



**Special Regulatory Committee**

**Thursday, 25 February 2010 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 Steff Nelson</b>

*Please contact Gill Ferguson on 0151 471 7394 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Tuesday, 2 March 2010*

**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. MINUTES</b>	
<b>2. 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>3. APPLICATION FOR THE REVIEW OF THE STUDIO 77 HIGH STREET RUNCORN</b>	<b>1 - 12</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:** 25 February 2010

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application for the review of The Studio 77  
High Street Runcorn

**WARDS:** Mersey

## **1. PURPOSE OF REPORT**

To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. The Police have applied for the review which relates to the Prevention of Crime and Disorder licensing objective.

## **2. RECOMMENDATION**

**That the Committee considers the Section 51 application**

## **3. SUPPORTING INFORMATION**

- 3.1** An application has been made under section 51 Licensing Act 2003 (“the 2003 Act”) to 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 51 application.

## **4 THE APPLICATION**

- 4.1** An application for the review of the premises licence was received on 8 January 2010 from Cheshire Constabulary.
- 4.2** The premises licence permits regulated entertainment and the supply of alcohol and the hours the premises are open to the public are Sunday to Thursday 08.00 to 02.35 and Friday and Saturday 08.00 to 04.00
- 4.3** The Premises Licence holder is Padderborn Limited
- 4.4** The Designated Premises Supervisor is Robin Charles McLaughlin
- 4.5** The review was requested by Cheshire Constabulary on the following grounds:-

Please see the attached list of incidents (Appendix A) which have been recorded since August 2008. They indicate that the premises are not being operated safely and managed effectively.

Meetings have been held and Action Plans agreed (Appendix B) with the management in an attempt to address the concerns of the police, however, Mr. McLaughlin has either declined to cooperate with the police or has agreed to do certain things and then subsequently failed to do them.

The police are concerned that many of their concerns involve the poor conduct of the door supervisors employed at the premises and lack of CCTV coverage to the front of the premises where many of the incidents reported have taken place.

It is the view of the police that these premises are not currently being managed in a way that promotes the crime and disorder objective as required by the Licensing Act 2003 and that additional conditions are required to ensure that this condition is promoted at these premises.

**5.1 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

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

**6.1 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES**

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

**7.0 OPTIONS AVAILABLE TO THE COMMITTEE**

**7.1** Section 52 of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

**7.2** The steps which are relevant to this type of application

- 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**

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

## Review the Studio 77 High Street Runcorn

## Appendix A

Incidents at The Studio, High Street, Runcorn - August 2008 to date							
No	Incident Type	Incident Number	Time	Day	Date	Incident	Outcome
1	S47 Assault	CC08232115	About 2.30am	Sat	3rd August 2008	Assault by door staff in beer garden. No CCTV. No entry in logbook	Drunken victim states that he was in the beer garden when he was grabbed in a headlock from behind and punched several times to the face resulting in a broken nose. Victim fled the scene and was found outside by patrolling police officer with his shirt covered in blood. Victim initially alleged that the offender was a doorman, but later retracted the complaint stating that he couldn't identify anyone as he was too drunk. Witness interviewed and he stated that he was too drunk to remember what had happened. No CCTV covering the beer garden.
2	Battery	Inc 169	About 2.30am	Sat	31st August 2008	Report of 3 door supervisors hitting MOP. No entry in logbook	Complaint by female (name, address and contact number given) that she had tried to complain to the manager about the attitude of the new door staff on duty. However he had just told her to fuck off and she had been thrown out by the door staff and then hit in the face by one. Complaint not pursued.
3	S20 Wounding	CC08273522 & Form 400	About 12.30am	Fri	6th September 2008	Serious assault with bottle victim suffered fractured jaw.	Male victim is in premises when he is assaulted by offender(s), possibly with a bottle, resulting in a fractured jaw that had to be wired up. Victim stated that he was unable to identify offender(s) although an individual who was one of several people ejected at that time for fighting was later put forward by DPS at Pubwatch and given a 12 months Pubwatch ban for his alleged part in the assault.
4	Battery	CC08294167 CC0708294762 & Form 400 & Inc 77	1am	Sat	28th September 2008	Complaint that customer was assaulted by door staff after complaining about entrance fee. No entry in logbook	Initial allegation by male customer that after complaining about the entrance fee is then assaulted by door staff causing minor cuts to face. Counter allegation is submitted by DPS that the 'victim' was the aggressor and had attempted to attack the door staff, who had merely defended themselves. No independent witnesses and no CCTV covering the entrance.
4a	S20	Inc 196	3am	Fri	8th November 2008	Third party reports victim assaulted by door staff at the premises and is now at casualty. Victim seen, but declined to make	Victim had been treated in resus where he had been treated for fractures to face and possible spinal injury.

						any complaint.	
5	SIA Issue	Form 400	1.30am	Fri	13th December 2008	Reporting issues re door staff wearing dark clothing. DPS states he is non-frontline registered with SIA.	Sgt Rimmer attended premises. Door supervisor Colin Madigan (no further details) is not badged and states that he has a dispensation from Insp Richard Hill. McLaughlin states that he employs the door staff directly - no trace with the SIA that he has the appropriate non-frontline letter of authority. - Enquiry continuing with SIA to establish position at that time
5a	Visit	Form 400		Fri	19th December 2008	Reporting door staff wearing black jackets. DPS refuses to let them wear Hi-Vis as not condition on his licence.	
5b	Visit	Form 400		Sat	28th December 2008	Empty drugs bag found on floor in male toilets.	
5c	Anonymous reports	Inc 156 & 157	2.53am	Sat	11th January 2009	Reports of disturbance - people fighting outside the premises. All quiet on arrival. No entry in logbook	Anonymous caller reporting a fight outside the premises. All quiet on police arrival. No CCTV to confirm either way.
6	S\$7 & Battery	CC09016 972 & 0709017 583	2.27am	Sat	18th January 2009	2 customers assaulted inside premises. Detected, but no entry in the logbook.	3 females on dancefloor having a verbal argument. One then punches the other two in the face resulting in one receiving a fractured nose and the second minor bruising. No CCTV, but offender is known to victims. When interviewed she makes a full and frank admission.
7		Letter to SIA		Wed	21st January 2009	Request to check if he is non-frontline registered	
7a	Visit	F400	2.45am	Fri	31st January 2009	Empty drugs bags found in toilets. Unconfirmed assault in premises. No entry in log book.	Male came out of the premises with a cut above his eye, initially refused details. Refused to state how he had suffered the injury. It was suggested that he had fallen over onto a woman.
8	Visit	F400	10.30pm	Fri	6th February 2009	MG11 re door supervisor with false ID	Doorman produced damaged SIA badge to Paula Davies/Insp Lockie. Unhappy at the time, but allowed him to carry on working. Further enquires confirmed that the door man was not the person to whom the badge had been issued. Badge not retained and

							door man has not been seen since
9	Visit	F400	2am	Fri	14th February 2009	Report of assault at premises and arrest made. No entry in log book	Sgt Rimmer & PCSO Davies are approaching the premise when male runs out from premises and starts fighting with a male in group standing outside. Both males spoken to and issued with S 27 notices to leave. A male then comes out of the premises with blood all over his face stating that he had been punched. A group of males then leave the bar and it is established that one of them is the offender. He is later arrested some distance away for assault and threats to kill the arresting officer.
10	Incident	F400 & Inc 77	1.15am	Fri	21st February 2009	Family argument with DPS at the premises. One son arrested, one issued with S27 notice. Two further S27 notices issued. Doorman not complying with police instructions.	Tony McLaughlin arrested for criminal damage to a phone box following an argument with his father. Jay McLaughlin issued with S 27 notice. Doorstaff were obstructive at the scene. After visiting the premises they saw two males come out of the building - both issued with S 27 notices. Then a female came out and kicked the glass in the phone box that had just been damaged. She was also issued with a S 27 notice
		F400		Tue	24th February 2009	DPS refuses to sign up to Nite-net radio scheme - not condition on his licence.	
11	Incident	F400 & 2 MG11's	2.15am	Fri	21st March 2009	Scuffle between door supervisors and a group. Victim suffers fractured ankle. Some CCTV footage, allegation offender is doorman.	Insp Blackwell receives information of a disturbance at the premises. On approaching sees 4 males in light clothing in the road heading towards the front door in an aggressive manner. There is the sound of raised voices and the door being kicked or banged. Then 3 or 4 males dressed in black (door supervisors?) then come out of the premises and one of the men in black kicks out at the first group and then the group in black then follow the first group as they retreat along the street. they then appear to become aware of the police approaching and the men in black return to the premises. On arrival at the door one of the first group, who is drunk, is lying by the entrance with a broken leg. There is limited CCTV footage of the incident as the street furniture blocks the view. this shows both groups in the middle of the road and then the men in black walk back with one of the first group. the camera pans off and then pans back to show this male lying on the floor by the entrance. Although not very clear it suggests that one of the men in black stamped



							on his leg.
11 cont							C/v refuses to make any complaint. Whilst the police are dealing with the incident one of the doormen continually mouths 'wankers' at the first group and was clearly aggravating the situation despite being told to stop by an officer. The incident was very poorly handled by the premises and reflected very badly on their professional conduct.
12	Visit	S19 Notice	12.35p m	Fri	3rd April 2009	Termination notice issued at 6.30pm following system being set up using a lap top	Termination notice issued at 6.30pm following system being set up using a lap top
13	Incident	Inc 1321	11.49p m	Sat	11th April 2009	Report of loutish behaviour outside the premises	Call received from member of staff regarding 4 girls at the entrance who are being abusive and spitting at door supervisors. Girls then moved away to the taxi rank.
14	Action Plan Meeting	E-mail		Tue	14th April 2009	Action Plan agreed with management	Following meeting at premises with Chris Carney and Mark Antrobus with David McLaughlin and his CCTV engineer. McLaughlin agreed to spend up to £1,000 installing cameras on the dance floor, an entry camera, an exit camera and a wall mounted camera to cover the blind spot at the entrance (town centre CCTV view blocked by street furniture) and to be completed within a week. The current system was not fit for purpose as some of the cameras were in the wrong place or had blurred and out of focus images.
15	Visit	F400	2am	Sat	19th April 2009	Door staff bar access to the police. No entry in logbook	Police attended premises and door supervisor attempted to stop them from entering
16	U[ppdate report	F400	11.45p m	Tue	21st April 2009	Delay re CCTV upgrade	David McLaughlin spoken to re CCTV upgrade. Not completed yet as he had not realised how much it would cost.

17	Visit	F400	1.30am	Fri	25th April 2009	Doorstaff obstruct police by locking door as they approach. No entry in logbook	As Sgt Byrne approached the front door door supervisor sees them and closes and locks front door. After banging on door the supervisor stated that he would only let them in when the manager came to the door, Sgt Byrne then pushed past him. Tony McLaughlin was then warned as the the conduct of the door supervisor.
18	Update report	E-mail		Mon	27th April 2009	Refers to telephone conversation with David McLaughlin. Willing to work with police - police entry, hi-vis jackets, CCTV upgrade and transfer DPS whilst father off sick.	David McLaughlin apologised for recent issues with the door supervisors. Stated that the CCTV would be upgraded within the week. Also that as his father was still in hospital he would be applying to transfer the DPS into his name that day.
19	Meeting notes	Action Plan Update		Tue	5th May 2009	Meeting with David McLaughlin, managing premises whilst DPS in hospital,	Issues: - Door supervisors - Madigan had been moved inside following his recent actions on the front door, Radford was now head door supervisor. Robin McLaughlin would now be remaining as DPS as he was now coming out of hospital. CCTV system still not installed, but were informed that would be installed during week of 12th May 2009. Still refuse to allow door supervisors to wear the hi-vis jackets as not a condition on the licence. Nite Net radio still not agreed. Search wands agreed.
20	Update report	F400		Wed	13th May 2009	Details provided by David McLaughlin re CCTV to be fitted	Cameras being installed on 14th May and Robin McLaughlin had been released from hospital.
21	S 20 Wounding	CC09151971	1.43am	Sat	17th May 2009	Assault at front of premises after victim has been ejected from the premises. No CCTV. No entry in logbook	Female victim is ejected from the premises with a group of other females. One of the group then punches victim in the mouth knocking out 2 teeth before door supervisor intervenes and drags off offender who then walks off. Offender has not been traced as not known to victim and no CCTV coverage of the incident.
22	Visit and Incident	Inc 860 & F 400	12.05am	Sat	24th May 2009	Unlicensed door supervisor working at premises and fight in beer garden. No CCTV	Police visit the premises and as they approach one of the door supervisors runs inside the premises puts his coat behind the bar and then stands by the bar pretending to be a customer, when challenged states that he is a voluntary unpaid door supervisor and the police can do nothing about it. Kent is barred from applying for a badge and due to his aggressive conduct was issued with a S 27 notice to leave the area. Jay McLaughlan warned . Whilst there a fight broke out between two females in the beer garden who were ejected

							from the premises. the atmosphere in the premises was very threatening. There was a smell of cannabis emanating from the beer garden.
22a	Update report						MG11 from Sgt Rimmer regarding lack of cooperation to produce CCTV footage from an incident on 23rd May 2009
23	S 47 Assault	Inc 659 28th May 2009	1.05a m	Sun	25th May 2009	Report of assault. No charges. No entry in logbook	Female reports that she was assaulted in the premises by two other women. She knows the offenders and does not wish to press charges at this time. Injuries include cuts to face treated at hospital.
24	Affray	CC09168 712	3am	Sat	31st May 2009	3 arrested for affray outside the premises. No entry in logbook	3 males arrested fighting outside the premises following verbal argument.
25	Visit	F400	12.30a m	Sat	7th June 2009	CCTV inoperative	CCTV system newly installed, but 4 cameras not working and not able to view or download images. Engineer due to reattend on Monday.
26	Visit	CC09183 652 & 0791844 74	12.05a m	Fri	13th June 2009	Licensing visit with drugs dog. 2 arrested and charged with possession	Licensing visit to premises with passive drugs dog. Two offenders indicated by dog and when searched were found in possession of Ecstasy tablets and a cocaine wrap
27	Assault	CC09184 369	2.05a m	Fri	13th June 2009	Report of alleged assault by doormen. No CCTV. No entry in logbook	Report that male victim was asked to leave the premises by a door supervisor because the premises were closing. As he was leaving the door supervisor then hit him twice knocking him to the floor causing minor cuts and bruises. Victim was drunk and no independent witnesses etc.
28	Visit	F400	2.10a m	Sat	14th June 2009	Visit	Police visit and find front door locked unable to gain entry for a minute or so. 30 -40 customers present. No entry in logbook
29	Information	Inc 286 & 588		Tue	16th June 2009	Tony McLaughlin arrested twice in less than 24 hours for excess alcohol & breach of bail.. He is regularly in charge of the premises.	For information only

30	S 18 Assault	Inc 303	3.25a m	Sat	28th June 2009	17 years old seriously assaulted. Offender arrested. No entry in logbook	Victim received serious facial injuries, from a bottle but neither he nor any potential witnesses will give a statement. Appears to have taken place outside the venue, but originated inside.
31	Incident	Inc 208	2.35a m	Sat	5th July 2009	Fight outside premises. No entry in logbook	Information received from town centre CCTV. No other information available.
32	Incident	Inc 316	3.41a m	Fri	11th July 2009	Fight outside premises. No entry in logbook	Information received from town centre CCTV. No other information available.
	Meeting		11.55a m	Mon	20th July 2009	Action Plan meeting re door staff, CCTV etc with Robin McLaughlin	See contents of attached minutes of the meeting
32a		Inc 1340		Sat	8th August 2009	CCTV & PNB male assaulted in premises doorway. Witnessed by manager and door staff. Offender allowed back into the premises.	
33				Fri	11th September 2009	MG11 from victim of assault inside the premises. Although offence detected indicates negative attitude of door staff and veiled threats made if assault reported to the police	female offender is in toilets when female offender enters. Both know each other and a verbal argument starts which becomes violent and the victim suffers cuts to her eye requiring 2 butterfly stitches and a chipped tooth. Offender is later traced and arrested. Victim complained of door supervisors conduct in her statement.
		E-mail		Wed	16th September 2009	From Planning Department contradicting DPS statement that building is listed and he cannot put up cameras without planning consent.	Cameras would be permitted development within the Town and Country Planning (General Permitted Development) Order 1995 Part 33 Class A
34		Inc 182		Sat	27th September 2009	Assault outside premises after offender/victim drinking inside. Offender was drunk. No entry in logbook	
35		Inc 77		Sun	28th September 2009	Victim reported being assaulted by door staff. No entry in logbook	

36		F400 & inc 86 & CC09314 091 and CC09316 667 (Inc 5 of 5th October 2009	1am	Fri	3rd October 2009	Fight starts on dancefloor inside premises. No internal CCTV, spills outside into roadway escalates to affray and police use CS gas. Arrests made. DPS refuses to speak to police on the night. No entry in log book	Verbal disagreement inside premises between male and female escalates into a fight between the male and female's partner. Door supervisors eject all three. Once outside the fight escalates and about 15 people are involved. Police attend and have to use gas to break up the disorder. One victim receives fractured cheekbone. Enquiry is still continuing. - Some CCTV of the incident outside is attached
		F400		Fri	30th October 2009	DPS uses mobile catering unit at side of premises without premises licence or street permit.	DPS advised re future use of the vehicle
		E-mail		Sat	31st October 2009	Report of women fighting at front of premises. Doorstaff stand watching and laughing, making no attempt to break it up.	Complaint re conduct of door supervisors
		Inc 168	2.45am		13th December 2009	Complaint that customer went to entrance and door supervisor closed the door on his arrival and refused entry. Customer walks away and then notices someone being allowed in. He then returns and was again refused entry. Customer then walks of and is followed by the door supervisor who grips him around the neck and then pins him to the wall. Second door supervisor then gives him verbal abuse. One claimed to be the owner of the premises	Ongoing complaint

## **Appendix B**

### **The Studio**

Meeting 11.55am Monday 20<sup>th</sup> July 2009

Widnes Police Station

Present: -

Robin McLaughlin – DPS

Chris Carney – Licensing Enforcement

Paul Draycott – Licensing Officer

PD thanked RM for attending. RM explained that he had been in hospital for the past 3½ months, but was willing to discuss any issues that the police might have. RM indicated that he was not prepared to agree to certain things – mainly regarding door supervisors wearing the police issue Hi-Vis jackets. He pointed out that there was no requirement either under the Licensing Act 2003 or the PSIA Act 2001. All his door supervisors were issued with black uniform which had a ‘SECURITY’ logo in 3” high letters on the front and rear. The door supervisors are all employed via an agency, Select.

PD outlined the advantages of wearing the Hi-Vis jackets and following a further discussion RM declined to accept the offer.

A discussion took place regarding CCTV at the premises, specifically covering the front entrance and the beer garden. CC advised that although there is a town centre camera at the top of the street it was largely ineffective because of street furniture that blocked the line of sight from that camera.

RM stated that he was happy to place two additional cameras, one in the beer garden and one covering the front entrance. He would arrange for the work to take place as soon as he could. **(Action by RM)**

RM also stated that he was going to see Enterprise Inns the next day to ask them if he could surrender the remainder of his 12 years lease. There is no guarantee that they will agree and even if they accepted the surrender it would mean that RM would still be managing the premises for at least 6 – 8 weeks. He also pointed out that Enterprise would want to keep the premises open, put in a caretaker manager and a new door company. This would very probably result in the premises being even more problematic than currently. (New manager, new door team, lack of knowledge, short term aims). **(Action by RM to provide an update following the meeting.)**

Everyone agreed the importance of remaining in regular contact to ensure that any issues from either side can be addressed at the earliest opportunity.