

Determination Notice

Application to review a Premises Licence Licensing Act 2003, Section 167

Jonathan Smith
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS

On the 1 April 2016, Warrington Borough Council ("the Council"), being the relevant Licensing Authority, initiated an application for a review, following receipt of a Magistrates Closure Order under Section 80 of the Anti-Social Behaviour Crime & Policing Act 2013, of the Premises Licence in respect of premises known as:

Reef
98 Bridge Street
Warrington
WA1 2RF

Premises Licence Number: WBC\LP0039

On the 4 April 2016, the Council advertised the application on the above premises and at the Council's Office and on its website for a period of 7 consecutive days, which ended on 12 April 2016. During the 7-day representation period, the Council received representation from:

- (a) Simon Lyon, Health Development Officer, Public Health on 11 April 2016.
- (b) Paul Draycott, Force Licensing Officer on behalf of Cheshire Constabulary on 12 April 2014.
- (c) Jonathan Smith (Poppleston Allen Solicitors) on behalf of the Premises Licence Holder on 12 April 2016.

In accordance with Section 167 of the Licensing Act 2003, the Licensing Authority must hold a hearing within 10 working days of initiating the review of the licence.

On the 21 April 2016, 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; and

(3) the relevant parts of the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office.

Members have considered carefully all of the written and verbal representations submitted by and on behalf of Cheshire Constabulary, the Premise Licence Holder, the Health Improvement Development Officer and the Licensing Officer.

In considering all of the representations and balancing the interests of all parties, Members have resolved to; revoke the licence.

Members considered the evidence as put forward by Cheshire Constabulary and based on this, do not feel confident that the action plan presented at the hearing could be put into practice as they have already breached the terms and conditions of the current licence.

Whilst the committee do not accept they were complicit in allowing the use or supply of drugs, felt they were negligent in not pro-actively monitoring both the CCTV and toilets which would have alerted them to the illegal activities being undertaken within the premises.

Dated 21st April 2016

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.