

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 11 October 2012

Present:

Councillors	G Davies	D Roberts
	S Niblock	J Salter

52 **APPOINTMENT OF CHAIR**

Resolved -

(1) That Councillor S Niblock be appointed Chair to consider the application regarding Al Verona Pizza together with Councillors G Davies and D Roberts.

(2) That Councillor J Salter be appointed Chair to consider the application regarding Venice Pizzeria together with Councillors G Davies and J Salter.

53 **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.

54 **APPLICATION TO REVIEW A PREMISES LICENCE - AL VERONA PIZZA, 188 BRIGHTON STREET, WALLASEY**

The Acting Director of Law, HR and Asset Management reported upon an application received from Merseyside Police for the review of a Premises Licence in respect of Al Verona Pizzeria, 188 Brighton Street, Wallasey, under the provisions of the Licensing Act 2003.

The Licensing Manager confirmed that all documentation had been sent and received and that the licence holder had been sent notice however was not in attendance.

Sergeant P Jenkins and Constable P Coley attended the meeting. Sergeant Jenkins believed that the matter should proceed in the absence of the licence holder due to all the requisite papers having been served and the fact that there was an ongoing criminal investigation.

Mr D K Abraham, Legal Advisor to the Sub-Committee, referred to Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 which outlined the consideration of an application in the absence of the applicant.

Members gave careful consideration to the regulation concerned and decided that the matter be deferred in order that the respondent be given a further opportunity to attend and that notice be sent also to the home address.

Resolved - That this matter be deferred to a future hearing on 2 November 2012.

55 **APPLICATION TO REVIEW A PREMISES LICENCE - VENICE PIZZERIA, 35-35B NEW CHESTER ROAD, NEW FERRY**

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 Venice Pizzeria, 35-35B New Chester Road, New Ferry, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allows 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 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 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 and the Licensing Sergeant advised that the grounds for review were in relation to the prevention of crime and disorder and public safety due to electricity at the premises being illegally abstracted.

Sergeant P Jenkins and Constable R Jones, Merseyside Police, attended the meeting.

Miss Samiri, the Premises Licence Holder and Mr Abdu, the owner of the business were also in attendance.

The Licensing Manager reported that all documentation had been sent and received and that further documentation received from Merseyside Police had been circulated prior to the meeting. The Licensing Manager advised the Sub-Committee that Mr Abdu had sought advice from a solicitor and advised that he may request that the matter be adjourned.

Mr Abdu informed the Sub-Committee that he was content for the matter to proceed without legal representation.

Sergeant Jenkins produced photographic evidence of the electric meter. Mr Abdu had no objections to this being submitted and it was therefore distributed to all parties.

The Chair sought clarification of who would be making representations and Mr Abdu confirmed that he would be speaking on behalf of the Premises Licence Holder and confirmed that he did not need legal representation.

Sergeant Jenkins outlined the application for review. He reported upon a visit made to the premises on 4 July 2012 when it was discovered and confirmed by NPower that the electricity supply at the premises had been disconnected on 23 May 2012 due to debt and that the electricity supply had been illegally re-installed. Sergeant Jenkins advised that the account holder for the electricity supply to the premises was Mr Abdu and also reported that he controlled the premises next door where it was found there was also no registered electricity supply. Sergeant Jenkins reported that a crime had been committed and the licensing objective of crime and disorder had clearly been compromised. He believed there would be no conditions that could be added to the Premises Licence. He therefore requested that the Premises Licence be revoked.

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

Mr Abdu addressed the Sub-Committee and explained that NPower had disconnected the electricity meter in May due to the debt owed. He stated that he paid a sum of money for someone to install a new meter, however, he could not verify the legitimacy of this person and confirmed that he had not signed any documentation in respect of the new meter. He stated that he had not been found guilty of the offence but was however under investigation. He requested Members not to revoke the Premises Licence.

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

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at Venice Pizzeria, 35-35B New Chester Road, New Ferry and the representations made by Sergeant Jenkins, Mr Abdu, the current leaseholder and Miss Samiri, the Premises Licence Holder.

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, in particular, paragraphs 11.25 - 11.31.

Members accepted the evidence provided by Merseyside Police that the electricity supply at the premises had been unlawfully tampered with and that there had not been a recognised supply of electricity to the premises since 23 May 2012. Members had regard to the fact that Merseyside Police had major concerns in respect of the licensing objectives of public safety and crime prevention regarding this.

Members heard representations from Mr Abdu and Miss Samiri who stated that she had not had an involvement in the premises for the past six years. Members noted that Mr Abdu had been operating the premises for approximately the last three years. Members also noted that Mr Abdu accepted that the electricity supply to the premises had been disconnected on 23 May 2012 due to the non payment of outstanding bills.

In determining the matter Members took into account the statement dated 4 July 2012 provided by the Revenue Protection Technician employed by Scottish Power, who stated that the meter at the premises had been found attached to the mains supply and was in a dangerous condition to such an extent that arrangements had to be made to have the supply cut off from the mains. This supported the evidence that the licensing objective in respect of public safety at these premises had been compromised.

In view of the above, Members considered that placing conditions on the Premises Licence would not be appropriate.

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 Premises Licence in respect of Venice Pizzeria, 35-35B New Chester Road, New Ferry be revoked.