



**Regulatory Committee**

**Wednesday, 18 February 2009 6.30 p.m.  
Council Chamber, Runcorn Town Hall**



**Chief Executive**

**COMMITTEE MEMBERSHIP**

<b>Councillor Ged Philbin (Chairman)</b>
<b>Councillor Pamela Wallace (Vice-Chairman)</b>
<b>Councillor Bob Bryant</b>
<b>Councillor Philip Drakeley</b>
<b>Councillor Harry Howard</b>
<b>Councillor Diane Inch</b>
<b>Councillor Alan Lowe</b>
<b>Councillor Peter Murray</b>
<b>Councillor Ernest Ratcliffe</b>
<b>Councillor Kevan Wainwright</b>
<b>Councillor Mike Wharton</b>

*Please contact Caroline Halpin on 0151 471 7394 or e-mail [caroline.halpin@halton.gov.uk](mailto:caroline.halpin@halton.gov.uk) for further information.  
The next meeting of the Committee is on Monday, 23 March 2009*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. DECLARATION OF INTEREST</b>  Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
<b>2. APPLICATION TO VARY DESIGNATED PREMISES SUPERVISOR AT THE DOCKSIDE INN 27 SOUTH ROAD WESTON POINT</b>	<b>1 - 4</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**REPORT:** Regulatory Committee

**DATE:** 18 February 2009

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to vary the Designated Premises Supervisor (DPS) at The Dockside Inn 27 South Road Runcorn

**WARDS:** Heath

### **1.0 PURPOSE OF REPORT**

To hold a hearing to consider a notice from the Police under Section 37(5) Licensing Act 2003 made in response to an application to vary the Designated Premises Supervisor ("DPS") at the Dockside Inn 27 South Road Weston Point Runcorn.

### **2. RECOMMENDATION: That the Committee considers the section 37 (5) notice.**

### **3.0 SUPPORTING INFORMATION**

- 3.1** An application has been made under section 37 Licensing Act 2003 ("the 2003 Act") for the variation of 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 37 (5) notice.

### **4.0 THE APPLICATION**

- 4.1** An application was received on 12 January 2009 from the Dockside Inn Premises Licence holder Angela Yee Love YU to specify an individual as the DPS.
- 4.2** The application was to vary the DPS from Penny Houghton to Alison Watson with immediate effect.
- 4.3** The Police have objected to the application and the objection is attached at Appendix A. Associated documentation relating to the objection will be presented to Members prior to the hearing.

## **5.0 REPRESENTATIONS**

**5.1** In accordance with the 2003 Act the Police are the only responsible body who can object to the application. The Police are satisfied that the exceptional circumstances of the case are such that if granted the variation would undermine the crime prevention objective.

**5.2** By virtue of Section 39 (3) of the 2003 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).

## **6 OPTIONS**

**6.1** The committee has the following options

- Accept the application for the change of DPS or
- Reject the application

## **7. POLICY IMPLICATIONS**

None.

## **8. OTHER IMPLICATIONS**

None.

## **9 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

### **9.1 Children and Young People in Halton**

None

### **9.2 Employment Learning and Skills in Halton**

N/A

### **9.3 A healthy Halton**

N/A

### **9.4 A Safer Halton**

None

### **9.5 Halton's Urban Renewal**

N/A

## **10 RISK ANALYSIS**

N/A

## **11 EQUALITY AND DIVERSITY ISSUES**

N/A

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/Kay Cleary

## Appendix A

### Application to vary the Designated Premises Supervisor at the Dockside Inn 27 South Road Weston Point Runcorn

#### Police Objection

1. From records of previous visits to this venue on 9/2/08 and 21/12/08, it is clear that they are frequently and knowingly trading beyond the hours permitted in their Premises Licence. This is happening whilst the applicant is present and clearly with her knowledge and consent.
2. The previous DPS has left the venue in October 2008 and the applicant has been purporting to be the DPS during subsequent Police visits. Having completed the NCL PLH course in September 2008 she must clearly be aware of the need to lawfully change the DPS on the Premises Licence. This has not been done and the venue has been trading during this time in breach of the mandatory condition that requires a DPS. This issue has recently been brought to police attention and resulted in a Section 19 Closure Order being issued on the 9/1/2009. It was only when such actions were taken that finally precipitated this application.
3. During a routine police check at 2.30am on the 21<sup>st</sup> December 2008, the applicant stated to a uniform sergeant that the premises were open late because 'they had an extension'. Further questioning revealed this to be a lie. This is not the level of behaviour expected from someone in charge of licensed premises.
4. During the same visit, the applicant was found to be so drunk that it was difficult to deal with her. This, again, is another example of unacceptable behaviour on the part of a DPS.
5. It is clear that the applicant is little more than a figurehead in the running of these premises. The venue is clearly under the vicarious control of Vincent Adamson, who is believed to be the leaseholder and is unable or unwilling to become the DPS. Adamson himself represents an unacceptable person to control licensed premises (R v. Cooper)

Should this Variation Application be granted I believe that it will seriously undermine the Crime and Disorder objective of the Licensing Act 2003.