

REPORT: Regulatory Committee

DATE: 28 February 2017

REPORTING OFFICER: Strategic Director Enterprise Community & Resources

PORTFOLIO: Resources

SUBJECT: Application to vary Designated Premises Supervisor (DPS) at Volt 98 Victoria Road Widnes

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to consider a notice from Cheshire Police under Section 37 (5) Licensing Act 2003 made in response to an application to vary the Designated Premises Supervisor (“DPS”) at the Volt 98 Victoria Road Widnes WA8 7RA.

2. RECOMMENDATION

That the Committee considers the Section 37 (5) notice

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 37 Licensing Act 2003 (“the 2003 Act”) for the variation of the DPS in relation to the above premises.
- 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 37 (5) notice.

4 THE APPLICATION

- 4.1** An application was received on 19 January 2017 from Antony Michael Lynch to specify Stephen Paul Speed as the Designated Premises Supervisor at the Volt 98 Victoria Road Widnes WA8 7RA
- 4.2** Since the application to vary the Designated Premises Supervisor was made Mr Lynch transferred the Premises Licence to Louise Abraham on

23 January 2017 who in turn transferred the Premises Licence to J M C Roofing Limited on 26 January 2017.

- 4.3 The application was to vary the DPS with immediate effect. Details of the proposed DPS and the Notice of Objection from Cheshire Police will be provided at the hearing

5 REPRESENTATIONS

- 5.1 In accordance with the Act the Police are the only responsible body who can object to the application. The Police have objected because the proposed DPS has previously been the sole Director and Manager of a nightclub in Liverpool at which a serious incident took place on 27 December 2015 and in consequence of which Merseyside Police applied for an expedited review and the Premises Licence was suspended and then revoked at the Summary Review Hearing. The Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application to vary the designated premises supervisor would undermine the crime prevention objective.
- 5.2 By virtue of Section 39 (3) of the Act where a Section 37 (5) notice is given the licensing authority must hold a hearing (since the applicant and the police have not agreed that a hearing is unnecessary) and “having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so “

6 OPTIONS

- 6.1 The Committee has two options:
- Grant the application for a change of DPS or
 - Reject the application.

7. POLICY IMPLICATIONS

None.

8. OTHER IMPLICATIONS

None.

9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

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