

Public Document Pack



Special Regulatory Committee Sub Committee

Monday, 21 December 2009 6.00 p.m.
Council Chamber, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Alan Lowe

*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, 18 January 2010*

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

Part I

Item No.	Page No.
1. 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.	
2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 BAR REEF 98 VICTORIA ROAD, WIDNES	1 - 4
3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 CORNERHOUSE, 1 ALFORDE STREET, WIDNES	5 - 7

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: 21 December 2009

REPORTING OFFICER: Chief Executive

SUBJECT: Application for the review of a Premises Licence under Section 53A of the Licensing Act 2003
Bar Reef 98 Victoria Road Widnes.

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to consider an application for the full review of a premises licence under Section 53A of the Licensing Act 2003. The Police applied for a summary review of the premises licence as the premises are associated with serious crime.

2. RECOMMENDATION

That the Committee considers the Section 53A application

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 53A Licensing Act 2003 ("the 2003 Act") to carry out a summary review 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 53A application.

4. THE APPLICATION

- 4.1** An application for the Summary Review of the premises licence was received by the Licensing Section on Monday 30 November 2009 from Cheshire Constabulary.
- 4.2** The Summary Review was requested by the Police because of an incident which occurred at the premises on Saturday 7 November 2009 (A copy of the Section 53A application will be given to members at the hearing)
- 4.3** In accordance with the Act an interim steps consideration took place on Tuesday 1 December 2009 before a Sub Committee of the Regulatory Committee.

4.4 At the interim steps consideration the Sub Committee resolved that the following interim steps be taken which took effect at 23.00 on 1 December 2009

- 1 The Company providing door staff at the premises (Athena) shall not provide door staff in the future
- 2 Any company appointed to provide door staff at the premises shall be subject to the prior approval of the police..
- 3 No door staff appointed at the premises during the last 12 months shall be used in the future.
- 4 The designated premises supervisor Lee Anthony Kelly shall be removed.
- 5 Any new designated premises supervisor shall be independent of the Kelly family and shall be subject to the prior approval of the police.

4.5 The Council's reasons for making the decision were:

- The Council accepted the view of the police that the premises were associated with serious crime.
- Interim steps were required in the interests of the licensing objective of prevention of crime and disorder
- The evidence provided by the police was so serious that the Council had no choice but to take the above interim steps especially in view of the police investigation still being on-going.

4.4 Following an interim hearing Under Section 53A of the Licensing Act 2003 a full review hearing in accordance with section 53C must be held within 28 days from the date of application

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 No representations were made from any other responsible authority in response to the review application

6.0 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

6.1 No representations were made from interested parties in response to the review application.

7.0 OPTIONS AVAILABLE TO THE COMMITTEE

7.1 Section 53C(1) of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take

such of the steps (if any) listed in section 53C(3) as it considers necessary for the promotion of the Licensing Objectives. There is also a requirement to secure that any interim steps having effect pending the determination cease to have effect (except so far as they are comprised in steps referred to above).

7.2 The steps referred to above which are relevant to this type of application are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

8.0 POLICY IMPLICATIONS

8.1 None

9.0 OTHER IMPLICATIONS

9.1 None

10.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 10.1 Children and Young People in Halton**
None
- 10.2 Employment Learning and Skills in Halton**
N/A
- 10.3 A healthy Halton**
N/A
- 10.4 A Safer Halton**
None
- 10.5 Halton's Urban Renewal**
N/A

11.0 RISK ANALYSIS

N/A

12.0 EQUALITY AND DIVERSITY ISSUES

N/A

13 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
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Application
Documents

Legal Services

John Tully/Kay Cleary

REPORT: Regulatory Committee

DATE: 21 December 2009

REPORTING OFFICER: Chief Executive

SUBJECT: Application for the review of a Premises Licence under Section 53A of the Licensing Act 2003
Cornerhouse 1 Alforde Street Widnes.

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to consider an application for the full review of a premises licence under Section 53A of the Licensing Act 2003. The Police applied for a summary review of the premises licence as the premises are associated with serious crime.

2. RECOMMENDATION

That the Committee considers the Section 53A application

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 53A Licensing Act 2003 (“the 2003 Act”) to carry out a summary review 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 53A application.

4 THE APPLICATION

- 4.1** An application for the Summary Review of the premises licence was received by the Licensing Section on Monday 30 November 2009 from Cheshire Constabulary.
- 4.2** The Summary Review was requested by the Police because of an incident which occurred at the Bar Reef 98 Victoria Road Widnes on Saturday 7 November 2009 (A copy of the Section 53A application will be given to members at the hearing)
- 4.3** In accordance with the Act an interim steps consideration took place on Tuesday 1 December 2009 before a Sub Committee of the Regulatory Committee.
- 4.4** At the interim steps consideration the Sub Committee resolved that the following interim steps be taken which took effect at 23.00 on 1 December 2009

- 1 The Company providing door staff at the premises (Athena) shall not provide door staff in the future

- 2 Any company appointed to provide door staff at the premises shall be subject to the prior approval of the police.
- 3 No door staff appointed at the premises during the last 12 months shall be used in the future.
- 4 The designated premises supervisor Sean Daniel Kelly shall be removed.
- 5 Any new Designated Premises Supervisor shall be independent of the Kelly family and shall be subject to the prior approval of the police.

4.5 The Council's reasons for making the decision were:

- The Council accepted the view of the police that the premises were associated with serious crime in that evidence had been provided that (1) the Designated Premises Supervisor (Sean Daniel Kelly) was involved in a serious crime committed at the Bar Reef 98 Victoria Road Widnes on 7 November 2009 and (2) The holder of the premises licence (Cornerhouse (Widnes) Limited) is controlled by two directors namely the said Sean Daniel Kelly and Lee Anthony Kelly both of whom were involved in the said serious crime .
- Interim steps were required in the interests of the licensing objective of prevention of crime and disorder
- The evidence provided by the police was so serious that the Council had no choice but to take the above interim steps.

4.4 Following an interim hearing Under Section 53A of the Licensing Act 2003 a full review hearing in accordance with section 53C must be held within 28 days from the date of application

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 No representations were made from any other responsible authority in response to the review application

6.0 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

6.1 No representations were made from interested parties in response to the review application.

7.0 OPTIONS AVAILABLE TO THE COMMITTEE

7.1 Section 53C(1) of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the steps (if any) listed in section 53C(3) as it considers necessary for the promotion of the Licensing Objectives. There is also a requirement to secure that any interim steps having effect pending the determination cease to have effect (except so far as they are comprised in steps referred to above).

7.2 The steps referred to above which are relevant to this type of application are:

- To modify the conditions of the licence
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- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

8.0 POLICY IMPLICATIONS

8.1 None

9.0 OTHER IMPLICATIONS

9.1 None

10.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 10.1 **Children and Young People in Halton**
None
- 10.2 **Employment Learning and Skills in Halton**
N/A
- 10.3 **A healthy Halton**
N/A
- 10.4 **A Safer Halton**
None
- 10.5 **Halton's Urban Renewal**
N/A

11.0 RISK ANALYSIS

N/A

12.0 EQUALITY AND DIVERSITY ISSUES

N/A

13 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