

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE ASSEMBLY HALL - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON TUESDAY 11TH JANUARY, 2022**

PRESENT: Councillor John Kelly (in the Chair)
Councillors Bradshaw and Lynne Thompson

21. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Kelly be appointed as Chair for this meeting of the Sub-Committee.

22. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for Agenda Item 4, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1,2 and 7 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public

24. LICENSING ACT, 2003 - REVIEW - GAMBINO'S, 79 CORONATION ROAD, CROSBY L23 5RE

The Sub-Committee considered the report of the Head of Highways and Public Protection on an application served by Constable Neil Perigo for the review of a Premises Licence, in respect of the above-named premises, on the grounds that under the prevention of crime and disorder and the public safety objectives, Merseyside Police have serious concerns in relation to the management of the venue and breaches of the licence conditions.

The Sub-Committee were made aware of a successful transfer application, made on 8 December 2021, naming Miss Kellie Marie Toner as the new Premises Licence Holder.

The Sub-Committee heard representations from:

- Constable Neil Perigo and Sergeant Craig Carmichael, Merseyside Police in support of the application; and
- Mr Karl Barry, Licensing Consultant, Premises Representative and Miss Kellie Marie Toner, Premises Licence Holder.

Mr Anthony Hutchinson, Trainee Solicitor – Sefton Council, was present as an observer.

All parties agreed the procedure that was to be followed and at the end of their representations, everyone confirmed they were satisfied that they had said all they wished to say.

The Sub-Committee retired under Regulation 14 (2) of the Licensing Act (Hearings) Regulations 2005 (as amended) and thereby excluded the press and public whilst they reached their decision on the application. The Sub-Committee returned to give their decision in full.

Decision:

RESOLVED:

That the Premises Licence be modified to include the following conditions:

- (i) Mr Gary Shields be excluded from entering the Licenced Premises at any time with immediate effect. This would include any place where alcohol from the Licensed Premises is consumed including any pavement café Licence in place for the Licensed Premises applicable from time to time;
- (ii) The Premises Licence Holder shall inform the Police immediately on any and every occasion that Mr Gary Shields enters the premises; and
- (iii) The Premises Licence Holder shall make attempts to meet with local residents and businesses on a quarterly basis and keep a record of any concerns raised. This record shall be made available to a Responsible Officer on reasonable request.

Reasons:

The Licensing Sub-Committee expressed serious concerns regarding the catalogue of incidents and issues relating to the premises as presented by Merseyside Police which demonstrated abject and sustained failures in the management of the premises and covered a failure to meet the Licensing Objectives.

There was clear evidence of crime and disorder at the premises. There was repeated disregard of a number of Licensing conditions over a prolonged period of time.

The s.182 guidance sets out that Licensing Authorities should seek to establish the cause of the concerns that representations identify and take action in respect of the cause identified. The Sub-Committee is of the view that the addition of these conditions is sufficient to address the cause of the concerns and demonstrates an appropriate and proportionate response.

The Sub-Committee is keen to stress that it expects the new Premises Licence Holder will comply with all Licence Conditions with immediate effect, in particular the staff training and the condition concerning CCTV which was of particular concern to the Sub-Committee.