

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Tuesday, 14 April 2009 in the Council Chamber, Runcorn Town Hall

Present: Councillors G. Philbin (Chairman), P. Wallace (Vice-Chairman), R. Bryant, P. Drakeley, D. Inch, A. Lowe, P. Murray, E. Ratcliffe and K. Wainwright

Apologies for Absence: Councillors H. Howard and M. Wharton

Absence declared on Council business: None

Officers present: L. Capper, K. Cleary and J. Tully

Also in attendance: 1 x Police Licensing Officer, 3 Police Officers giving evidence, 2 x Police Officers in public area and 5 members of the public giving evidence.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG30 APPLICATION TO REVIEW THE PREMISES LICENCE - BREEZES 24 - 28A WIDNES ROAD, WIDNES

Action

The Committee met to consider an application had been made by Cheshire Constabulary to review the Premises Licence of Breezes 24-28A Widnes Road Widnes.

The application contained a request that the Premises Licence be revoked and that the Designated Premises Supervisor ("DPS") be removed.

The Police were represented by Ian Seville Police Licensing Officer and called Sgt Waring, Sgt Stokes and Insp Lockie to expand on the written evidence provided by the applicant to the Premises Licence Holder and the Committee.

The premises licence holder, Dwight Anthony McLoughlin called the DPS, Kathy Tracy Bremner, John Bremner (Bar Staff), Sinead Rowe (Bar Staff) and Carrieanne Farnan to expand on the written evidence provided by him to the Committee.

The procedure to be followed was explained and the parties subsequently put their cases in accordance with it.

To assist in understanding the sequence of events the Legal Officer gave the following additional information to the Committee:

1. The bundles of documents put in by the Police and the Licence Holder were not straightforward. Consequently the nature of the various documents was explained.
2. The Police case was summarised as alleging, first, a number of specific occasions when underage drinking was found to be taking place at the premises; and secondly, an occasion (7th February 2009) when the Police were alleged to have been obstructed in the investigation of a serious assault at the premises and that the crime scene was not protected.
3. The Licence Holder was advised that the statements that he had included in his bundle of documents, in the main, comprised complaints alleging police misconduct. These allegations would not be considered by the Committee. The Licence Holder was informed that his bundle did not contain, in the main, any evidence denying the facts alleged in the Police Bundle and that he should take this into account when presenting his case.
4. The Licence Holder was further advised that a number of statements in his bundle of documents seemed to be predicated on the assumption that the Police had no right to enter the premises except with a warrant or on invitation. The police rights of entry were therefore clarified.

The Police put forward their case in support of their application and the Premises Licence Holder then put forward their case against the application made by the Police.

The Committee asked a number of questions of the parties and retired to consider the matter.

Resolved: Having considered the application made by the Police and the case put forward by the premises licence holder and his witnesses (and having taken into account all other relevant considerations) the Committee resolved that;

- (1) the premises licence be revoked; and
- (2) the DPS be removed.

The Committee found that the above determination was necessary in the interests of promoting the following licensing objectives: the prevention of harm to children and the prevention of crime and disorder.

The Committee had found the following to be the case from an evaluation of the evidence presented at the hearing:

1. On 5th December 2008 when the police visited the premises underage drinking was found to be going on as described by Mr. Seville and set out in the statements made by Sgt Waring and PC Jones.
2. Following the events of 5th December 2008 on 9th December 2008 a Licensed Premises Action Plan was

entered into by the premises licence holder and the DPS which set out certain undertakings as set out in the Police Bundle. These undertakings included measures designed to prevent underage drinking at the premises. The findings set out below demonstrate that these undertakings were not complied with.

3. On 21st January 2009 when the police visited the premises underage drinking was found to be going on as described by Mr. Seville and set out in the statement made by PC Jones.
4. On 30th January 2009 when the police visited the premises underage drinking was found to be going on as described by Mr. Seville and set out in the statement made by PC Jones.
5. On 21st February 2009 it was established that CH had been drinking at the premises while underage as detailed at pages 65 to 68 of the Police Bundle. The counter statement at page 29 of the Licence Holder Bundle was rejected by the Committee as being false (as demonstrated by a further statement made by CH made on 11th April 2009). Furthermore the statement on page 28 of the Licence Holder Bundle made by CF was rejected by the Committee as being false.
6. On 13th March 2009 when the Police visited the premises underage drinking was found to be going on as described by Mr. Seville and set out in the statement made by PCSO Leadbetter.
7. On 21st March 2009 when the police visited the premises underage drinking was found to be going on as described by Mr. Seville and set out in the report made by PCSO Edwards-Roberts.
8. On 7th February 2009 when the police visited the premises the DPS and the Premises Licence Holder were obstructive to the Police and did not assist in the preservation of a crime scene as described by Mr. Seville and set out in the statements and evidence given by Sgt Stokes and Insp Lockie.

Following the delivery of the determination to all parties the Committee made a request that the Police instigate an investigation into possible criminal offences which may have arisen from the facts surrounding the statement produced dated 11 April 2009 signed by CH and report back to the Committee in due course.

Meeting ended at 9.40 p.m.