

**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**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
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Application  
Documents

Legal Services

John Tully/Kay Cleary