

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 14 August 2013

Present:

Councillors S Niblock
T Norbury

D Roberts

11 **APPOINTMENT OF CHAIR**

Resolved – That Councillor Steve Niblock be appointed Chair for this meeting.

12 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-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.

13 **APPLICATION TO REVIEW A PREMISES LICENCE - MOUNT PLEASANT STORES, 34 MOUNT PLEASANT ROAD, NEW BRIGHTON**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Merseyside Police to review the Premises Licence in respect of Mount Pleasant Stores, 34 Mount Pleasant Road, New Brighton.

The premises currently held a Premises Licence allowing the licensable activities as set out within the report. A copy of the Premises Licence setting out the hours and conditions attached to the licence was available.

The Strategic Director advised that the Sub-Committee may, having regard to the application for review and any other relevant representations, take such of the following steps as it considered necessary 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.

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

Sergeant Barrigan requested that the matter be heard with the exclusion of members of the public due to the ongoing criminal investigation.

A short adjournment took place in order that Members were able to consider this request.

Members of the Sub-Committee agreed that this matter be heard in private and that members of the public be excluded.

Mr Morar, Designated Premises Supervisor attended the meeting together with Mrs Morar and Mr Tony Nelson, Legal Representative.

Sergeant Barrigan reported that Mr Morar is the subject of an ongoing criminal investigation and stated that it is the opinion of Merseyside Police that the nature of Mr Morar's alleged conduct undermines the crime prevention objective of the Licensing Act 2003. Sergeant Barrigan also gave details of a written warning letter that was issued to Mr Morar by Trading Standards as a consequence of 51 bottles of duty diverted/ counterfeit alcohol being found at the premises which were subsequently seized.

Sergeant Barrigan responded to questions from Members of the Sub Committee, Mr K Abraham, Legal Advisor to the Sub- Committee and Mr Tony Nelson, legal Representative.

Mr Tony Nelson, Legal Representative addressed the Committee and informed Members that his client, Mr Moran, had over twenty years experience in the management of licensed premises. He drew Members attention to the support for the shop from residents in the surrounding area and made reference to letters against the proposed revocation and a petition containing over 600 signatures.

In determining the review application Members 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.

Members accepted that in determining the review they must ensure that the crime prevention objective is promoted and that they must determine whether the problems associated with the alleged crimes are taking place on the premises and the effect that this has on the promotion of the licensing objectives.

Members also heard evidence that in March 2013 the Mr Morar received a written warning letter from Trading Standards as a consequence of 51 bottles of duty diverted/ counterfeit alcohol being found at the premises which was subsequently seized.

Members heard representations from Mr Nelson regarding the importance of the premises to the local community and the support of residents against the application to revoke the premises licence.

Members acknowledged that Merseyside Police considered that no conditions were appropriate to address concerns that were subject to the review application. The Premises Licence Holder presented no evidence to demonstrate that the concerns of Merseyside Police would be addressed through the modification of conditions of the licence.

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 Mount Pleasant Stores, 34 Mount Pleasant Road, New Brighton be revoked.