

## REGULATORY COMMITTEE

*At a special meeting of the Regulatory Committee on Monday, 21 December 2009 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman) and A. Lowe

Apologies for Absence: None

Absence declared on Council business: None

Officers present: L. Capper, K. Cleary and J. Tully

Also in attendance: Paul Draycott Police Licensing Officer, Martin Stafford DWF Solicitors, Sean Kelly, Peter Kelly, Lee Kelly and Suzanne Kelly.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG13 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 BAR REEF 98 VICTORIA ROAD, WIDNES

*Action*

The review hearing was held consequent upon an application for review made under section 53A Licensing Act 2003 as detailed in the agenda item.

At the interim consideration which took place on 1<sup>st</sup> December 2009 the Sub Committee resolved that the following interim conditions be imposed and shall take 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.

**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.**

**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.**

**There is also a requirement under this subsection 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).**

The Sub-Committee was addressed by Mr Paul Draycott on behalf of the Chief Officer of Police and by Mr Martin Stafford on behalf of the premises licence holder.

An agreed set of conditions was presented to the Sub-Committee.

**RESOLVED:** The Sub Committee determined to modify the conditions on the premises licence in accord with the agreed set of conditions as follows:-

1. The company providing door supervisors at the premises on 1<sup>st</sup> December 2009 (Athena) shall not provide door supervisors in the future.
2. Any door company appointed to provide door supervisors at the premises, which does not have

'approved contractor' status (with the SIA) shall be subject to prior approval by the police.

3. No door supervisor who worked at these premises between 1<sup>st</sup> January 2009 and 1<sup>st</sup> December 2009 shall be employed at the premises in the future.

**In all three cases the reason for imposing the conditions is that they are required in the interests of the licensing objective of prevention of crime and disorder.**

**This determination shall have immediate effect.**

FOR THE AVOIDANCE OF DOUBT the impact of this determination on the interim steps imposed by the Sub-Committee on 1<sup>st</sup> December 2009 is as follows:

1. Interim steps numbers 4 and 5 shall cease to have effect;
2. Interim steps numbers 1, 2 and 3 shall continue in effect to the extent that they are comprised in the modified conditions numbered 1, 2 and 3 above. This means that section 53C(11) does not apply to these modified conditions.

REG14 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 CORNERHOUSE, 1 ALFORDE STREET, WIDNES

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At the interim consideration which took place on 1<sup>st</sup> December 2009 the Sub Committee resolved that the following interim conditions be imposed and shall take effect at 23.00 on 1 December 2009

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- 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 Sean Daniel Kelly shall be removed.

Any new Designated Premises Supervisor shall be independent of the Kelly family and shall be subject to the prior approval of the police.

**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.**

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2. Any door company appointed to provide door supervisors at the premises, which does not have 'approved contractor' status (with the SIA) shall be subject to prior approval by the police; and
3. No door supervisor who worked at these premises

between 1<sup>st</sup> January 2009 and 1<sup>st</sup> December 2009 shall be employed at the premises in the future.

**In all three cases the reason for imposing the conditions is that they are required in the interests of the licensing objective of prevention of crime and disorder.**

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*Meeting ended at 6.35 p.m.*