

REPORT: Regulatory Committee

DATE: 18 August 2015

REPORTING OFFICER: Chief Executive

PORTFOLIO: Resources

SUBJECT: Application for the review of a Premises Licence under Section 53A of the Licensing Act 2003
Pulse Bar 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 Friday 24 July 2015 from Cheshire Constabulary.
- 4.2** The Summary Review was requested by the Police because of an incident which occurred at the Pulse Bar 98 Victoria Road Widnes on Saturday 18 July 2015 (A copy of the Section 53A application together with the Certificate and Licensed Premises Action Plan dated 25 June 2015 will be given to members at the hearing)

- 4.3** In accordance with the 2003 Act an interim steps consideration took place on Tuesday 28 July 2015 before a Sub-Committee of the Regulatory Committee.
- 4.4** The consideration took place with the holder of the premises licence having been given an opportunity to make representations to the Council
- 4.5** The interim steps the Council considered taking were—
- (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) the removal of the designated premises supervisor from the licence;
 - (d) the suspension of the licence.
- 4.6** At the interim steps consideration the Sub-Committee resolved that
- The Premises Licence be suspended with immediate effect.
- 4.7** The Council's reasons for making the decision were
- The Council accepts the view of the police that the premises are associated with serious crime in that evidence has been provided as detailed in section 4 of the Police application.
 - The interim steps referred to in section 53B (3) (a) (b) and (c) were inappropriate to take in this matter.
 - The interim step referred to in section 53B (3) (d) was required and shall take effect immediately. As a result the premises licence for the venue shall be suspended immediately.
 - This interim step was required in the interests of the licensing objective of prevention of crime and disorder.
 - The Sub-Committee of the Regulatory Committee expressed grave concerns in relation to the operation of an ineffective door management policy by the licence holder. It was also felt that there was poor management of the premises and general unawareness / non availability of the appointed Designated Premises Supervisor.
 - The interim step will remain in force until the whole of the review process is completed.
- 4.8** 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 received from any other responsible authority in response to the review application

6.0 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

6.1 No representations were received 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 appropriate for the promotion of the Licensing Objectives. There is also a requirement to secure that, from the coming into effect of the decision made on the determination of the review, 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

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