

REPORT: Regulatory Committee

DATE: 12 April 2017

REPORTING OFFICER: Strategic Director Enterprise Community & Resources

PORTFOLIO: Resources

SUBJECT: Application to vary Designated Premises Supervisor (DPS) at Volt 98 Victoria Road Widnes

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to consider a notice from Cheshire Police under Section 37 (5) Licensing Act 2003 made in response to an application to vary the Designated Premises Supervisor (“DPS”) at Volt 98 Victoria Road Widnes WA8 7RA.

2. RECOMMENDATION: That the Committee considers the Section 37 (5) notice.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 37 Licensing Act 2003 (“the 2003 Act”) for the variation of the DPS in relation to the above premises.
- 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 37 (5) notice.

4 BACKGROUND INFORMATION

4.1 Premises Licence Holders

- 4.1.1** On 14 July 2016 Antony Michael Lynch became the Premises Licence Holder of Volt 98 Victoria Road Widnes.
- 4.1.2** On 20 January 2017 the Premises Licence was transferred to Louise Abraham.

4.1.3 On 25 January 2017 the Premises Licence was transferred to JMC Roofing Limited.

4.1.4 On 10 March 2017 the Premises Licence was transferred to Michael Keegan.

4.2 Designated Premises Supervisors (“DPS”)

4.2.1 On 15 August 2016 the DPS of Volt was Daniel David Grant. On 17 January 2017 Mr Grant requested a Section 41 Notice – Request to be removed as DPS with immediate effect.

4.2.2 On 19 January 2017 an application was received to vary the DPS to Stephen Paul Speed. Cheshire Police objected to Mr Speed and a hearing before the Councils Regulatory Committee to determine the application was arranged for 28 February 2017. The application to vary to DPS was withdrawn by the applicant JMC Roofing Limited on 27 February 2017.

4.2.3 On 3 March 2017 an application was received to vary the DPS with immediate effect to Gregory Rodger. Cheshire Police objected to this application on 16 March 2017.

4.3 Details of the proposed DPS and the Notice of Objection from Cheshire Police will be provided at the hearing.

5 REPRESENTATIONS

5.1 In accordance with the Act the Police are the only responsible body who can object to the application.

5.2 The Police have advised that until 18 January 2017 the premises had been operated by Antony Lynch.

5.3 On that date Mr Lynch submitted an application to vary the DPS to Stephen Speed. The Police objected to this application and ultimately the application was withdrawn.

5.4 Since that date there has been a total of two applications to vary the DPS this being the latest application and three applications to transfer the Premises Licence Holder.

5.5 In respect of this application Mr Rodger on his own admission informed the Police that he is never in attendance during opening hours, has never heard of the prospective new Premises Licence Holder Michael Keegan and is taking the post as a favour to a friend, Stephen Speed.

5.6 The Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application to vary the designated premises supervisor would undermine the crime prevention objective.

- 5.7** By virtue of Section 39 (3) of the Act where a Section 37 (5) notice is given the licensing authority must hold a hearing (since the applicant and the police have not agreed that a hearing is unnecessary) and “having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so”.
- 5.8** To summarise, the outcome of this complicated set of applications is that the current applicant is **Michael Keegan** and the person the Cheshire Police object to being the DPS is **Gregory Rodger**.

6 OPTIONS

6.1 The Committee has two options:

- Grant the application for a change of DPS or
- Reject the application.

7. POLICY IMPLICATIONS

None.

8. OTHER IMPLICATIONS

None.

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

| Document | Place of Inspection | Contact Officer |
|----------------------------------|----------------------------|------------------------|
| Application Documents and Notice | Legal Services | John Tully/Kay Cleary |