

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Monday, 19 September 2011 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), K. Loftus (Vice-Chairman), Browne, Fry, A. Lowe, McDermott, M. Ratcliffe and Wallace

Apologies for Absence: Councillors Fraser and Wainwright

Absence declared on Council business: Councillor Harry Howard

Officers present: L. Capper and K. Cleary

Also in attendance: 21 members of the public.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

REG27 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 - CHAMBERS 77 HIGH STREET, RUNCORN

A meeting of the Regulatory Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Runcorn Town Hall on Monday 19 September 2011 commencing at 6.30 p.m.

The Committee met to determine a review which had been held consequent upon an application for review made under section 53A Licensing Act 2003 as detailed in the agenda item.

In accordance with a Section 53 A of the 2003 Act an interim consideration took place on 26 August 2011 when a Sub Committee of the Regulatory Committee resolved that the following interim step be imposed and shall take immediate effect.

1 Suspension of the licence

Representations were made against the interim step under Section 53B (6) of the 2003 Act on 9 September 2011 and a hearing took place on 12 September 2011 when a Sub

Committee of the Regulatory Committee resolved that nothing put to them at that hearing had altered the position and that the suspension of the premises licence stood.

### **The hearing 19 September 2011**

In attendance was the applicant Cheshire Police represented by Paul Draycott who addressed the committee also in attendance were Mr Kenyon Police Solicitor, DC Jackson, PC Carney, PC Spreadborough and Bill Seabury.

In addition the Premises Licence Holder Gary Oates Director of Waterloo Hotel (Runcorn) Limited was present and represented by Sarah Clover No 5 Chambers who addressed the committee also in attendance were Mrs B Oates and Mr P Douglas of Douglas Licensing (NW).

The Chairman of the Committee introduced the parties and the Councils legal advisor, Lisa Capper outlined the procedure to be followed and summarised the nature of the application. Miss Capper also advised the Committee of the documents which were to be referred to at the hearing:-

- The bundle of documents received from the Police comprising 116 numbered pages; and
- The witness statement from a taxi driver dated 16 September 2011.

Prior to the hearing commencing Mr Draycott asked for additional time to put their case and following comments by Miss Clover it was agreed by the committee that there would be no time limit imposed in the interest of fairness to both parties

In addition to the information contained in the Police bundle and the taxi drivers witness statement the members were shown CCTV footage of the alleged incident, twice by the Police with commentary by Paul Draycott on the second showing and prior to a short break again by the Premises Licence Holder with commentary by Mr Douglas and Mrs Oates.

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

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.

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.

The committee accepted that the victim named in the hearing had been assaulted at the premises by the door supervisors and that the Designated Premises Supervisor (“DPS”) was complicit in the assault. This behaviour was not acceptable to the Committee.

From this central finding of fact it followed that steps needed to be imposed in the promotion of the licensing objectives namely the prevention of crime and disorder and public safety. The reason for imposing each of the following steps is for the promotion of these licensing objectives.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the Committee decided to impose the following steps

1 Removal of DPS

The DPS (Mr G Oates) be removed as DPS.

2 CCTV

The following condition be imposed on the Premises Licence.

1 “An additional CCTV camera shall be fitted as per Police guidance to cover the front foyer area of the premises”.

2 “A commissioning test shall be carried out with the Police Licensing and CCTV Liaison Officers before completion and hand over of the additional camera”

Chief Executive

3 Door Supervisors

The following be imposed as conditions on the Premises Licence.

- “The company providing door supervisors on the premises as at 14 August 2011 shall not provide door supervisors in the future”.
- “No door supervisor who worked at these premises on 14 August 2011 shall be employed at the premises in the future”.

4 High Visibility Jackets

The following be imposed as a condition on the Premises Licence

“All door supervisors shall wear high visibility jackets to the standard supplied by the Halton Crime and Disorder Reduction Partnership”

5 Suspension of the Premises Licence

The premises licence be suspended for 3 months.

This determination shall have effect in accordance with Section 53C (11) of the Act

*Meeting ended at 11.10 p.m.*