

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 18 January 2013

Present:

Councillors G Davies
 A Leech
 H Smith

79 **APPOINTMENT OF CHAIR**

Resolved - That Councillor H Smith be appointed Chair for this meeting.

80 **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.

81 **APPLICATION TO REVIEW A PREMISES LICENCE - MOJO'S, 3 DEE LANE, WEST KIRBY**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police 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.

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 and also must decide which interim steps ceased to have effect or become the subject of any steps which it considered appropriate when making its determination on the Review.

The application had been submitted by Merseyside Police by way of a Summary Review as they considered that the premises were associated with serious disorder. On 28 December 2012 Members deemed that it was appropriate as an interim step to suspend the Premises Licence pending the determination of the Review as they considered this was appropriate to prevent serious disorder occurring at or in the vicinity of the premises.

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

Mr J Lea, Premises Licence Holder and Designated Premises Supervisor attended the meeting together with his solicitor, Mr Green.

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

Sergeant Jenkins reported that the issues that had been the cause for concern regarding the premises remained the same in that there had been four incidents between November and Christmas 2012 and that ten people had been arrested during this time. He maintained that the major issue regarding the premises was the problem of migration and that Mr Lea had accepted that. Sergeant Jenkins requested that a number of conditions be placed on the Premises Licence and reported that following discussions with Mr Lea, he would be content for the conditions to be modified and also that he had given an undertaking that the conditions would be adhered to with immediate effect.

Inspector Blease outlined the fear of crime and disorder within the area further to two incidents that had taken place within the vicinity of the premises. He advised Members that Mr Lea had given his full support in all enquiries and that there had been no incidents of crime and disorder in West Kirby since the premises had been closed.

Acting Detective Inspector Blease confirmed that there had been clear evidence that people had been travelling to the premises late at night and also reported upon concerns that a client had been allowed to re-enter the premises following an incident that had occurred within the premises.

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

Mr Green, Solicitor, reported that further to discussions with Merseyside Police, Mr Lea would be agreeable to the conditions of the Premises Licence being modified in accordance with the suggestions put forward by Merseyside Police should Members decide to impose them. He informed Members that Mr Lea had already been operating many of the conditions on a voluntary basis and proposed to operate a membership scheme in the future.

Mr Lea advised Members that he intended to change the name and ethos of the premises.

Mr Green and Mr Lea responded to questions from Members of the Sub-Committee.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at Mojo's, 3 Dee Lane, West Kirby and the representations made in writing and orally at the hearing by officers from Merseyside Police, Mr Julian Lea, Designated Premises Supervisor and Premises Licence Holder and his legal representative, Mr Green.

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 accepted the evidence provided by Merseyside Police that there had been four serious incidents of crime and disorder associated with the premises within a short period of time and one in particular which had led to Merseyside Police seeking a Summary Review of the Premises Licence.

Members had also had regard to the fact that Mr Lea had accepted the seriousness of the matter and fully co-operated with Merseyside Police in their enquiries. Members noted that as a consequence, it was Mr Lea's intention to attract a different clientele to the premises and he had accepted a reduction in the hours of operation of the premises.

Members also noted the undertaking given by Mr Lea that the conditions imposed by Members would be implemented prior to the premises re-opening.

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 follows:

- **That the hours be amended as follows:**

Sale by Retail of Alcohol

Sunday to Saturday 11:00 to 00:00

Hours Open to the Public

Sunday to Saturday 11:00 to 00:30

- **The use of the balcony must terminate no later than 21:30**
- **The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.**
- **A Personal Licence Holder must be on duty whenever alcohol is being supplied.**
- **A drug safe must be installed at the premises and used appropriately.**

- **The Premises must be a member of the local Pub Watch Scheme.**
- **From 28 February 2013, all employees authorised to sell alcohol at the premises must hold a minimum Level 1 Award for Responsible Alcohol Retailing.**
- **No person shall be permitted to enter the premises after 23:30.**
- **A minimum of three SIA Registered Doorpersons must be on duty from 22:00 until closing time on Fridays and Saturdays.**