

## **Determination Notice**

### **Reject an application to vary a licence to specify an individual as premises supervisor Licensing Act 2003, Section 39**

InnCourt  
65 Mapplewell Crescent  
Great Sankey  
Warrington  
WA5 1UU

On the 23 April 2009, Warrington Borough Council ("the Council"), being the relevant Licensing Authority, received an application to vary the Premises Licence to specify Lorraine Anne Collinson as the premises supervisor, from you on behalf of Raycheel Indra Nath in respect of premises known as:

Club Wired  
Mersey Street  
Warrington  
WA1 2BP

#### **Premises Licence Number:WBC\LP0526**

On the 24 April 2009, the Council received a notice of objection from the Chief Superintendent for Cheshire Constabulary under section 37(5) of the Licensing Act 2003.

On the 3 June 2009 at 14:00 a hearing was held to consider the notice. The Sub-Committee determined the application with a view to promoting the prevention of crime and disorder 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.
- (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 in reaching their decision the Committee has considered the proportionality principle.

In considering all of the above factors the Committee, balancing the interests of Cheshire Constabulary and the applicant has resolved to;

Refuse the application on the grounds that the licensing objective of the prevention of Crime and Disorder will not be achieved.

**Reasons**

Key concerns for the Sub-Committee were the issues raised by the Cheshire Constabulary relating to:

- (a) History of Non-compliance.
- (b) The applicant having previously held this position at these premises was in charge when a number of serious licensing breaches were detected which the panel feels could result in the Crime and Disorder objective being undermined.

The panel have also taken into account the Guidance and in particular paragraph 2.7

The panel feel that it is not appropriate to re-instate Ms Collinson as Designated Premises Supervisor.

Dated: 3 June 2009



Signed: \_\_\_\_\_

Designation: Acting Head of Service, 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.