

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 13 April 2017

Present:

Councillors    D Burgess-Joyce  
                      A Hodson  
                      D Mitchell

## 39    **APPOINTMENT OF CHAIR**

**Resolved – That Councillor A Hodson be appointed Chair for this meeting.**

## 40    **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.

## 41    **APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - TRAFFIC BAR, 110-112 ARGYLE STREET, BIRKENHEAD**

The Managing Director for Delivery reported upon an application that had been received from Merseyside Police for a Summary Review of the Premises Licence in respect of Traffic Bar, 110-112 Argyle Street, Birkenhead, under the provisions of the Licensing Act 2003.

The Managing Director for Delivery advised that the Sub-Committee may, having regard to the application to review the Premises Licence 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.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the summary review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation the premises being associated with serious violent disorder.

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report and that the Premises

Licence had been suspended on 22 March 2017. It was reported that the Sub-Committee had considered this step necessary and appropriate due to the premises being associated with serious violent disorder.

A representation had been received from the Licensing Authority. The Licensing Operations Manager had advised that there had been a number of violent incidents which had occurred at the premises over the past six months. He also advised that the premises had traded beyond the hours permitted on the Premises Licence and that a number of breaches of the Premises Licence had been identified. These issues had resulted in a warning letter being issued by the Licensing Authority. Members were also advised that the premises had also been required by Merseyside Police to produce an action plan to put measures in place to prevent further issues from occurring. It was pointed out to Members of the Sub-Committee that despite these interventions, a further serious violent incident had occurred.

Merseyside Police were represented by Samantha Cushion, Gillian Littlehales, Inspector C Bland and Constable J Moran.

Mr R Owen, Owen Security Solutions was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received, also that an email had been received by the Licensing Authority from Mr Allen who was the Premises Licence Holder stating that he wished to surrender the Premises Licence. The Licensing Manager confirmed that all processes had been followed and the Premises Licence had been returned, therefore there was no current Licence Holder at the premises.

Ms S Cushion, Merseyside Police referred to a large scale fight that had taken place at the premises on 20 March 2017 which had resulted in a hearing to determine interim steps where the Premises Licence had been suspended. Ms Cushion presented CCTV footage to Members of the Sub-Committee and provided details of the serious violent incident that had taken place at the premises on 20 March 2017. Ms Cushion also provided CCTV footage of the incident that had taken place at the premises on 16 October 2016 when the Premises Licence Holder was present. She advised that no complaint had been made to the Police and informed Members that some of the people involved were members of an organised crime group. She referred to a number of other incidents that had taken place at the premises over the last three months which highlighted that despite advice given from the Police, incidents had still been occurring which had culminated in the large scale disorder on 20 March 2017. Ms Cushion referred to the representations submitted by Mr Owen, however she believed that the CCTV contradicted the information provided by Mr Owen which referred to age checks and challenges made by doorstaff at the premises.

Ms Cushion referred to the Guidance issued under Section 182 of the Licensing Act 2003, in particular paragraphs 11.24, 11.18, 11.27 and 11.28 and requested that Members seriously consider to revoke the Premises Licence in respect of these premises.

Merseyside Police responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Mr Owen addressed the Sub-Committee and questioned some of the information provided by Merseyside Police. He believed there should be more Police presence in the area during the week. He advised that he was in charge of the security and that the two doorstaff who had been working on the night of the incident no longer worked for the company.

Mr Owen responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

In determining the review, 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 considering the application, Members took account of the submissions made by Merseyside Police both verbally and in writing, in particular statements from Police Officers as well as the representations made by the Licensing Authority and Owen Security Solutions.

Members noted that the Premises Licence had been surrendered by Mr Nathaniel Allen.

In determining the matter, Members took into account the Police's evidence and submissions in respect of the premises being associated with organised criminal gangs and the fact that there had been two incidents of serious violent disorder within the last six months.

Members also took into account the view of Merseyside Police that there were no appropriate conditions that would allow these premises to operate in accordance with the Licensing Objectives and that the only appropriate measure would be to revoke the Premises Licence. Members noted that this view was also shared by the Licensing Authority.

Members subsequently reviewed the Interim Step imposed by the Sub-Committee on 22 March 2017 to suspend the Licence and determine whether this step should remain in place until the decision of this Sub-Committee would become effective.

**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 the Traffic Bar, 110-112 Argyle Street, Birkenhead be revoked.**
- (3) That the interim step that the Premises Licence be suspended remain in place until the decision of this Sub-Committee becomes effective.**