

AGENDA ITEM NO.

REPORT: Regulatory Committee

DATE: 14 May 2009

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a premises Licence – Miami
Pizza 44 High Street Runcorn

WARDS: Mersey

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application to vary the premises licence in respect of Miami Pizza 44 High Street Runcorn

2. RECOMMENDATION

That the Committee consider the relevant representations and make a determination on the application.

3. SUPPORTING INFORMATION

- 3.1 An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”)
- 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 those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act.

4 THE APPLICATION

- 4.1 Mohammed Benshaban (Premises Licence Holder) has applied to vary the premises licence in respect of Miami Pizza 44 High Street Runcorn
- 4.2 The application relates to the provision of Late Night Refreshment and the hours requested are Sunday to Thursday 23.00 to **02.00** and Friday and Saturday 23.00 to **04.00**
- 4.3 The current premises licence allows the provision of Late Night Refreshment between the hours of Sunday to Thursday 23.00 to **01.00** and Friday and Saturday 23.00 to **02.00**

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authority has made relevant representations

5.1.1 CHESHIRE CONSTABULARY

1 I would object to the granting of this Variation any later than 3am

The grounds for my objection are as shown are based on both public safety issues and the potential for an increase in crime and disorder in the area.

There is already an abundance of late night refreshment houses and their presence is already being felt as a flash point for disorder and violence. The recent sad fatality at one of these venues in Warrington serves to underline both the seriousness and the relevance of the issue here.

Irrespective of any terminal hour that may be finally granted, I would seek the following Conditions in relation to the operation of the business.

2 CCTV: The schedule refers to a CCTV system being used but does not give any specific details of what this will comprise of. To ensure such a system is fit for purpose I seek the following Conditions:-

a) An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. It must also include a colour monitor not less than 24" screen size clearly visible to customers showing them as they enter.

b) Premises Licence holders will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before hand over of the system and activation of the Premises Licence. The commissioning test will need to demonstrate the following:-

- 1) recordings are fit for their intended purpose,
- 2) good quality images are presented to the officer in a format that can be replayed on a standard computer,
- 3) the supervisor has an understanding of the equipment/training,
- 4) management records are kept,
- 5) maintenance agreements and records are maintained,
- 6) Data Protection principles and signage are in place.

3 Door Supervisors : Late Night Refreshment houses are increasingly becoming flash-points for alcohol fuelled violence and anti-social behaviour. They are dealing with the same customer base as the late night clubs, and doing so when this customer base is at its most inebriated. These Night Clubs are made to take this responsibility seriously by employing Door Supervisors. If this venue is to attract the same customers it must attract the same responsibilities. I therefore require the following in respect of Door Supervisors:-

a) There shall be employed at the premises not less than 2 Door Supervisors, each of whom is registered with the Security Industry Authority. Such supervisors are to be employed from 1am to the time of closing on the days when the venue remains open after 1am.

- b) A written record in the form of a hard-backed, bookbound register with consecutively numbered pages shall be kept on the premises by the Premises Licence Holder of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
- (i) the door supervisor's name, date of birth and home address;
 - (ii) his/her Security Industry Authority licence number;
 - (iii) the time and date he/she starts and finishes duty;
 - (iv) the time of any breaks taken whilst on duty;
 - (v) each entry shall be signed by the door supervisor.
- That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
- c) All Door Supervisors shall wear the conspicuity jackets, as supplied by the Crime and Disorder partnership, at all times when they are employed in such a role.

5.2 INTERESTED PARTIES
None

6 OPTIONS

6.1 The Committee has the following options under section 35 of the 2003 Act:

- 6.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely -
- 6.1.2 Modify the conditions of the licence;
- 6.1.3 Reject the whole or part of the application.

7 POLICY IMPLICATIONS
None.

8 OTHER IMPLICATIONS
None.

9 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 9.1 Children and Young People in Halton**
None
- 9.2 Employment Learning and Skills in Halton**
N/A
- 9.3 A healthy Halton**
N/A
- 9.4 A Safer Halton**
None
- 9.5 Halton's Urban Renewal**
N/A

10 RISK ANALYSIS
N/A

11 EQUALITY AND DIVERSITY ISSUES
N/A

12 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

Name of Board: REGULATORY COMMITTEE

Date of Meeting: 14 MAY 2009

Report Title: LICENSING ACT 2003

Author: JOHN TULLY / KAY CLEARY

STANDARD SECTIONS – CHECKLIST		
All reports must be submitted together with the following checklist fully completed		
	Yes	No
<p>Resource Implications The financial, manpower and land (buying or selling) considerations should be clearly detailed including any corporate implications of following the recommended course of action.</p> <p>Social Inclusion Implications Any implications relating to social inclusion/anti poverty should be highlighted</p> <p>Sustainability Checklist Any implications that affect the sustainability themes of economy society and the community and the environment should be included,</p> <p>Best Value Any Best Value implications should be included.</p> <p>Legal Implications Any Legal implications should be included.</p> <p>Crime and Disorder Issues Any crime and disorder implications should be included.</p>		
<i>Please review these potential effects, within the context set out overleaf, to compose your summary assessment</i>		
Summary assessment of Implications: <i>This wording will appear in the Board report.</i>		