

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:

Hop Pole
49 Horsemarket Street
Warrington
WA1 1TS

Premises Licence Number: WBC/LP0214

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 15 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 consider all of the above factors the Sub-Committee, balancing the interests of the Premises Licence holder and Cheshire Police Constabulary

have resolved to: allow the premises to re-open and impose the following conditions to run in conjunction with the current conditions on the licence:

- 1) A written policy for seizure of false / altered / forged I.D shall be drafted and implemented at site in consultation with Cheshire Constabulary. Incidents concerning false / altered / forged I.D. shall be recorded in a hard backed register, such records to be retained for a minimum of 2 years.
- 2) There shall be a CCTV system in operation. The system shall comply in accordance with Cheshire Constabulary operating system guidelines, as attached.
- 3) Key staff shall be trained in its operation (CCTV system) and to be able to download images as required.
- 4) A hard backed register of incidents when staff refuses the sale of alcohol shall be kept at the premises. Such records shall be retained for a period of 2 years.
- 5) The Designated Premises Supervisor will ensure that staff members are trained to ensure the prompt removal of empty bottles and / or glasses from public areas.
- 6) 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.
- 7) Should the Designated Premises Supervisor leave within the first 6 months condition 6 to apply.
- 8) That the premises provide a 24 hour contact number.
- 9) The premises must operate a challenge 25 system of entry.
- 10) All members of staff must be trained on a regular basis by an approved training company.
- 11) Documentary evidence of all training must be supplied to the Licensing Authority within one week of the training being completed.
- 12) A Personal Licence holder to be present on the premises at all times when the premises are open for licensable activities.
- 13) No drinks promotions of any kind.
- 14) The use only of none shattering type glasses to be approved by the Licensing Authority.
- 15) All bottled drinks to be decanted at the bar into none shattering type glass and then placed in a secure bottle bin on the premises.

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.