

REPORT: Regulatory Committee

DATE: 19 September 2011

REPORTING OFFICER: Chief Executive

SUBJECT: Application for the review of a Premises Licence under Section 53A of the Licensing Act 2003 Chambers 77 High Street Runcorn.

WARDS: Mersey

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 in their opinion 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 Wednesday 24 August 2011 from Cheshire Constabulary.
- 4.2** The Summary Review was requested by Cheshire Constabulary because of an incident which occurred at the premises on Sunday 14 August 2011 (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 Friday 26 August 2011 before a Sub Committee of the Regulatory Committee.
- 4.4** At the interim steps consideration the Sub Committee resolved that the following interim step shall take effect immediately

The suspension of the Premises Licence

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

- The Council agreed that the premises are associated with serious crime.
- The Council considered all of the possible steps within Section 53B
- The Council agreed that the interim step is necessary pending the review hearing and should be imposed immediately.
- The allegations were so serious that the council had no option but to agree with the request made by Cheshire Constabulary.

4.6 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

4.7 There has been an indication from the applicant that they may be making a request that the hearing be held in private. If a formal request is made it will have to be determined by the committee at the hearing. The relevant rules are contained in Regulation 14 to the Licensing Act 2003 (Hearings) Regulations 2005. The committee must hold hearings in public unless it considers that the public interest is best served by excluding the public.

4.8 Representations have been made against the interim steps under Section 53B (6) of the 2003 Act. At the date of writing this report no further information is available.

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 Representations have been received from Enterprise Inns PLC as landlord of the premises. The representations are that the licensing objectives may be promoted in ways other than the revocation of the premises licence. The representations will be elaborated upon at the hearing.

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**

10.2 **Employment Learning and Skills in Halton**

10.3 **A healthy Halton**

10.4 **A Safer Halton**

10.5 **Halton's Urban Renewal**
See note below

11.0 RISK ANALYSIS

See note below

12.0 EQUALITY AND DIVERSITY ISSUES

See note below

NOTE - The Councils Policies and Priorities are of course very important considerations in decision making and must always be taken into account as far as possible. However, in the case of Regulatory Committee matters, they can only be considered so far as is consistent with one or more of the four Licensing Objectives,

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