

Determination Notice

Application to review a Premises Licence Licensing Act 2003, Section 52

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On the 24 April 2013, Warrington Borough Council ("the Council"), being the relevant Licensing Authority, received an application for a review of the Premises Licence from Cheshire Constabulary in respect of premises known as:

The Reef
98 Bridge Street
Warrington
Wa1 2RF

Premises Licence Number: WBC\LP0039

On the 24th April 2013, 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 22 May 2013. During the 28-day representation period, the Council received representations from:

- (a) PC Neil Jukes, Police Licensing Enforcement Officer, Cheshire Constabulary

On the 18 June 2013, 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 2011-2014.
- (3) The relevant parts of the Guidance issued under Section 182 of the Licensing Act 2003.
- (4) The Licensing Act 2003.
- (5) The Human Rights Act.

The Sub-Committee were mindful that it had to achieve a balanced approach to those difficult issues it had heard throughout the Review hearing.

The Sub-Committee took into account the representations from The Reef bar and acknowledged that the Company had, since the meeting held with Cheshire Constabulary in March this year, put various steps into action to try and resolve the concerns the subject of this Review.

The Sub-Committee took into account their duty under Section 17 of the Crime and Disorder Act to have due regard to the likely effect of the exercise of the licensing function and the need to prevent Crime and Disorder.

Although the Sub-Committee had concerns regarding the existing hours and considered the scaling back of these, the Sub-Committee heard no evidence to justify this action. Based on the evidence heard to interfere with this, was neither proportionate or appropriate.

The Sub-Committee found that the premise owner had sensibly volunteered conditions to be imposed as part of the licence and after due consideration found that these would be appropriate for the purposes of the promotion of the licensing objectives without the need for additional conditions.

Having examined the evidence and having had the opportunity of hearing the respective parties the Sub-Committee considered the merits of the case and in accordance with their duties described above and advised by the legal officer decided as follows:

To issue a warning in relation to the seriousness of the issues raised in evidence by the Police and that some of those incidents gave cause for concern.

Sub-Committee members refuted the allegations that the Police have singled these premises out and picked on them. The Police are right to use the review procedure when concerns arise in relation to premises.

The Sub-Committee accepted the proposals as put forward and the proposed amended conditions (excluding the condition regarding the supply of alcohol in polycarbonate bottles which was ambiguous) will now form part of the licence.

For clarification those conditions are as follows:

1. A personal licence holder will be on the premises at all times that alcohol is being sold.
2. The premises licence holder will observe the dispersal policy on Friday and Saturday, (a revised dispersal policy will be attached to the premises licence), subject to amendments being made to it from time to time in agreement with Cheshire Constabulary.
3. On a Friday night there will be a minimum of two supervisors starting work at 21:30 with a third and fourth starting work at 03:00.
4. On a Saturday night there will be a minimum of two door supervisors starting work at 21:30, an additional door supervisor at 22:30, and a fourth and fifth door supervisor at 03:00.

5. On a Friday and Saturday night, one member of door staff who is positioned at the entrance door to the premises, shall wear a body cam. The member of door staff will use reasonable endeavours to attend any incident when the body cam will be switched on and will be used to record the incident, the footage shall be kept for 28 days and made available to Cheshire Constabulary upon request.
6. The premises licence holder will only serve alcohol in open containers which are made of a polycarbonate material, other than wine, cocktail and champagne glasses which can be served in glassware.
7. All staff will be trained to ensure that they observe the "Challenge "21" policy and that they refuse to sell alcohol to persons who are intoxicated or to persons buying for people who are intoxicated. This training will be completed prior to the member of staff being authorised to sell any alcohol by the premises licence holder and will be repeated every 6 months, and records of the training will be kept at the premise and made available for any of the Responsible Authorities upon request.

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: 19 June 2013

Signed: _____



Designation: Public Protection Manager

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.