

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 28 December 2012

Present:

Councillors A Hodson
 S Niblock
 J Salter

70 **APPOINTMENT OF CHAIR**

Resolved - That Councillor J Salter be appointed Chair for this meeting.

71 **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.

72 **SUMMARY REVIEW: MOJO'S, 3 DEE LANE, WEST KIRBY**

The Acting Director of Law, HR and Asset Management reported upon an application for a Summary Review of a Premises Licence in respect of Mojo's, 3 Dee Lane, West Kirby, under the provisions of the Licensing Act 2003.

In accordance with the Licensing Act 2003, Merseyside Police had applied for a Summary Review of the Premises Licence for Mojo's following a serious incident which had occurred within the vicinity of the premises, Merseyside Police requested a Summary Review of the premises. Further information to support the grounds for the Summary Review was included in the application made available to Members.

Merseyside Police were represented by Sergeant Jenkins, PC Jones, Inspector Barr and Neighbourhood Inspector Blease.

Mr J Lea, Premises Licence Holder and Designated Premises Supervisor attended the meeting together with Ms L Twomley.

Sergeant Jenkins requested that members of the public be excluded from the hearing due to a number of ongoing criminal cases and the risk of subjudice. The applicant advised that he would be in support of the meeting being held in private.

The Chair informed all parties that the Members of the Sub-Committee had considered Regulation 14 of the Licensing Act 2003, Hearings Regulations 2005 (paragraphs 2 and 3) and taken account of the representations from Merseyside Police and had decided that the hearing should be heard without members of the public present save that witnesses may be called if necessary to give evidence.

The Sub Committee considered the evidence in support of the review application from Sergeant Jenkins and the oral representations made by Inspectors Blease and Barr.

The Sub-Committee also considered representations made by Mr Lea and Ms Twomley.

In considering the application the Licensing Act 2003 Sub-Committee took into account the Senior Police Officer's Certificate that accompanied the application and representations received from Merseyside Police and the representations made by Mr Lea, the Premises Licence Holder. Members also had regard to the Summary Review Guidance issued by the Home Office.

Merseyside Police provided evidence that the premises are currently subject to a review following three serious incidents of crime and disorder being associated with the premises and that it had been necessary for the Police to apply to the Licensing Authority for an expedited review following another incident of serious crime and disorder which occurred on 23 December 2012.

Members were satisfied that the four incidents referred to in the application made by the Police amounted to serious crime and disorder and were associated with the premises.

In determining whether interim steps were appropriate, Members had regard to the number of incidents of violence associated with the premises that had taken place over three consecutive weekends. Members also had regard to the fact that despite measures recently introduced by the Premises Licence Holder a serious incident of violence had occurred within the vicinity of the premises on 23 December 2012.

Members were not satisfied that the measures proposed by the Premises Licence Holder would be sufficient to prevent any further incidents of crime and disorder taking place in connection with the premises and considered that it was necessary and appropriate to suspend the Premises Licence with immediate effect.

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 Mojo's, 3 Dee Lane, West Kirby, be suspended with immediate effect pending the determination of the expedited review by the Licensing Act 2003 Sub-Committee to be held in January 2013.