

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 17 October 2012

Present:

Councillors M Hornby
D Mitchell
A Sykes

56 **APPOINTMENT OF CHAIR**

Resolved - That Councillor M Hornby be appointed Chair for this meeting.

57 **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.

58 **APPLICATION TO REVIEW A PREMISES LICENCE - RUHI BALTI HOUSE, 94 WOODCHURCH LANE, PRENTON.**

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 Ruhi Balti House, 94 Woodchurch Lane, Prenton, 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 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 and public safety due to electricity and gas at the premises being illegally abstracted. Merseyside Police also advised that a number of illegal immigrants were being employed at the premises and also had concerns regarding health and safety issues within the kitchen at the premises.

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

Mr A Salam, Premises Licence Holder and Designated Premises Supervisor were also in attendance together with his Solicitor Mr T Nelson.

The Licensing Manager reported that all documentation had been sent and received and that a petition had been received outside the consultation period. Sergeant Jenkins raised objections to its consideration and it was not submitted for consideration.

Sergeant Jenkins reported that he had been in liaison with Mr Nelson who was in agreement with the conditions proposed by Merseyside Police.

Sergeant Jenkins reported there was an ongoing criminal investigation into the illegal abstraction of gas at the premises and gave the circumstances surrounding the discovery of the electricity and gas being illegally abstracted. Sergeant Jenkins also reported that three illegal immigrants had been found at the premises and that he had serious concerns regarding the condition of the kitchen. Sergeant Jenkins believed that the Designated Premises Supervisor was responsible for the issues raised and therefore requested that he be removed from the premises and that a number of other conditions be put in place.

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

Mr T Nelson, Solicitor reported that he had liaised with Merseyside Police and was in agreement with the conditions proposed by them and agreed that the Designated Premises Supervisor should be removed. He believed it would not be appropriate to comment on the criminal aspects as the criminal proceedings had not yet commenced.

Members gave careful consideration to the application made by Sergeant Jenkins on behalf of Merseyside Police to Review the Premises Licence at The Ruhi Balti House, 94 Woodchurch Lane, Prenton, and the representations made by Mr T Nelson on behalf of the Designated Premises Supervisor.

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 paragraphs 11.25 to 11.31.

Members accepted the evidence provided by Merseyside Police that the gas and electricity supplies at the premises had been unlawfully tampered with and noted that Merseyside Police had concerns in respect of the licensing objectives of public safety and crime prevention regarding this. Members also accepted evidence that there

were a number of illegal immigrants found at the premises and that serious concerns were raised regarding the condition of the kitchen.

In determining the matter Members also noted that the Premises Licence Holder was content with the proposals put forward by Merseyside Police to modify the conditions of the Licence and remove the Designated Premises Supervisor.

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 conditions of the Premises Licence be modified as accepted by Mr Nelson on behalf of the Premises Licence Holder as follows:

- **The current Designated Premises Supervisor be removed.**
- **From 3 December 2012 the Designated Premises Supervisor at these premises must hold a minimum Level 2 Award for Designated Premises Supervisors.**
- **CCTV must operate at the premises in accordance with the minimum specification issued by the Licensing Authority. Tapes and visual images recorded must be retained for a period of 31 days and must be handed to an Authorised Officer on request.**
- **Details of any proposed staff who do not hold a UK passport, must be passed to the Wirral Police Licensing Unit in order that their details can be checked by the UKBA in order to ascertain their immigration status and establish as to whether it is permissible and legal to employ them.**