

# LICENSING ACT 2003 SUB-COMMITTEE

Friday, 4 May 2018

Present:

Councillors P Stuart  
M Sullivan  
D Mitchell

## 93 APPOINTMENT OF CHAIR

**Resolved – That Councillor P Stuart be appointed Chair for this meeting.**

## 94 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.

## 95 APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ROCK STATION HOTEL, HIGHFIELD ROAD, ROCK FERRY

The Assistant Chief Executive reported upon an application that had been received from Merseyside Police for a Review of the Premises Licence in respect of Rock Station Hotel, Highfield Road, Rock Ferry, under the provisions of the Licensing Act 2003.

The Assistant Chief Executive 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 review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation to a number of crime related incidents that had occurred at the premises.

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

Sergeant C Carmichael, who made the application for the Review attended the meeting together with Constable J Moran and Constable T Grafton.

Mr P Jackson, Designated Premises Supervisor and Premises Licence Holder was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that further documentation would be submitted at the appropriate time from Mr Jackson which had been agreed to by Merseyside Police.

Sergeant Carmichael advised that the review application had been brought by Merseyside Police following a number of crime related incidents including assault, criminal damage and the use of drugs in the premises. He informed Members that he believed the licensing objective of the prevention of crime and disorder had been undermined and that a number of conditions including CCTV, drugs policy, staff training and records of this should be added to the Premises Licence. He referred to a number of incidents at the premises and advised Members that during meetings held with Mr Jackson, he had been reminded of his responsibilities. He reported that Merseyside Police had particular concerns regarding the level and standard of provision of CCTV at the premises and a number of times officers had been unable to access this. Sergeant Carmichael advised that the installation of CCTV would assist in upholding the licensing objectives and also that should a condition be placed on the Premises Licence stating that CCTV must be required, this would greatly assist any investigations that may be necessary by the Police as well as acting as a deterrent to criminal activity. He further advised that the use of CCTV could assist the management of a premises when allegations were made that may be disputed. Sergeant Carmichael reported that despite a number of assurances made by the Premises Licence Holder and Designated Premises Supervisor, Mr Jackson, that he would progress the installation of CCTV at the premises, a period of 7 months had elapsed without this having been carried out.

Sergeant Carmichael reported that Mr Jackson had been dismissive and argumentative in his attitude towards officers from Merseyside Police. He subsequently submitted video footage recorded from Sergeant Hughes' body camera which had been taken during a Police Licensing visit.

Merseyside Police provided a timeline of their involvement with these premises from June 2017 to March 2018 when the review application had been made. This provided details of incidents of violence associated with the premises as well as Police visits made to the premises. The time line, along with evidence from Merseyside Police also highlighted that evidence of drug use had been found at the premises. Sergeant Carmichael expressed concern that there was a lack of staff training at these premises in respect of the licensing objectives and the requirements of the Licensing Act 2003 and also suggested that a change in attitude and demeanour would help. He emphasised the number of incidents that had occurred at the premises and stated that an offence had been committed under Section 141 of the Licensing Act 2003. He referred to the Statutory Guidance, in particular sections 2.1, 2.3, 2.7, 2.8, 8.70, 9.44, 11.10, 11.18 and 11.20 and also paragraphs 16.5 and 16.6 of the Council's Licensing Policy.

Sergeant Carmichael responded to questions from Members of the Sub-Committee and Ms V Silvester, Legal Advisor to the Sub-Committee.

Mr Jackson addressed the Sub-Committee and advised that he had initially installed a CCTV system with 16 cameras for his protection and the protection of his staff as the premises was what he described as a 'drug den' but that this problem had subsequently gone. He also advised that he had had the toilets modified.

Mr Jackson referred to the number of Police visits that had been made to the premises and challenged some of the information that had been written in the Police statement. He strongly submitted that he did not recognise the necessity to have a condition on his Premises Licence relating to the provision of CCTV. He did however inform Members that he was content to do anything that was requested and that should he be provided with a plan this would enable him to operate CCTV at the premises and he would be willing for this footage to be viewed by Merseyside Police upon request. Mr Jackson advised that staff at the premises do receive training, however he was unable to provide any evidence to the Sub-Committee relating to this. He also informed Members that a Challenge 25 age check policy was used at the premises which included a record of refusals.

Mr Jackson disputed that he had refused to show CCTV to police officers when requested. In his submissions, Mr Jackson referred to a joint visit to his premises by Merseyside Police and the Licensing Authority when it was recorded that he was compliant with the conditions of his Licence. Members of the Sub-Committee viewed the Premises Licence and noted that these conditions related to the display of notices at his premises.

In determining the review, Members had regard to the licensing objectives, in particular the prevention of public nuisance, the Council's Statement of Licensing Policy and Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members of the 2003 Sub-Committee gave serious consideration to the submissions made by Merseyside Police as well as the representations made by Mr Jackson.

Members gave particular consideration to the crime prevention objective, and the public safety licensing objective. In coming to their decision the Sub-Committee had particular regard to the paragraphs of the Statutory Guidance referred to by Merseyside Police which had particular relevance to this review.

Members had particular regard to the fact that Sergeant Carmichael had requested that a number of conditions be imposed on the Premises Licence.

Members gave consideration to the proposals put forward to address the causes of concern which had led to the Review. In determining the appropriateness of these proposals, Members considered that this would prevent the Licensing Objectives from being undermined in future.

**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 in respect of Rock Station Hotel, be modified as follows:**

- **CCTV must be installed at the premises and provided in the form of a recordable system capable of providing pictures of evidential quality in all lighting conditions particularly for identification purposes. The CCTV cameras must encompass all access to and egress from the premises and all areas where the sale/supply and consumption of alcohol occurs in accordance with the plan provided by Merseyside Police. The CCTV equipment must be maintained in good working order and correctly timed and dated. The CCTV recordings must be available for a period of 31 days and handed to the Police on request in line with data protection legislation. The CCTV recording equipment must be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. The management of the premises must give access to the system to the Police and any authorised officer upon reasonable request. The CCTV system must cover both the internal and external areas of the premises.**
- **A register of challenges made to customers in respect of the sale of alcohol must be maintained at the premises. This register must be used to record incidents at the premises when individuals are challenged in respect of the sale of alcohol for whatever reason. The register must be examined by the Designated Premises Supervisor every 6 weeks with the date and time of each check recorded on the register at the time the check is undertaken.**
- **An incident/accident book must be maintained at the premises.**
- **A written drugs policy must be implemented at the premises in respect of zero tolerance to the use or supply of drugs.**
- **No person is permitted to sell alcohol at the premises without first obtaining the Level 1 Award in Responsible Alcohol Retailing. Evidence of the training must be provided to an authorised officer on request.**
- **The Designated Premises Supervisor must hold the Level 2 Award for Designated Premises Supervisors. Evidence of the training must be provided to an authorised officer on request.**
- **Refresher training on the following matters must take place at least every 6 months. This training must be documented and these records be made available on request to an authorised officer.**

**i. The prevention of the sale of alcohol to persons under the age of**

- ii. The Challenge 25 Policy**
- iii. The sale of alcohol to persons who are drunk**
- iv. The social responsibility of persons permitted to sell alcohol**
- v. The conditions of the Premises Licence**