

Determination Notice

Review of a Premises Licence following closure order Licensing Act 2003, Section 167

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On the 22 December 2008, Warrington Borough Council ("the Council"), being the relevant Licensing Authority, received from Cheshire Magistrates' Court a determination notice under Section 165(4) of the Licensing Act 2003 following a closure order in respect of premises known as:

Big Bar
122-126 Bridge Street
Warrington
WA1 2RU

Premises Licence Number: WBC/LP0475

On the 23 December 2008, the Council advertised the application on the above premises and at the Council's Office and on its website for a period of 14 consecutive days, which ended on 6 January 2008. During the 14-day representation period, the Council received representations from:

(a) Cheshire Police Constabulary

On the 16 January 2008, a hearing was held to consider the application and any relevant representations. The Sub-Committee determined the application with a view to promoting the four licensing objectives. In reaching its determination the Sub-Committee had regard to the following matters:

- (1) the relevant parts of the written and oral evidence before them;
- (2) the relevant parts of the Licensing Authority's Statement of Licensing Policy 2008-2011;
- (3) the relevant parts of the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport and
- (4) the Human Rights Act implications in Article 8 and Article 1 of the First Protocol. These are not absolute rights but qualified ones and consideration was given to the proportionality principle.

In considering all of the above factors the Sub-Committee, balancing the interests of the Premises Licence holder and Cheshire Police Constabulary have resolved to: impose the following conditions on the current licence:

- 1) The premises must operate a challenge 25 system of entry.
- 2) A Personal Licence holder to be present on the premises to supervise alcohol sales at all times.
- 3) A minimum of 3 door staff to be employed at the premises from 10pm till closure on Friday and Saturday.
- 4) A minimum of 2 door staff to be employed at the premises on a Tuesday from 10pm till midnight. Should the premises stay open past midnight on a Tuesday then a third member of door staff is to be in place by midnight.
- 5) The Premises Licence holder shall keep refusal logs for door entry and bars.
- 6) All staff must be suitably trained and have knowledge of the licensing objectives and a written record must be kept of training which is readily available for inspection by Cheshire Constabulary and the Licensing Authority Enforcement Officer.
- 7) A 24 hour contact telephone number to be given to Cheshire Constabulary and the Licensing Authority.
- 8) Notices to be placed at all entrances and exits advising customers that all bottles must be deposited in the bin provided and not to be removed from the premises.
- 9) CCTV installed in the premises shall comply with the Cheshire Constabulary Operational Guidelines for CCTV, as attached.
- 10) The new Designated Premises Supervisor to be interviewed and approved by the police prior to the premises re-opening, such approval not to be unreasonably delayed.
- 11) Should the Designated Premises Supervisor leave within the first 6 months condition 10 to apply.
- 12) A glass and bottle collector to be used at all times to ensure the premises are free from empty glass and bottles.

The Sub-Committee considers due to the serious nature of the issues surrounding the review that action under its statutory powers is necessary and the Premises Licence holder must put in place the remedial actions that have been conditioned above.

Reasons

The Sub-Committee considers that the above actions are necessary in order to comply with the Licensing objectives namely:

Prevention of Crime & Disorder.

The determination 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.

Dated: 20 January 2009

Signed: _____

Designation: Acting Solicitor to the Council and Head of Corporate Governance

Right of Appeal

There is a right of appeal against this decision to Warrington Magistrates' Court. An appeal must be commenced within 21-days beginning with the day on which you receive notification of the decision.