

REGULATORY COMMITTEE

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

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Howard, D. Inch, A. Lowe, Murray and E. Ratcliffe

Apologies for Absence: Councillors Drakeley and Wainwright

Absence declared on Council business: Councillor Mike Wharton

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

Also in attendance: Police Licensing Officer, Police Officer, The Applicant, An Interpreter and one member of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG31 APPLICATION TO VARY A PREMISES LICENCE - MIAMI PIZZA 44 HIGH STREET RUNCORN

The Committee met to consider an application to vary the Premises Licence in respect of Miami Pizza 44 High Street Runcorn. The application requested the provision of Late Night Refreshment between the hours of 23.00 to 02.00 Sunday – Thursday and 23.00 to 04.00 Friday and Saturday.

The Police as a Responsible Authority made representations to the application and requested that conditions be attached to the Premises Licence.

The applicant Mohammed Beshaban was accompanied by Mr Mustapha who acted as an interpreter as Mr Beshaban had limited use of English language.

The Police were represented by Paul Draycott Police Licensing Officer who called P C Chris Carney to expand on the information previously provided to the applicant and the Committee.

Prior to the hearing commencing Mr Beshaban was asked to confirm that he was the current Premises Licence holder as the current Premises Licence holder was stated as Mr Shaban. Mr Beshaban confirmed that he was the current premises licence holder

The procedure to be followed was explained and the parties put their cases in accordance with it. The Committee asked a number of questions of the parties and retired to consider the matter.

RESOLVED:

Having considered the application in accordance with Section 4 Licensing Act 2003 and all other relevant considerations the Committee decided the following:

1. The application is granted in part subject to conditions.
2. The terminal hours of the hours of opening of the premises shall be increased to 0200 Sundays to Thursdays and 0300 Fridays and Saturdays (“the new terminal hours”).
3. The following CCTV conditions (“the CCTV conditions”) shall apply to the premises licence to replace the existing CCTV conditions:

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary’s CCTV guidance document called ‘CCTV in Licensed Premises – An Operational Requirement’. It must also include a colour monitor not less than 24” screen size clearly visible to customers showing them as they enter.

Premises Licence holders will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before hand over of the system and activation of the Premises Licence. The commissioning test will need to demonstrate the following:-

- a) recordings are fit for their intended purpose;
 - b) good quality images are presented to the officer in a format that can be replayed on a standard computer;
 - c) the supervisor has an understanding of the equipment/training;
 - d) management records are kept;
 - e) maintenance agreements and records are maintained;
 - f) Data Protection principles and signage are in place.
4. All seating shall be removed from the public areas of the premises between 0100 and 0200 Sundays to Thursdays and between 0200 and 0300 Fridays and Saturdays (“the seating removal condition”).
 5. No door supervisor conditions shall be imposed.

Time that the variations shall take effect

6. The CCTV conditions shall be fully implemented by 1st June 2009.

7. The new terminal hours shall come into effect on 1st June 2009 provided that the CCTV conditions have been fully complied with by that date: if the CCTV conditions shall not have been fully complied with by that date the new terminal hours shall only apply from the date when the CCTV conditions have been fully complied with.
8. The seating removal condition shall apply on and from the date that the new terminal hours come into effect.
9. The CCTV conditions shall not be fully complied with until a notice to that effect has been issued by the Licensing Authority.

Reasons for the decision and steps taken under section 35(3) (b) of the Act

10. The new terminal hours were allowed because the Police had not made out a sufficient case that the licensing objectives would be prejudiced by the grant of those hours. The applicant volunteered at the hearing to reduce the request for the terminal hours on Fridays and Saturdays from 0400 to 0300.
11. The CCTV conditions were agreed to by the applicant at the hearing. These conditions are an improved version of the existing CCTV condition. This was considered appropriate to promote the crime prevention objective.
12. The seating removal condition was agreed to by the applicant at the hearing. The effect of the seating removal condition was intended to convert the premises into takeaway premises during the hours stated in that condition. This was considered appropriate to promote the crime prevention objective.
13. No door supervisor conditions have been imposed because the Police have not demonstrated that such conditions would be either necessary or proportionate.

Meeting ended at 9.10 p.m.