

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 4 October 2012

Present: Councillor W J Davies (Chair)

Councillors G Davies
D McCubbin
H Smith

46 APPOINTMENT OF CHAIR

Resolved -

(1) That Councillor W J Davies be appointed Chair to consider the item regarding White Lounge Bar and Buffet together with Councillors D McCubbin and H Smith.

(2) That Councillor H Smith be appointed Chair to consider the items regarding Peggy Gadflys, Five Bars Rest and The Palace Club together with Councillors G Davies and D McCubbin.

47 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

48 APPLICATION TO TRANSFER A PREMISES LICENCE - WHITE LOUNGE BAR AND BUFFET, 15-17 WALLASEY ROAD, WALLASEY

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Mr R Forbes to transfer a Premises Licence in respect of the White Lounge Bar and Buffet, 15-17 Wallasey Road, Wallasey, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allow the licensable activities as set out within the report.

An objection had been received from Merseyside Police in respect of the application to transfer the Premises Licence. The Licensing Sergeant considered that should the application be granted, the crime prevention objective would be seriously undermined.

The applicant did not attend the meeting however he was represented by his solicitor, Mr Bingham.

Sergeant Jenkins and Constable P Coley were also in attendance.

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

Sergeant Jenkins referred to Guidance issued under Section 182 of the Licensing Act 2003, in particular Section 8.99. He advised Members that the premises had been under the control of Mr Abadi who was currently under investigation for serious criminal offences and that Merseyside Police had entered the premises in August 2012 when they had discovered that gas was being stolen at the premises. He further reported that these matters would be addressed during the impending review of the premises and that the application for review had been submitted prior to the application for a transfer of the Premises Licence. Sergeant Jenkins reported that he believed Mr Forbes was an associate of Mr Abadi and Mr Abadi's former business partner and therefore believed there was a clear connection between the individuals and that the premises would still be controlled by Mr Abadi should the application be granted. He also informed Members that the proposed Premises Licence Holder has convictions for public order offences. Sergeant Jenkins requested that the application for a transfer of the Premises Licence be rejected as he considered the Crime Prevention Objective would be seriously undermined.

Sergeant Jenkins responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Mr Bingham addressed the Sub-Committee and referred to the fact that it was Mr Abadi who was connected with the issue regarding the gas. He reported that there had been no evidence of criminal activities being carried out at the premises when the premises were running and that Merseyside Police had no cause for concern regarding the premises up until the visit made on 17 August 2012. He reported that Mr Forbes had been a licence holder for five years and therefore had experience in licensing and wished to start a new venture for him and his family. He advised Members that Mr Forbes had two convictions for public order offences but that he had accepted a penalty ticket in 2010 and had also accepted the penalty ticket and apologised for the incident in 2011 and believed that this should not refrain him from having a Premises Licence. He reported that Mr Abadi had resigned as Director and transferred his shares to Mr Forbes.

Mr Bingham responded to questions from Members of the Sub-Committee, Sergeant Jenkins and Mr D K Abraham, Legal Advisor to the Sub - Committee.

Members gave careful consideration to the application made by Mr Robert Forbes to Transfer the Premises Licence and the representations made in writing and orally at the hearing by Sergeant Jenkins of Merseyside Police.

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 relevant guidance issued under Section 182 of the Licensing Act 2003, in particular paragraph 8.99.

Members accepted the evidence from Merseyside Police that they had serious concerns that the Transfer of the Premises Licence to Mr Forbes would undermine

the crime prevention objective. Merseyside Police gave evidence that the former Director and Leaseholder of the premises was currently under investigation for several criminal offences connected directly with the premises and other premises under his control. Members accepted evidence provided by Merseyside Police that Mr Forbes was associated with this individual and that the Transfer of the Premises Licence would undermine the crime prevention objective.

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 by Mr Forbes for the transfer of a Premises Licence to him in respect of the White Lounge Bar and Buffet be refused.

49 APPLICATION TO REVIEW A PREMISES LICENCE - PEGGY GADFLYS, 93 VICTORIA ROAD, NEW BRIGHTON

The Acting 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 Peggy Gadflys, 93 Victoria Road, New Brighton, under the provisions of the Licensing Act 2003.

The premises have a Premises Licence which allows the licensable activities as set out in the report.

The Acting 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 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.

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 appropriate to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant had stated that the grounds for review were in relation to the prevention of crime and disorder due to persons within the flat above the premises being found constructing a large scale cannabis farm. Merseyside Police had also reported that electricity at the premises was being illegally abstracted.

Merseyside Police had since made a submission that due to changes that had taken place at the premises they did not consider it was appropriate to take any further action to address their concerns in respect of the Premises Licence.

The matter was heard in the absence of Merseyside Police and the Licence Holder. This submission had been communicated to the Premises Licence Holder and it had been agreed by both parties that the matter could be considered in their absence.

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

Members had regard to the fact that Merseyside Police did not consider it was appropriate to take any further action to address their concerns.

Resolved - That no further action be taken.

50 **APPLICATION TO REVIEW A PREMISES LICENCE - FIVE BARS REST, 61 BOROUGH ROAD, SEACOMBE**

The Acting 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 Five Bars Rest, 61 Borough Road, Seacombe, under the provisions of the Licensing Act 2003.

The premises have a Premises Licence which allows the licensable activities as set out in the report.

The Acting 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 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.

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 appropriate to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant advised that the grounds for review were in relation to the prevention of crime and disorder due to the Designated Premises Supervisor being associated with criminal activities.

Merseyside Police had since made a submission that due to changes that had taken place at the premises they did not consider it was appropriate to take any further action to address their concerns in respect of the Premises Licence.

The matter was heard in the absence of Merseyside Police and the Licence Holder. This submission had been communicated to the Premises Licence Holder and it had been agreed by both parties that the matter could be considered in their absence.

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

Members had regard to the fact that Merseyside Police did not consider it was appropriate to take any further action to address their concerns.

Resolved - That no further action be taken.

51 **APPLICATION TO REVIEW A PREMISES LICENCE - THE PALACE CLUB, MARINE PROMENADE, NEW BRIGHTON**

The Acting 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 The Palace Club, Marine Promenade, New Brighton, under the provisions of the Licensing Act 2003.

The premises have a Premises Licence which allows the licensable activities as set out in the report.

The Acting 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 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.

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 appropriate to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant had stated that the grounds for review were in relation to the prevention of crime and disorder due to the Premises Licence Holder being associated with criminal activities.

Merseyside Police had since made a submission that due to changes that had taken place at the premises they did not consider it was appropriate to take any further action to address their concerns in respect of the Premises Licence.

The matter was heard in the absence of Merseyside Police and the Licence Holder. This submission had been communicated to the Premises Licence Holder and it had been agreed by both parties that the matter could be considered in their absence.

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

Members had regard to the fact that Merseyside Police did not consider it was appropriate to take any further action to address their concerns.

Resolved - That no further action be taken.