

## **Determination Notice**

### **Application to review a Premises Licence Licensing Act 2003, Section 51**

Mr Paul Douglas  
Douglas Licensing (NW)

On the 3rd December 2014, Warrington Borough Council (“the Council”), being the relevant Licensing Authority received an application for a review, from Cheshire Constabulary, of the Premises Licence in respect of premises known as:

Fusion Sports Bar & Grill  
122-126 Bridge Street  
Warrington  
Cheshire  
WA1 2RU

### **Premises Licence Number: WBC\LP0475**

On the 4<sup>th</sup> December 2014, the Council advertised the application on the above premises and at the Council’s Office and on its website for a period of 28 consecutive days, which ended on 31<sup>st</sup> December 2014. During the 28 day representation period, the Council received no representation(s).

In accordance with Section 51 of the Licensing Act 2003, the Licensing Authority must hold a hearing to allow the application to be determined.

On the 28<sup>th</sup> January 2015, a hearing was held to consider the application.

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 2011-2014; and
- (3) the relevant parts of the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office.

In determining this application members of the Licensing Sub-Committee considered all of the relevant evidence and information presented to it, both written and oral and took account of all the matters it is bound to take into account.

Members of the Licensing Sub-Committee ignored those representations made to it which were not relevant to any of the licensing objectives.

The Panel heard from Cheshire Constabulary that this application had been submitted on 3<sup>rd</sup> December 2014 however, events overtook the application after an incident happened at the premises resulting in a closure order being issued. The matter was put before the Magistrates Court and the Deputy Judge at that hearing upheld the closure. This then triggered a review which was dealt with on 23<sup>rd</sup> December 2014 by the Licensing Sub-Committee who suspended the licence. In view of this Cheshire Constabulary now formally withdraw the application. The Panel heard that the matter had to continue to hearing as the Licensing Act 2003 does not provide for a review application to be withdrawn prior to any hearing.

The legal representative for Fusion Sports Bar was in agreement with the withdrawal of the application.

The Panel accepted the withdrawing of the application and the hearing was dismissed.

Dated: 28<sup>th</sup> January 2015

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

Peter Astley MBE  
Assistant Director – Regulation & Protection

**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 oral notification of the decision.