

LICENSING SUB-COMMITTEE

At a meeting of this Sub-Committee held on
11 April 2012

(Present) Councillors Roberts, Shields and Taylor

17 APPOINTMENT OF CHAIRMAN

- * Resolved that Councillor Shields be appointed as Chairman for this meeting of the Sub-Committee.

Councillor Shields here took the Chair.

18 MINUTES

- * Resolved that the minutes of the meeting held on 16 March 2012, be approved and signed.

19 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

20 LICENSING ACT 2003 APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE IMPERIAL BAR AND DANCE FLOOR, 18-22 ORMSKIRK STREET, ST HELENS

Members of the Sub-Committee were advised that Superintendent Fox of Merseyside Police had submitted an application for summary review of the premises licence of Imperial Bar and Dance Floor, 18-22 Ormskirk Street, St Helens.

The basis of the application for summary review was that in Superintendent Fox's opinion, the premises was associated with serious violent crime and disorder and he had issued a certificate to that effect, under section 53A(1)(b) of the Licensing Act 2003 ("the Act").

On 16 March 2012, the Licensing-Sub Committee considered the submission made by Superintendent Fox of Merseyside Police. The Sub-Committee resolved that on the balance of probabilities it was satisfied that the premises were undermining the prevention of crime and disorder licensing objective. As a result, the Sub-Committee decided to take the following interim steps:-

- 1) Remove the Designated Premises Supervisor (DPS) from the premises licence, and;
- 2) Suspend the premises licence.

The decision took immediate effect, pending determination of the full review of the premise licence on 11 April 2012.

On the 3 April 2012, a representation had been received on behalf of the Premises Licence Holder for the Imperial Bar and Dance Floor following the Sub-Committee's decision made on 16 March 2012.

LICENSING SUB-COMMITTEE

A Licensing Sub-Committee was held on 4 April 2012, to consider the representation on behalf of the Premises Licence Holder; the Sub-Committee resolved that the interim steps remained in place pending review, which had been scheduled for 11 April 2012.

The Licensing and Land Chargers Officer informed Members that following publication of the agenda, further information and representations had been received from the Premises Licence Supervisor. With the agreement of Merseyside Police, additional documents were tabled by the Premises Licence Holder's representatives for Members consideration at the hearing.

Members were informed that no representations had been received from interested parties or any other responsible authorities, following publication of the notice of the full review hearing.

The Chairman of the Sub-Committee exercised his discretion and decided to waive the usual 20 minute time limit for submissions, as detailed in the Sub-Committee's Protocol, for this meeting only, due to the volume of evidence to be considered.

Present at the Sub-Committee were Representatives from Merseyside Police, Chief Superintendent Fox from the St. Helens Division, the Premises Licence Holder, his Solicitor and the Manager of Imperial Bar.

The Police presented their case to Members, during which it was requested that CCTV evidence be shown to the Sub-Committee. As the alleged incidents were subject to ongoing criminal proceedings and the rule of subjudice applied, it was requested that the public and press be excluded from the meeting during the screening of the CCTV.

21 EXCLUSION OF THE PUBLIC

* **Resolved that the public be excluded from the meeting during consideration of the following item for the reason stated:**

<u>Minute</u>	<u>Reason (Under the Local Government Act 1972)</u>
22	Information relating to an individual (Para 1 of Schedule 12A)

22 APPLICATION FOR SUMMARY REVIEW **IMPERIAL BAR AND DANCE FLOOR, 18-22 ORMSKIRK STREET, ST HELENS**

The CCTV footage was screened for the Licensing Sub-Committee during which, the Manager of Imperial Bar answered questions from Members.

23 RE-ADMITTANCE OF THE PUBLIC

* **Resolved that the public be re-admitted for the remainder of the meeting.**

24 APPLICATION FOR SUMMARY REVIEW **IMPERIAL BAR AND DANCE FLOOR, 18-22 ORMSKIRK STREET, ST HELENS**

After the screening of the CCTV the public and press were readmitted to the Sub-Committee and Merseyside Police continued to present their case to Members. After which Members asked questions of Merseyside Police in accordance with the Sub-Committee Protocol.

LICENSING SUB-COMMITTEE

The Premises Licence Holder's Solicitor and the Premises Licence Holder presented their case and then answered questions from Members.

The Premises Licence Holder's Solicitor and Merseyside Police both summarised their respective cases and then left the meeting whilst the Sub-Committee considered the matter further.

Both parties were recalled to the meeting and informed of the Sub-Committee's decision.

- * **Resolved that on the balance of probabilities, the premises were undermining the prevention of crime and disorder licensing objective and the following steps be taken for the promotion of one or more of the licensing objectives:-**
- (1) to suspend the licence for one month;**
 - (2) to remove the Designated Premises Supervisor; and**
 - (3) to modify the conditions on the premises licence as follows;**
 - (i.) no glassware to be taken out of the areas where licensable activities take place i.e. stairwells;**
 - (ii.) existing Door Security Company be replaced before the premises re-open;**
 - (iii.) The new Designated Premises Supervisor to meet with the door staff weekly regarding the management of the premises and to keep detailed records of such meetings;**
 - (iv.) a door supervisor to be located at the top of stairs and the entrance to bar at all times when the premises are trading after 11pm;**
 - (v.) an Action Plan to be agreed in consultation with Merseyside Police is to be in place when the premises re-open; and**
 - (vi.) monthly meetings with the Designated Premises Supervisor and Merseyside Police Licensing Unit are to be held for the next three months.**

Both parties were advised that a decision letter confirming the grounds of the Sub-Committee's decision would be forwarded to all parties in due course.

The parties were also advised that under the provisions of the Licensing Act 2003, any party had the right of appeal against the decision to the Magistrates' Court within 21 days of the date of receipt of the decision letter.

Further, the parties were advised that any decision did not have effect until the end of the period given for appealing against the decision, or, if the decision was appealed against, until the appeal was disposed of.

Finally, that from the coming into effect of this decision on the review, the interim steps, which had effect pending the decision, ceased to have effect.

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