

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 23 September 2010

Present:

Councillors S Niblock  
H Smith

P Glasman

39 **APPOINTMENT OF CHAIR**

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

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

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

No such declarations were made.

41 **SLICES (PREVIOUSLY KNOWN AS DÉJÀ VU), 30 CONWAY STREET, BIRKENHEAD**

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 Slices (Previously Known as Déjà Vu), 30 Conway Street, Birkenhead, under the provisions of the Licensing Act 2003.

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

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

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 when the premises were known as Déjà vu. At this time the Premises Licence Holder was Purdeep Chahal who was also the Designated Premises Supervisor. Subsequent to the application being lodged the Premises Licence had been transferred into the name of Mark Taylor and the Designated Premises Supervisor was Karen Hamill.

Merseyside Police had advised that the grounds for review were in relation to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm following a number of serious incidents that had occurred inside the premises. The grounds for review also related to a number of breaches of the Premises Licence conditions.

Sergeant Jenkins attended the meeting together with Constable Cottrell.

Mr Mark Taylor, the owner of the premises was also in attendance.

The Licensing Officer reported that all documentation had been sent and received and that no further documentation had been submitted.

Sergeant Jenkins advised that subsequent to submitting the application for review the situation had now changed, that the premises had been closed down and that the view of Merseyside Police was that they would now be seeking to add an additional condition upon the Premises Licence and would not be seeking revocation of the Premises Licence. He reported that there had been clear evidence that all four of the Licensing Objectives had been compromised and that the management of the premises had been involved in criminal activities. He indicated that it was the view of Merseyside Police that the Premises Licence Holder had ignored the conditions of the licence and had participated and encouraged the use of illicit drugs within the premises. He further reported upon a raid that had taken place at the premises on 24 July 2010, three weeks after the premises had been open, which resulted in the closure of the premises and the arrest of five people. Sergeant Jenkins informed Members that the previous Premises Licence Holder had been selling illicit alcohol at the premises.

Sergeant Jenkins believed there had been enough evidence of offences committed and drug usage at the premises to carry out the raid which took place on 24 July 2010 where numerous drugs were found and eleven females were identified under the age of eighteen. Sergeant Jenkins outlined the breaches of the conditions of the Premises Licence and explained that this had led to the closure of the premises.

Sergeant Jenkins informed Members that the premises were now up for sale and asked that should the premises be re-opened as a licensed premises the current conditions be retained and an additional condition regarding the ID device be placed upon the Premises Licence.

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

Mr Taylor reported that since he had been made aware of the situation he had worked closely with Merseyside Police and had terminated the contracts of the persons involved. He informed Members that the premises was for sale however it was not certain as to whether the premises would be involved in the licensing trade. Mr Taylor was content with the additional proposed condition by Merseyside Police.

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

Members expressed their concern regarding the manner in which the premises had been run and thanked Merseyside Police for the swift action that had been taken with regard to the four licensing objectives. Members hoped that the review procedure had alerted Mr Taylor to his responsibilities and urged that he ensure any prospective tenants would be appropriate.

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 of the Licensing Act 2003 Sub-Committee considered evidence from Merseyside Police in respect of the previous Premises Licence Holder/Designated Premises Supervisor of the premises being involved in criminal activities including the possession of drugs.

Members also heard representations from Merseyside Police in respect of breaches of Licensing Conditions including persons being on the premises who were under 21 years of age.

In determining the matter Members took into account that since the detection of the criminal activities, the Premises Licence had been transferred and the Designated Premises Supervisor had been removed. Members had regard to representations made by Merseyside Police that they were content that the persons responsible for the criminal activity and breaches of the licence conditions were no longer involved in the premises.

Members considered that the modification of the conditions of 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 following condition be attached to the Premises Licence:**

- **At the point of entry the premises must have in place a scanning device that has the ability to capture data from identification documents tendered as proof of identity/age. The system must also have the ability to recognise fraudulent documents as well as persons who may be banned from entry to the premises either as a result of a decision made by the Premises Licence Holder, Designated Premises Supervisor or the Pub Watch Banning Scheme. The device must also have the ability to alert staff to the attempted entry of a person who is under 21 years of age.**

**(3) That the Premises Licence Holder/Designated Premises Supervisor must participate in the Pub Watch Scheme.**

**42 RED HOT BUFFET, 15-17 WALLASEY ROAD, WALLASEY**

The Director of Law, HR and Asset Management reported upon an application that had been received from Vernal Aley for the grant of a Premises Licence in respect of Red Hot Buffet, 15-17 Wallasey Road, Wallasey, under the provisions of the Licensing Act 2003.

The application for the grant of a Premises Licence was for the following hours:

**Supply of Alcohol**

Sunday to Saturday 09:00 to 01:00

**Hours Open to the Public**

Sunday to Saturday 09:00 to 01:30

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

Sunday to Saturday 09:00 to 01:00

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

Sunday to Saturday 09:00 to 01:00

**Late Night Refreshment**

Sunday to Saturday 23:00 to 01:00

The applicants were required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

A representation had been received from Central Liscard Area Residents Association in respect of this application. The representation related to public nuisance and anti-social behaviour which was currently a problem within the vicinity of the premises. Copies of the representations were available.

Mr Aley attended the meeting together with his solicitor Mr Johnson to outline his application.

Mr Hale was also in attendance on behalf of Central Liscard Area Residents Association.

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

Mr Johnson addressed the Sub-Committee and explained that the application was for a restaurant with the flexibility to play background music and occasional live music. The proposal was for an upmarket restaurant in Liscard which would offer a number of different cuisines and which would be targeted at families. The applicant would be hoping to supply a unique eating experience which would offer Asian, Chinese and Italian food. Background music would be played at the premises except on occasions where the premises might be hired for a birthday party with a request for a live singer.

Mr Johnson reported upon the applicant's previous experience which included over twenty years in the licensing trade, five years as a training officer for Whitbread plc, 10 years of running a restaurant in Liverpool and three years of running a business on the Wirral. The applicant had never received any complaints from local residents or had any issues with Environmental Health or Merseyside Police. He also reported that the Designated Premises Supervisor had been in the licensing trade for ten years and had held a Personal Licence since March 2007.

Mr Johnson asked that the applicant's experience be taken into account when considering the application together with his good track record and asked that the application be granted.

Mr Johnson and Mr Aley responded to questions from Members of the Sub-Committee, Mr Hale and Mr Abraham, legal advisor to the Sub-Committee.

The Chair referred to the condition on the operating schedule regarding "Think 21 Policy" and asked if the applicant would accept a "Challenge 25 Policy" to which the applicant agreed.

Mr Hale outlined his objections to the application regarding public nuisance in the area and crime and disorder. He asked that Members consider local residents when determining the application.

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 noted that the representations made by Central Liscard Area Residents Association related to potential concerns of public nuisance. In determining the matter Members gave consideration to the fact that there were no representations from any of the Responsible Authorities. Members also took into account the nature of the business and the measures proposed by the applicant to operate the premises in accordance with the four 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 application for a Premises Licence in respect of Red Hot Buffet be granted with the following hours:**

**Supply of Alcohol**

**Sunday to Saturday 09:00 to 01:00**

**Hours Open to the Public**

**Sunday to Saturday 09:00 to 01:30**

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

**Sunday to Saturday 09:00 to 01:00**

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

**Sunday to Saturday 09:00 to 01:00**

**Late Night Refreshment**

**Sunday to Saturday 23:00 to 01:00**

**(3) That the following condition be attached to the Premises Licence:-**

- **A Challenge 25 Policy must be adopted at the premises and appropriate notices be displayed regarding this policy.**