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Town Hall  
Trinity Road  
Bootle  
L20 7AE

Date: 6 May 2022

**Contact:** Amy Dyson  
**Contact Number:** 0151 934 2045  
**e-mail:** amy.dyson@sefton.gov.uk

Dear Councillor

## **LICENSING SUB-COMMITTEE - FRIDAY 13TH MAY, 2022**

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was published.

<b>Agenda No.</b>	<b>Item</b>
4	<b>Licensing Act, 2003 – Summary Review - Parnells, 62 South Road, Waterloo L22 0LY (Pages 3 - 116)</b> Report of the Head of Highways and Public Protection

Yours faithfully,

Amy Dyson

Democratic Services

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# Agenda Item 4

<b>Report to:</b>	Licensing Sub-Committee	<b>Date of Meeting:</b>	13 May 2022
<b>Subject:</b>	Licensing Act, 2003 – Summary Review Parnells, 62 South Road, Waterloo L22 0LY		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	Church
<b>Portfolio:</b>			
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	N
<b>Exempt / Confidential Report:</b>	No - but parts of Annexes 1 and 2 and all of Annexes 3 and 4 to the report are NOT FOR PUBLICATION by virtue of Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt		

## Summary:

To determine an application for summary review of a Premises Licence received from Merseyside Police

## Recommendation(s):

The Sub-Committee's instructions are requested.

## Reasons for the Recommendation(s):

Under the Scheme of Delegation Officers cannot determine applications which have received relevant representations.

## Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

## What will it cost and how will it be financed?

### (A) Revenue Costs

There are no financial costs associated with the proposals in this report

### (B) Capital Costs

There are no financial costs associated with the proposals in this report

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## Implications of the Proposals:

### Resource Implications (Financial, IT, Staffing and Assets):

There are no financial implications arising directly from this Report except in the event of any Appeal made against the Sub-Committee's eventual decision, the costs of which would depend upon the length of the Appeal process.

### Legal Implications:

The Chief Legal and Democratic Officer will provide legal advice to the Licensing Sub Committee on the issues set out in this report.

### Equality Implications:

There are no equality implications.

## Contribution to the Council's Core Purpose:

The Sub-Committee is acting in an administrative capacity under the Licensing Act 2003.

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

Consultation has taken place as per the provisions of the Licensing Act 2003.

### (B) External Consultations

Consultation has taken place as per the provisions of the Licensing Act 2003.

## Implementation Date for the Decision

Any decision taken at the Summary Review hearing by the Sub-Committee will not take effect until the period within which an appeal can be brought has passed (21 days), and then following which until the determination of any such appeal.

Contact Officer:	Kevin Hogan
Telephone Number:	0151 934 2887
Email Address:	Kevin.hogan@sefton.gov.uk

## Appendices:

Annex 1 – Existing Premise Licence.

Annex 2 – Summary Review application and accompanying documentation.

Annex 3 – Evidence submitted by Merseyside Police.

Annex 4 – Evidence submitted by the Premise Licence holder.

## Background Papers:

There are no background papers available for inspection.

## 1. Review details

<u>Applicant:</u>	Sgt Craig Carmichael, Merseyside Police Licensing
<u>Applicable Premises:</u>	Parnells 62 South Road Waterloo, L22 0LY
<u>Ward:</u>	Church
<u>Premises Licence Holder:</u>	Mr Michael Palombella
<u>Premises Representative:</u>	Mr David Henderson, HSADD Limited

### 1.1 GROUNDS FOR REVIEW

At 23.00 hrs on Wednesday 13 April 2022 an incident of disorder occurred at the premises. A male known to the Police is ejected with excessive force used. The male returns to the premises with a knife, two door supervisors run inside the premises one of them retrieves a hand gun from a bag just inside the entrance and points it to the chest of the male with the knife. A fight continues between this male and a number of door supervisors. The level of force used by the door supervisors is excessive prior to this male making good his escape. Merseyside Police have great concerns regarding the management of these premises, the door staff involved and the customers it attracts with regard to crime and disorder and public safety.

## 2. Details of premises licence

### Licensable activities applicable:

- The sale of alcohol by retail (on and off the premises);
- The provision of regulated entertainment - recorded music;
- The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance:

<b>Days of Operation</b>	<b>Hours of Operation</b>
Monday to Sunday	10.00 to 02.30

### Hours premises to be open to public:

<b>Days of Operation</b>	<b>Hours of Operation</b>
Monday to Sunday	10.00 to 02.30

- 2.1 The Premises Licence in respect of this establishment was originally determined on 16/09/2005, a copy of which is to be found within Annex 1 of this Report.

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## **3. Supporting evidence submitted**

3.1 Merseyside Police have produced a number of documents, as supporting evidence and these can be found within Annex 3.

3.2 The Premise Licence holder has also produced a number of documents, as evidence and these can be found within Annex 4.

## **4. Interim steps**

4.1 On 21/04/2022 the Sub-Committee considered whether it was necessary to take interim steps pending the determination of the Summary Review.

4.2 At the Meeting the Sub-Committee resolved that:

- 1) the Premise Licence conditions be modified to include the following condition:
  - At all times when the premises operates for licensable activities there shall be a minimum of two members of staff present on the premises at any one time in addition to any door supervisor staff.
- 2) the Licensing Sub-Committee be reconvened to conduct a Summary Review of a Premises Licence under Section 53A of the Licensing Act 2003 on 13/05/2022 at 2:30pm at Southport Town Hall for the full review hearing.

## **5. Objections/representations received**

5.1 The review application was served upon the Licensing Authority by Sergeant Craig Carmichael (on behalf of Superintendent Graeme Robson) on 19/04/2022.

5.2 The Summary Review application form and the accompanying certificate are attached within Annex 2 to this Report.

5.3 As required under the Act the Licensing Unit has:

- served copies of the application on all the Responsible Authorities; and,
- caused the Notice of Summary Review to be displayed near the premises in question, at both Southport and Bootle Town Halls and on the Sefton website for no less than 7 consecutive days.

5.4 The consultation period for the review ended on 04/05/2022; no further representations have been received as a result of 5.3 above.

## **6. Additional licensing information**

6.1 The Summary Review process allows:

- the police to trigger a fast track process to review a Premises Licence where they consider that the premises are associated with serious crime or serious disorder (or both); and

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- the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 6.2 The local chief officer of police may apply to the Licensing Authority for an expedited review of a Premises Licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both).
- 6.3 Pending the determination of the Summary Review, the Licensing Authority has to consider, within 48 hours of receiving the application (excluding those hours which fall on non working days), whether it is necessary to take interim steps pending the determination of the Review (the Authority must undertake the review within 28 days of receipt of the application). This consideration may take place without the Premise Licence Holder being given the opportunity to make any representations on his/her behalf. Details of these matters are contained within 3.0 above.
- 6.4 The Sub-committee must hear the review within 28 days of receiving the Police's application. The hearing must take place even if the Police ask to withdraw the application or representations. Interested parties or responsible authorities can make representations in relation to any of the licensing objectives, not just crime and disorder.
- 6.5 With regard to any interim steps that may still be in force, the Sub-committee must:
- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - (b) consider any relevant representations; and
  - (c) determine whether to withdraw or modify the interim steps taken.
- 6.6 In respect of the review itself, the action the licensing authority can take is as follows:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 6.7 Modification of the conditions of the Premises Licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the Licence can take place.
- 6.8 Paragraph 11.20 of the Guidance, issued under Section 182 of the Act, states that in *In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an*

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*appropriate and proportionate response to address the causes of concern that instigated the review.”*

6.9 The Licensing Act 2003 at Paragraph 52 (11) states:

“Determination under this section does not have effect-

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of”

6.10 Schedule 5 of the Act, Paragraph 9 (2) states that an “appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days...”

6.11 Therefore any decision taken at the Summary Review hearing by the Sub-Committee will not take effect until the period within which an appeal can be brought has passed, and then following which until the determination of any such appeal.

6.12 However, any interim steps previously imposed will remain in force during this period if they have not been withdrawn by the Sub-Committee.

## **7. Section 53A Licensing Act 2003 Summary Review Guidance issued by the Home Office – August 2012.**

7.1 Paragraph 2.4 of the above Guidance states that *“In deciding whether to sign a certificate, the senior officer will want to consider the following (as applicable):*

- *The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem.*
- *The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?*
- *Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in sections 161 to 165 of the 2003 Act to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power).*
- *What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?”*

7.2 Paragraph 2.5 continues that *“It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will*



*also have an opportunity later to make representations in relation to the full review.”*

- 7.3 Paragraph 3.2 states that *“The licensing authority may want to consult the police about the steps that it thinks are appropriate, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority cannot afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.”*
- 7.4 Paragraph 3.6 indicates that *“The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.”*
- 7.5 Paragraph 3.7 goes on *“In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.”*

## **8. Sefton’s Statement of Licensing Policy**

### **8.1 PREVENTION OF CRIME & DISORDER**

Paragraph 3.5 states that when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Crime and Disorder objective, applicants should consider the following matters in particular:

- The capability of the person in charge to ensure effective and responsible management of the premises;
- The training given to staff in crime prevention measures;
- Procedures for risk assessing promotions and events, such as ‘happy hours’ in relation to crime and disorder, and the plans to minimise such risks;
- Adoption of best practice in relation to safer clubbing etc;
- Physical security features installed in the premises (i.e. location and standard of CCTV equipment, toughened drinking glasses etc);

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- Measures to prevent the supply of illegal drugs, including search and entry policies;
- Employment of SIA licensed door supervisors;
- Participation in an appropriate crime prevention scheme (e.g. 'pubwatch');
- Measures to be taken for the prevention of violence and disorder;
- The presence, or access to, sufficient transport facilities to ensure that customers can leave the premises safely and swiftly;
- Weapon detection and search facilities;
- Illegal sale of alcohol to those who are already drunk;
- Participation in any existing radio network scheme

## 8.2 PUBLIC SAFETY

Paragraph 3.7 advises applicants when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Safety objective, to consider the following matters in particular:

- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
- The age, design and layout of the premises, including the means of escape;
- The nature of the licensable activities provided, in particular the sale of alcohol;
- Hours of operation;
- Customer profile (age, disability etc);
- The necessary Health and Safety and Fire risk assessments for the premises, and other measures to reduce risk to public safety;
- The number of people employed or engaged to secure the safety of all persons attending the premises or event;
- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;
- Implementation of appropriate crowd management measures

## 9. Guidance Issued under Section 182 of the Licensing Act 2003

### 9.1 PREVENTION OF CRIME & DISORDER

Paragraph 2.1 states that the "*Licensing authorities should look to the police as the main source of advice on crime and disorder.*"

Paragraph 2.2 states that in the exercise of their functions "*licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police,*

*local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.”*

*Paragraph 2.3 states that Conditions “be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.”*

*Paragraph 2.4, with regard to radio links and ring-round phones systems, states that these “should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.”*

*Paragraph 2.5 states that “Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.”*

*Paragraph 2.6 underlines that the “prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.”*

## 9.2 PUBLIC SAFETY

*Paragraph 2.7 states that under the Act “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather*

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*than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene."*

Paragraph 2.8 underlines that a "number of matters should be considered in relation to public safety. These may include:

- *Fire safety;*
- *Ensuring appropriate access for emergency services such as ambulances;*
- *Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts...;*
- *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- *Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- *Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- *Ensuring appropriate limits on the maximum capacity of the premises...; and*
- *Considering the use of CCTV in and around the premises."*

Paragraph 2.11 underlines that "Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules."

With regard to safe capacities Paragraph 2.12 states that they "should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new

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*capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.”*

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## LICENSING ACT 2003 PREMISES LICENCE

### Part 1

**Premises Licence Number** 004232

**Premises detail:** Parnells  
62 South Road  
Waterloo  
L22 0LY

**Licence Time Limit (if applicable):** N/A

### **Licensable Activities:**

The sale of alcohol by retail  
 The provision of regulated entertainment - Recorded music  
 The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance

### **Times of Licensable Activities:**

The sale of alcohol by retail  
 Monday - from 10.00 to 02.30  
 Tuesday - from 10.00 to 02.30  
 Wednesday - from 10.00 to 02.30  
 Thursday - from 10.00 to 02.30  
 Friday - from 10.00 to 02.30  
 Saturday - from 10.00 to 02.30  
 Sunday - from 10.00 to 02.30

The provision of regulated entertainment - Recorded music  
 Monday - from 10.00 to 02.30  
 Tuesday - from 10.00 to 02.30  
 Wednesday - from 10.00 to 02.30  
 Thursday - from 10.00 to 02.30  
 Friday - from 10.00 to 02.30  
 Saturday - from 10.00 to 02.30  
 Sunday - from 10.00 to 02.30

The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance  
 Monday - from 10.00 to 02.30  
 Tuesday - from 10.00 to 02.30  
 Wednesday - from 10.00 to 02.30  
 Thursday - from 10.00 to 02.30  
 Friday - from 10.00 to 02.30  
 Saturday - from 10.00 to 02.30  
 Sunday - from 10.00 to 02.30

### **Opening hours of premises:**

Monday - from 10.00 to 03.00  
 Tuesday - from 10.00 to 03.00  
 Wednesday - from 10.00 to 03.00  
 Thursday - from 10.00 to 03.00

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Friday - from 10.00 to 03.00  
Saturday - from 10.00 to 03.00  
Sunday - from 10.00 to 03.00

**Sales of Alcohol authorised:  
(if applicable)**

**On/Off Premises**

## Part 2

### PREMISES LICENCE HOLDER

**Name:**

**Mr Michael Palombella**

**(Registered) Address:**

**62 South Road  
Waterloo  
L22 0LY**

**Telephone number:**

**Email:  
(if applicable)**

**Company/Charity Reg. Number:  
(if applicable)**

### DESIGNATED PREMISES SUPERVISOR

**Name:**

[REDACTED]

**Address:**

[REDACTED]

**Telephone number:**

**Issuing Licensing Authority:**

[REDACTED]

**Personal Licence Number:**

[REDACTED]

## Annex 1 – Mandatory Conditions

1.No supply of alcohol may be made under the Premises Licence:-

- a)At a time when there is no Designated Premises Supervisor in respect of the premises licence,or
- b)At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.

2.Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licence Holder shall only employ Door Supervisors and Security Attendants registered with the Security Industry Authority (SIA) and must ensure that all Door Supervisors and Security Attendants at all times when on duty wear an identity badge, conspicuously displayed and in a form and manner prescribed by the SIA.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served

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alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

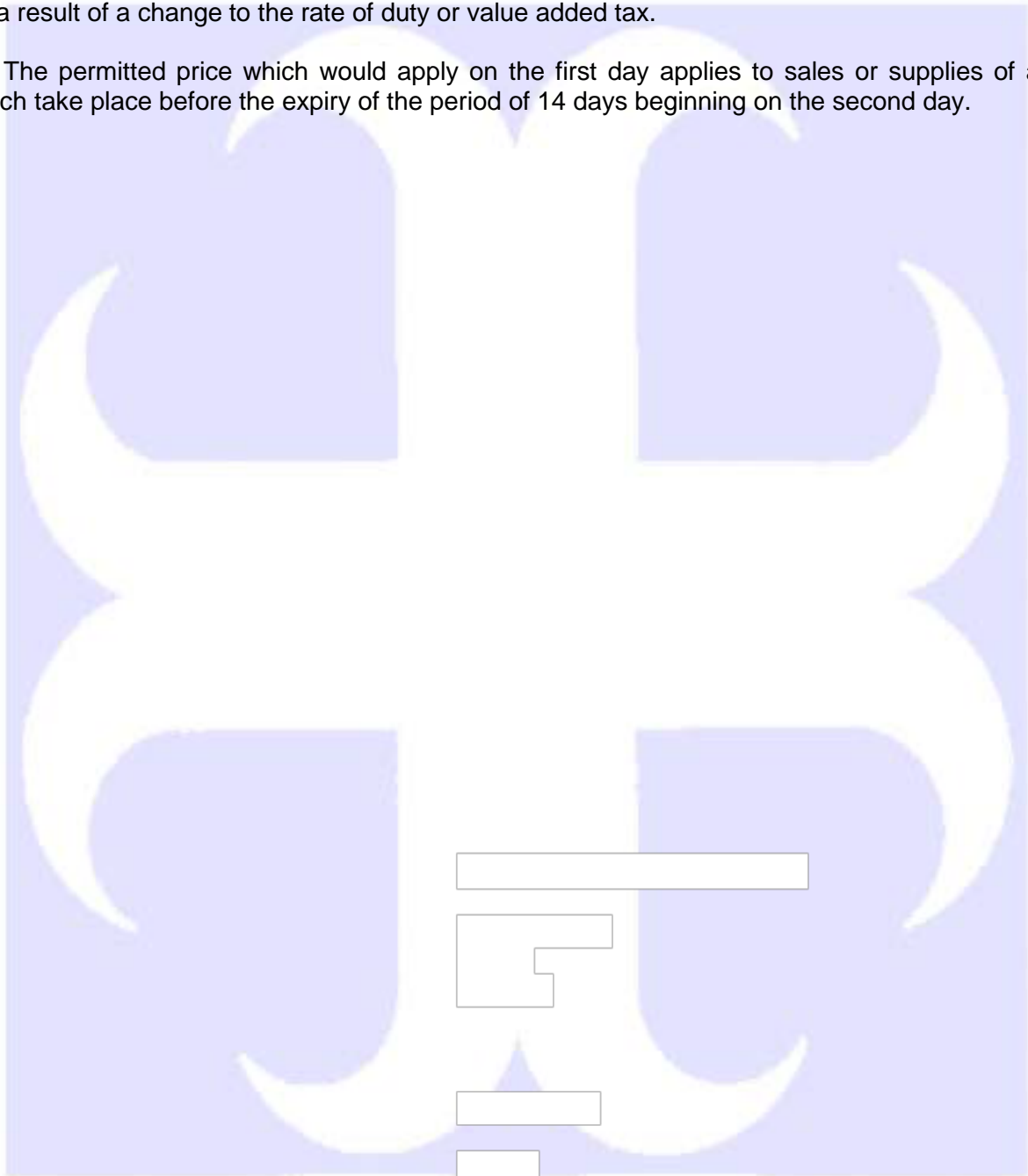
(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day")

as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



[Redacted]

[Redacted]

[Redacted]

[Redacted]



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## Annex 2 – Conditions consistent with the Operating Schedule

Authorised sale of:

Intoxicating liquor of all descriptions;

Alcohol shall not be sold or supplied except during permitted hours.

The above restrictions do not prohibit:

- (a)during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b)during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c)during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d)consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e)the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f)the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g)the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h)the taking of alcohol from the premises by a person residing there; or
- (i)the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j)the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

The Licence Holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out.

The playing of recorded music is permitted 24 hours a day.

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a)with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b)for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c)to a canteen or mess.

CCTV cameras shall be operational, both external and internal.

CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs.

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Equipment shall be maintained in good working order and recordings kept in date order, numbered consequentially and kept for a period of 31 days and handed to Police on request.

The Recording equipment and tapes shall be kept in a secure environment under the control of the Licensee or other responsible named individual.

Appropriate signage shall be provided, representative of the above, in conspicuous positions.

Two SIA Registered Front Line Door Supervisors will be employed at the premises from 21.00 hours on Friday and Saturday and at any other time from midnight when Licensable Activities occur beyond midnight. They shall be employed until termination of Licensable Activities and the premises are empty of patrons.

Staff shall not serve anyone who appears to be under the influence of alcohol.

There shall be strict code on age and personal identity (passport approval) for anyone appearing to be under the age of 20.

A direct line to taxi companies shall be provided.

Children shall not be allowed in the premises from 7pm week nights and 5pm Friday and Saturday.

[Redacted]

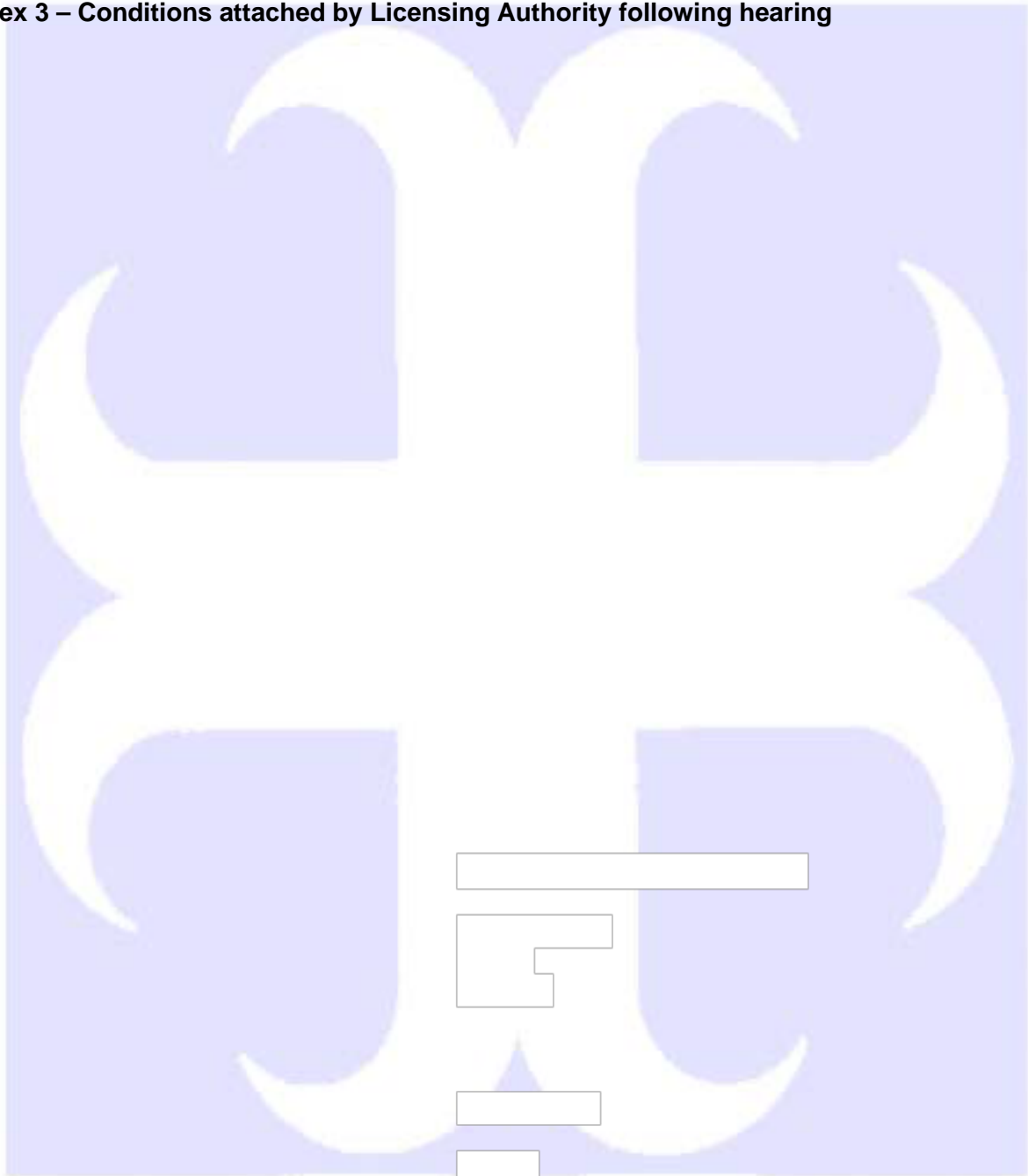
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# Agenda Item 4

Annex 3 – Conditions attached by Licensing Authority following hearing





By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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MERSEYSIDE POLICE  
MARSH LANE POLICE STATION  
MARSH LANE  
BOOTLE  
L20 5BW

### CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

PARNELLS  
62 SOUTH ROAD  
WATERLOO  
MERSEYSIDE  
L22 0LY

Premises licence number (if known): 004232

Name of premises supervisor (if known): [REDACTED]

I am a SUPERINTENDENT<sup>3</sup> in the MERSEYSIDE police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

At 2300 hrs on Wednesday 13<sup>th</sup> April 2022 an incident of disorder occurs at Parnells Bar on South Road. On this occasion, a male known to the Police is ejected from the premises with excessive force used. Approximatley 12 minutes later, this same male returns to the premises with a knife.

As this is occuring, two door supevisors run inside the premises. One of the door supervisors retrieves a hand gun from a bag just inside the entrance and points it to the chest of the male with the knife. A fight continues between this

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.


# Agenda Item 4

male and a number of door supervisors. The level of force used by the door supervisors is excessive prior to this male making good his escape.

Since this incident, Merseyside Police have made a number of arrests and the investigation is in its early stages. .

Merseyside Police have great concerns regarding the management of this premises, the door staff involved and the customers it attracts. Which has resulted in a very serious assault and disorder with the presence of a hand gun and a knife.

The timescales involved in a standard review would not address Merseyside Police's concerns to the reduction of Crime and Disorder and the threat to Public Safety quickly enough.

.....  
(Signed)  Supt. G. ROBSON 19/4/22 .....  
(Date)

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

SEFTON LICENSING AUTHORITY  
SEFTON METROPOLITAN BOROUGH COUNCIL  
MAGDALEN HOUSE  
30 TRINITY ROAD L20 3NJ.

### **Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Superintendent Graeme Robson [on behalf of] the chief officer of police for the MERSEYSIDE police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

#### **1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**PARNELLS  
62 SOUTH ROAD  
WATERLOO  
MERSEYSIDE  
L22 0LY**

Post town: waterloo

Post code (if known): **L22 0LY**

#### **2. Premises licence details:**

Name of premises licence holder (if known): Michael Palombella

# Agenda Item 4

Number of premises licence holder (if known):

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)*

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**At 2300 hrs on Wednesday 13th April 2022 an incident of disorder occurs at Parnells Bar on South Road. On this occasion, a male known to the Police is ejected from the premises with excessive force used. Approximatley 12 minutes later, this same male returns to the premises with a knife. As this is occuring, two door supevisors run inside the premises. One of the door supervisors retrieves a hand gun from a bag just inside the entrance and points it to the chest of the male with the knife. A fight continues between this male and a number of door supervisors. The level of force used by the door supervisors is excessive prior to this male making good his escape.**

**Since this incident, Merseyside Police have made a number of arrests and the investigation is in its early stages. .**

**Merseyside Police have great concerns regarding the management of this premises, the door staff involved and the customers it attracts. Which has resulted in a very serious assault and disorder with the presence of a hand gun and a knife.**

**The timescales involved in a standard review would not address Merseyside Police's concerns to the reduction of Crime and Disorder and the threat to Public Safety quickly enough.**

Signature of applicant: Graeme Robson  
Date: 19<sup>th</sup> April 2022 1330 hours  
Capacity: Superintendent



**Contact details for matters concerning this application:  
Address: Sgt 1834 Craig Carmichael  
Licensing Unit,**

**Merseyside Police Headquarters, Canning Place,  
Liverpool, L1 8JX.**

Telephone number(s): [REDACTED]

Email: [REDACTED]

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

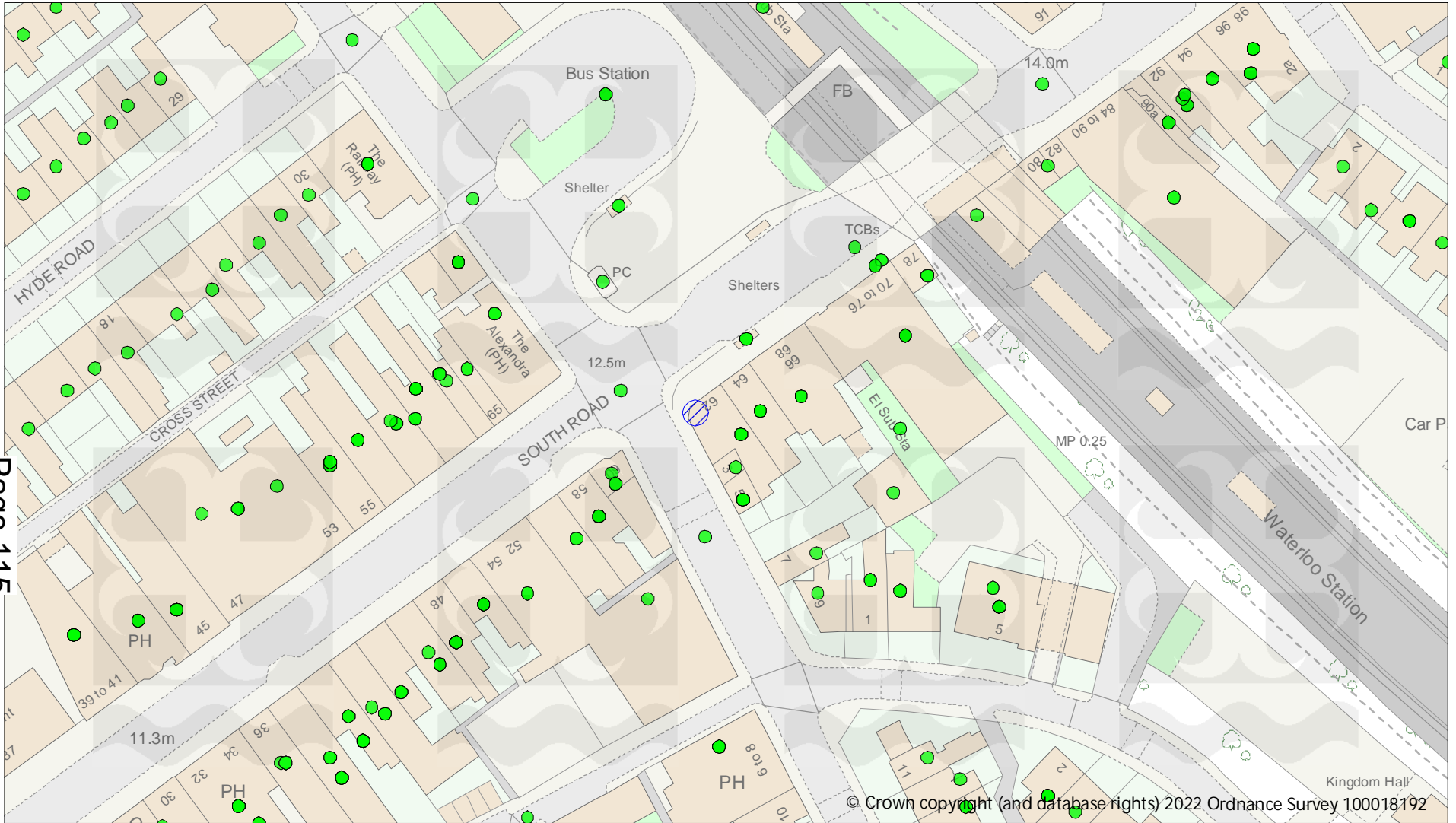
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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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