

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Thursday, 3 April 2008 in the Council Chamber, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Drakeley, A. Lowe, Nelson, E. Ratcliffe and Wainwright

Apologies for Absence: Councillors Cross, Howard and D. Inch

Absence declared on Council business: None

Officers present: L. Capper and K. Cleary

Also in attendance: 6 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG27 APPLICATION TO REVIEW THE NEW YORK CAFÉ BAR 2-4 HIGH STREET RUNCORN PREMISES LICENCE

Action

The Committee considered an application to review the Premises Licence at the New York Café Bar 2 – 4 High Street Runcorn.

The applicant Cheshire Constabulary was represented by Ian Seville Police Licensing Officer.

The Premises Licence holder at the time of the commencement of the review application David Owen did not attend the hearing.

Karl Barry and Keith Hesketh attended and addressed the Committee as interested parties.

The Committee heard the application from Mr Seville who called PCSO Paula Davies, Mark Antrobus, PS Graham Elliot, PS Mike Rimmer and Inspector Richard Hill to give evidence with regard to their involvement with the premises prior to the review application.

In addition a video recording of the premises made on 1 February 2008 was shown to the Committee.

Mr Barry addressed the Committee on behalf of the interested parties and advised the Committee that David Critchley the Freeholder of the premises would not be attending. Mr Hesketh also made representation to the Committee.

All parties were then invited to sum up. Members raised numerous points and the parties put a number of questions through the Chairman. The Committee then retired to consider the application.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the Committee made the following determination.

Chief Executive

Point 1

The allegations set out in the application and made by the persons making relevant representations are found to be proved.

Point 2

The Committee considered the steps open to it and have applied the most proportionate course of action.

Point 3

The Designated Premises Supervisor at the time when the review application was commenced Michael Dowling be removed.

Point 4

The Premises Licence be revoked for the breach of licence conditions.

Section 1.01 Reason for the determination

For the reasons stated above this determination is considered necessary for the promotion of the Licensing Objectives specifically the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

Breach of Licence conditions

- A Challenge 21/ Proof of Age
- B Use of Toughened Glass
- C Unsealed containers
- D Entry or re-entry to the premises

The following conditions, which form part of the operating

schedule in the application to vary the premises licence dated 10 November 2005, were also breached

E CCTV

F Zero tolerance policy of drugs

G Zero tolerance on violence

H Non cooperation by the then Premises Licence Holder and the Designated Premises Supervisor

The parties were advised they would be notified formally of the decision and of the relevant rights of appeal.

Meeting ended at 9.30 p.m.