

LICENSING PANEL

Friday, 26 November 2021

Present: Councillor A Hodson (Chair)
D Mitchell
C O'Hagan

30 APPOINTMENT OF CHAIR

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

31 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

32 SUMMARY REVIEW APPLICATION UNDER THE PROVISIONS OF THE LICENSING ACT 2003

The Director of Law and Governance reported upon an application that had been received from Merseyside Police for a Summary Review of a Premises Licence in respect of Platinum Bar, Conway Street, Birkenhead, under the provisions of the Licensing Act 2003. Members were also requested to review the interim step that had been taken on 5 November 2021 which had resulted in the suspension of the Premises Licence.

The Licensing Sergeant requested that the meeting take place in private under Regulation 14 of the Licensing Act 2003, Hearing Regulations 2005 due to ongoing investigations in the matter and evidence that would be provided during representations made and viewing of CCTV footage.

Members of the Licensing Panel considered Regulation 14 of the Licensing Act 2003, Hearings Regulations 2005 and following the representations made by Merseyside Police decided that the matter be heard in private.

The Licensing Manager outlined the report and advised that the Licensing Panel may, having regard to the application for the Summary Review and any relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- To 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; or
- Revoke the Licence

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 5 November 2021 when Members of the Licensing Panel had considered whether interim steps should be taken following receipt of the application from Merseyside Police for the Summary Review of the Premises Licence. It was reported that at this time Members of the Licensing Panel had deemed this step necessary and appropriate due to the premises being associated with serious violent disorder.

Merseyside Police were represented at the Hearing.

The Designated Premises Supervisor attended the meeting together with his legal representative, expert witness and a representative of the security company.

Merseyside Police referred to the reasons they had submitted the Summary Review and presented CCTV evidence to Members. Members also viewed footage from a body worn camera of a Police Officer who had attended the premises on the evening after the incident had occurred. Merseyside Police provided an overview of the history of the premises and details of what had taken place since the Panel meeting on 5 November 2021.

Merseyside Police advised the Panel that they now considered an appropriate step to take would be to modify the conditions of the licence.

The Premises Licence Holder and his legal representative made representations to Members. The proposed conditions and undertakings were outlined to Members of the Licensing Panel.

In coming to their decision, the Licensing Panel had regard to the Statutory Guidance, in particular, paragraphs referred to by Merseyside Police, the application and evidence presented by Merseyside Police and the submissions made on behalf of the Premises Licence Holder, in particular the undertakings and conditions put forward.

Resolved –

(1) That the conditions of the Premises Licence in respect of the Platinum Bar, Conway Street, Birkenhead, be modified as follows:

- The terminal hour for the conduct of licensable activities shall be 04:00 for Friday, Saturday and Sunday nights, with the premises closing at 04:30.
- Monday to Thursday the terminal hour for licensable activities shall be 3.30 am, with the premises closing at 4.00 am.
- No person will be admitted to the premises wearing tracksuits or sports shorts.
- During trading times, the Designated Premises Supervisor will not substitute any job role for that of supervising the premises.
- On occasions when the Designated Premises Supervisor will not be present at the premises, they must provide written authorisation to an individual with a Personal Licence to undertake responsibility for operating the premises in their absence.
- Knife wands must be used by door staff on a random and frequent basis in order to deter people entering the premises with a knife or other bladed weapon.
- Searches will be carried out by door staff on a random and frequent basis in order to detect and prevent drugs or weapons being brought into the premises.
- Door staff must be employed at the premises at all times when the premises is open and trading.
- All door staff must wear body cameras which must be used to record any incidents of disorder.
- All door staff must be equipped with hand held radio equipment to communicate with each other and staff inside the premises.
- All door staff must wear hi vis fluorescent jackets when working at the premises.

The Licensing Panel welcomed the following undertakings to be taken by the Premises Licence Holder:

- A new door-team with a new Head Doorman will be recruited before the premises reopens.
- Tony Rainford (proprietor of RS Security) will be in attendance every Friday and Saturday night for at least

the first month to ensure the new door-team are fully appraised of the local situation and will lead by example. Undertakings 1 & 2 will help promote the Prevention of Crime and Disorder objective of the Licensing Act 2003.

- The manager of the premises will be redeployed as head of the bar-team; will work behind the bar, but also to act, when needed, as an ECA Emergency Care Assistant (a role for which he is fully qualified). This will promote the Public Safety objective of the Licensing Act 2003.**
- The Designated Premises Supervisor will undertake further training (Level 3 Award for Designated Premises Supervisors).**
- The premises will implement an 'Ask Angela' scheme to enhance the safety of female customers, also promoting the Public Safety objective of the Licensing Act 2003.**

Members reviewed the Interim Step imposed by the Licensing Panel on 5 November 2021 to suspend the Licence and determine whether this step should remain in place until the decision of this Licensing Panel would become effective. Merseyside Police reported that it was no longer necessary for the suspension of the Premises Licence to remain in place and that they would be content for this interim step to be modified to the placing of conditions on the Premises Licence. It was further submitted that such conditions should be those determined by the Licensing Panel at the Review Hearing. The Licensing Panel heard from the Premises Licence Holder that they would be content for such Interim Steps to be put in place.

In conducting the review of the Interim Step, the Licensing Panel had regard to the submissions made by Merseyside Police and the Premises Licence Holder.

Resolved –

- (1) That the suspension of the Premises Licence be lifted.**
- (2) That the appropriate Interim Step to be taken at this time is for the conditions determined at the above review hearing to be applied with immediate effect and remain in place until the end of the period provided for appealing against the decision or if the decision is appealed against, the time the appeal is disposed of.**