



Special Regulatory Committee

**Wednesday, 7 October 2009 6.30 p.m.
Council Chamber, Runcorn Town Hall**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Bob Bryant
Councillor Philip Drakeley
Councillor Harry Howard
Councillor Diane Inch
Councillor Alan Lowe
Councillor Peter Murray
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright
Councillor Steff Nelson

*Please contact Gill Ferguson on 0151 471 7394 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 23 November 2009*

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

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
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.	
3. APPLICATION TO VARY THE DESIGNATED PREMISES SUPERVISOR (DPS) AT RUIS 85 - 87 VICTORIA ROAD WIDNES	1 - 3

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: 7 October 2009

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary the Designated Premises Supervisor (DPS) at Ruis 85 – 87 Victoria Road Widnes

WARDS: Riverside

1. 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 Rui’s 85 – 87 Victoria Road Widnes.

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 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. THE APPLICATION

- 4.1** An application was received on 1 September 2009 from Stephen DeCruz who is the Premises Licence holder of Rui’s to specify an individual as the DPS.
- 4.2** The application was to vary the DPS from Patricia Ward to Stephen Decruz with immediate effect.
- 4.3** The Police have objected to the application on the following broad grounds

In 2005 and into 2006 the applicant Stephen Decruz was the owner / manager/DPS of the Late bar 24/27 Market Place Heywood Rochdale. From March 2005 the police began to record a string of violent incidents inside the premises and immediately outside the premises. This culminated in a serious ‘firearms’ incident on 14 February 2006 at which

a Section 161 notice was issued. At the subsequent S164 hearing at the Magistrates Court an application was made to continue the closure until the review hearing.

The police presented evidence of door supervisors assaulting customers, non – co-operation with the police evidence of employing a door supervisor who had been ‘Pubwatched’ for violent conduct whilst off duty. ‘Pubwatched’ people allowed to frequent the premises, serious assaults, drunkenness, non – cooperation with and agreed ‘Action Plan’ that the premises had been operating beyond its permitted hours on a regular basis and finally the lack of presence by Mr Decruz at the premises.

After hearing the evidence the Magistrates made the following statement before continuing the Closure Order.

“An application by Greater Manchester Police to close the premises until a Review of the licence has taken place. The police outlined a catalogue of horrendous events culminating with allegations by several members of the public of the involvement of firearms in or adjacent to the premises.

Mr Decruz said he could understand the police point of view but that most of the incidents had taken place outside the premises. He also gave a lot of ‘hearsay’ evidence being unaware of the incidents himself. He said a lot but didn’t help with definite evidence.

We believe that in the interests of public safety to prevent disorder or likely disorder and to prevent public nuisance the premises should remain closed pending a review of the licence by the Licensing Authority”.

On the 2 March 2006 following a full Review hearing the licence was revoked by the Licensing Authority.

5. 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

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