

REPORT: Regulatory Committee
DATE: 12 January 2011
REPORTING OFFICER: Chief Executive
SUBJECT: Application for the review of Premises Licence relating to The Establishment Victoria Square Widnes
WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. Cheshire Constabulary has applied for the review which relates to the Prevention of Crime and Disorder and Public Safety licensing objectives.

2. RECOMMENDATION

That the Committee considers the Section 51 application and make a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 51 Licensing Act 2003 ("the 2003 Act") to review the Premises Licence in relation to the above property.
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with the Section 51 application.

4 THE APPLICATION

- 4.1** An application for the review of the premises licence was received on 15 November 2010 from Cheshire Constabulary.
- 4.2** The Premises Licence holder is Stephen James Lawler
- 4.3** The Designated Premises Supervisor is Dennis Anthony Reilly
- 4.4** The review was requested by Cheshire Constabulary on the following grounds:-

"This venue is the continued source of incidents of crime and disorder.

At present this one venue, within the confines of the Victoria Square area, is the source of:

- 64% of all Violent Crime offences
- 80% of all drug related crime, and
- 50% of all anti-social behaviour.
- 66% of all crimes of theft

A full and comprehensive 16 page summary of all recorded incidents is attached to the application.

This venue has yet to see the first anniversary of its opening yet it has generated such an extensive list of incidents that far outweighs the combined totals of the rest of the venues in the Victoria Square area. This has had a profound and damaging effect on the crime figures of the economy within the Borough and the town of Widnes in particular. This cannot be regarded in any way as supporting the Licensing Objectives for the prevention of crime and disorder and public safety.

This venue has been opened for a little under 12 months. During this time it has been a constant source of incidents of alcohol-fuelled crime and disorder, in particular violent crime that involved drunken patrons of the venue.

The Police have constantly engaged with the operators of this venue, in an attempt to negate the issues there, in particular the serving of drunken customers. Meetings have been regularly held with the management. On the 6th August 2010 an informal meeting was held at Widnes Police Station with both Stephen Lawler and Dennis Reilly, the DPS. At this time it was pointed out that the Police were becoming concerned about the number of incidents of violence that were being recorded there. It was further pointed out that, whilst collating the details of these incidents, it was apparent that the people concerned, aggrieved persons, offenders and witnesses, were all recorded as being drunk and often they were too drunk to deal with. It was recommended, and agreed by Mr Lawler, that all staff there were to be more aware of this issue, monitor customers for signs of inebriation and bar staff were to refuse further service to such customers.

On the 10th September 2010, a drug-dog operation was carried out that resulted in three arrests for possession of controlled substances on that night and one further still under investigation for Possession with Intent to Supply. Consequently, on the 15th September a further meeting was held at Widnes Police Station. The facts of this operation were relayed to Mr Lawler. At this meeting the

question of drugs on the premises was discussed. It was recommended that all staff, including glass collectors, bar staff and floor walkers be more aware of this issue and to watch out for and report the signs of drug use. Further to this particular issue, it was again mentioned that there continued to be incidents of violence and anti-social behaviour (ASB) and, again, the individuals dealt with for these incidents were all found to be drunk.

Despite these advisory meetings, there continued to be an almost weekly flow of violent incidents that again reflected the common factor that persons involved were inebriated. This culminated in a third meeting on the 19th October 2010 where a formal written, structured Action Plan (copy attached, Appendix A) was presented to the owner, Stephen Lawler. On this plan a number of issues were again identified; mainly drunken customers, violent behaviour and drug use.

Unfortunately, this has had little or no effect and a number of incidents occurred at the venue as early as the following weekend where a serious disturbance occurred that involved drunken patrons attacking Police Officers with chrome poles used in a screen at the front of the club. It is now felt that the Police have exhausted every avenue possible in an attempt to help the operators get to grip with these issues. Attached is a summary of recorded incidents at The Establishment, prepared by P.C. Carney, the Licensing Enforcement Officer. This list comprises of incidents that have a PROVEN link to the venue; there are many others that are simply recorded at Victoria Square; these have not been included.

As this list clearly demonstrates, throughout the history of the venue there has run a common thread of allowing customers to become excessively drunk, a single issue of which the management seems unable, or unwilling, to get control.

Following this list and the Action Plan (Appendix A) there are two pages of tables and a bar chart shown as Appendix B. The first pair of tables give overall totals of recorded crime in four distinct types; violent crime, drug-related crime, theft and anti-social behaviour. The corresponding numbers of each type that is attributable to The Establishment is then shown both in numeric form and as a percentage of the overall total. The two tables show the same data but split at the month where the extended hours came into use. These tables clearly show that a greatly disproportionate percentage of all these

crime groups are attributable to just one venue - The Establishment.

Another factor of note is that the percentage figures have risen since the introduction of the extended hours.

The bar chart on the second page shows how the volume of recorded crime at The Establishment compares when set against the other venues in the town centre.

The comparison is obvious and needs no further comment. Consider also, the combined total occupancy of the other venues in Victoria Square is 2,850; The Establishment's capacity is 800. When taken in this context, the relative amount of crime and disorder becomes even more disproportionate.

An incident 'calendar' is also included at Appendix C. This document simply charts the dates upon which the listed incidents have occurred. From this one simple document two things immediately become apparent:-

1. incidents are taking place on most weekends in each month.
2. the incidents are increasing in frequency, especially since the extended hours granted on the 17th August 2010, to the point that there is some recordable incident there each day of most weekends.

All these various representations simply serve to emphasize the point that this venue is now the single-most cause of violent and anti-social crime within the Borough's night time economy and it is now, regrettably, clear that the only avenue left open to the Police is a Review of the Premises Licence.

CONCLUSIONS AND RECOMMENDATIONS

It is clear from the above details that the management of this venue is falling far short of the level expected for a venue of this size.

The police have engaged at every opportunity and at every level to help curb this trend but, without a serious commitment from the operators to curb the amount of alcohol that fuels this disorder, it is unlikely to have much effect.

Mr Lawler constantly states that he makes every effort to control his venue. However, I would draw the Committee's

attention to paragraph 11.24 of the latest Guidance document issued under Section 182 of the Act:-

" It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence."

Irrespective of what Mr. Lawler states that he has or has not done, it is pelucidly clear that these problems exist. It is not for us to apportion blame but to accept that they have now reached a level where doing nothing other than 'sticking plasters on' is no longer an option.

In this respect Mr Lawler has been the author of his own misfortune and I would ask the Committee to seriously consider the option of revoking this Premises Licence.

If the Committee are not minded to follow this route I would recommend that consideration be given to a restriction of the hours of the Licence. To remove the entitlement to either music or alcohol would effectively kill the venue, revocation by indirect means. Given that the vast majority of the incidents, particularly the violent ones, occur in the early hours, then I would request that the Committee consider restricting the hours for the sale of alcohol to 1am and the venue closed by 1.30am."

NOTE – The background documents accompanying the request for a review are not included in the printed agenda but full copies of all the documents received from the Police in connection with the review application have been sent to the Regulatory Committee members.

5.1 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

No representations were made from any other responsible authority in response to the review application

6.1 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

No representations were made from interested parties in response to the review application.

7.0 OPTIONS AVAILABLE TO THE COMMITTEE

7.1 Section 52 of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

7.2 The steps which are relevant to this type of application

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

8.0 POLICY IMPLICATIONS

8.1 None

9.0 OTHER IMPLICATIONS

9.1 None

10.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

10.1 Children and Young People in Halton

None

10.2 Employment Learning and Skills in Halton

N/A

10.3 A healthy Halton

N/A

10.4 A Safer Halton

None

10.5 Halton's Urban Renewal

N/A

11.0 RISK ANALYSIS

N/A

12.0 EQUALITY AND DIVERSITY ISSUES

N/A

13 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application	Legal Services	John Tully/Kay Cleary

Documents