following licensable activities:

**Supply of Alcohol**

Monday to Wednesday	11:00 to 23:00
Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00
Sunday	12:00 to 00:30

**Hours Open to the Public**

Monday to Wednesday	11:00 to 23:30
Thursday	11:00 to 00:30
Friday and Saturday	11:00 to 01:30
Sunday	12:00 to 01:00

**Regulated Entertainment (Live Music and Recorded Music)**

Monday to Wednesday	11:00 to 23:00
Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00
Sunday	12:00 to 00:30

## **Entertainment Facilities of a Similar Description to that of the Facilities for Making Music and Dancing**

Monday to Wednesday	11:00 to 23:00
Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00
Sunday	12:00 to 00:30

A copy of the Premises Licence setting out the above hours and conditions attached to the licence was available.

The Director advised the Sub-Committee of the steps it could take for the promotion of the licensing objectives, having regard to the application for review and any relevant representations.

Sergeant Jenkins, Licensing Sergeant, Merseyside Police attended the meeting together with Constable Cottrell. Sergeant Jenkins had advised that the grounds for review were in relation to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm following a number of incidents that had occurred inside and outside the premises. A copy of the representation was available.

Mr Chris Johnson, solicitor attended the meeting together with Jenny Bibby, Designated Premises Supervisor.

Sergeant Jenkins outlined the reasons why he had brought these premises into review. He referred to incidents that had occurred in the past in particular one incident on 24 April 2010 which had impacted on the local community. He referred to the previous manager of the premises and stated that it had become quite clear that he had little or no understanding of the responsibilities required in order that he could run a public house efficiently and effectively.

Sergeant Jenkins further reported that since he had called these premises into review circumstances had changed in that new tenants were now in place at the premises. The new tenants had met with Sergeant Jenkins to discuss problems that had occurred at the premises and it was reported that they had made a robust effort and had complied with all the conditions of the Premises Licence and thus the premises were now relatively incident free.

Sergeant Jenkins stated that he was now satisfied that the premises were being managed effectively and therefore asked that the following condition be added to the Premises Licence:

- That any Designated Premises Supervisor must attain BIIAB Level 2/3 National Certificate.

Mr Johnson addressed the Sub-Committee and referred to the statement given by the Licensing Sergeant (that the management of the premises had been shambolic) to which he wholly agreed. He reported that the new Designated Premises Supervisor, Jenny Bibby, had been running the premises since 9 June 2010. He further reported that Ms Bibby had previously worked at the Bromborough Hotel for 10 years as assistant manager, she holds a BIIAB Level 2 National Certificate and is extra vigilant regarding the conditions of her operating schedule.

Mr Johnson referred to the options available to Members of the Sub-Committee under the review but asked that no further action be taken except the condition proposed by Merseyside Police be added to the Premises Licence.

Ms Bibby responded to questions from Members of the Sub-Committee.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence. Members took into account that the incidents at the premises occurred during the period when the previous Designated Premises Supervisor was in place and that no incidents had been reported since the new Designated Premises Supervisor had taken over. Members also noted also that the proposed condition sought by the Police had been accepted by the solicitor representing 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 considered that the modification to the conditions attached to the Premises Licence was a proportionate response to the application presented and was necessary for the promotion of 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 consideration of the application.**

**(2) That the Sub-Committee shall impose the following condition on the Premises Licence:**

- **That the Designated Premises Supervisor at these premises must hold a BIIAB Level 2/3 National Certificate for Designated Premises Supervisors.**

**Members also advised that Merseyside Police or local residents have the power to bring the premises into review at any time in the future.**