

Determination Notice

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

TCG Acquisitions Limited
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SN5 6QR

On the 14 April 2008, Warrington Borough Council ("the Council"), being the relevant Licensing Authority, received an application for review of the Premises Licence Cheshire Police Constabulary in respect of premises known as:

**Feathers Hotel
Bridge Street
Warrington
WA1 2RF**

Premises Licence Number: WBC\LP0401

On the 16 April 2008, the Council advertised the application on the above premises and at the Council Office and on its website for a period of 28 days, which ended on 13 May 2008. During the 28-day representation period, the Council received no representations.

On the 29 May 2008 at 10.00am, 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 for the following matters:

- (1) the relevant parts of the written and oral evidence before them;
- (2) the relevant parts of the Licensing Authorities Statement of licensing Policy 2005-2008;and
- (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.

The Sub-Committee determined to:

- (a) Modify conditioned on the licence;
- (b) Apply new conditions;
- (c) Modify the hours of licensable activities.

Therefore, the following condition(s) will be modified or attached to the licence

Records:

The Licensee will maintain and update a log of training given to all staff, including door supervisors, in order to demonstrate due diligence in the conduct and management of the premises. Such training to include responsible retailing of alcohol, under age drinking with the Challenge 21 Scheme and ID Awareness Scheme.

The Licensee will maintain a detailed log of numbers of customers refused entry due to failure to satisfy Challenge 21.

The licensee will maintain an incident log book to record relevant incidents. This shall be in the form of a bound register.

All records shall be made available for inspection by a police officer or other licensed person.

Capacity:

A maximum capacity of 160 people will be allowed in the premises at any one time.

At all times when the premises are used for the purpose of the licence or Club Premises Certificate, the licence holder, a club official, manager or designated premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall, if requested to do so, give that information to an authorised person.

CCTV:

The CCTV system will be maintained in conjunction with the Cheshire Constabulary CCTV Operating Requirements document. Sufficient staff shall be trained to enable to immediate review and downloading of images when necessary for the prevention and detection of crime.

The Designated Premises Supervisor will need to demonstrate that the CCTV system complies with the operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to demonstrate the following:-

- a. recordings are fit for their intended purpose,
- b. good quality images are presented to the officer in a format that can be
- c. replayed on a standard computer,
- d. the supervisor has an understanding of the equipment/training,

- e. management records are kept,
- f. maintenance agreements and records are maintained
- g. Data Protection principles and signage are in place.

Door Supervisors:

When the premise is open after 9pm:

There shall be employed at the premises not less than 2 door supervisors each of whom is registered with the Security Industry Authority and with the company's best endeavour's one of which is to be female. If a female door supervisor is not on duty the DPS must ensure that a female member of staff is available to assist door security when carrying out searches of female patrons. The number of door staff shall be determined by the DPS following a full risk assessment for the premises and shall be assessed on a dynamic basis. A copy of the assessment shall be made available to the police and council licensing officers on demand.

A written record in the form of a hard-backed, bound register with consecutively numbered pages shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

the door supervisor's name, date of birth contact telephone number and home address;

their Security Industry Authority licence number;

the time and date he/she starts and finishes duty;

the time of any breaks taken whilst on duty;

each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

All Door Supervisors are to wear yellow conspicuity jackets to an equivalent standard or better than those supplied by the local Crime and Disorder Partnership.

At least one door supervisor shall be equipped with a head-camera. The recordings shall be to a good standard and the battery life and memory shall be sufficient to last for at least one shift. The recordings shall be stored and made available as per the Cheshire Constabulary OR for CCTV

Containers:

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof glass. All glass bottles shall be decanted before being served in the above type of container.

No drink shall be removed from the premises in an unsealed container.

Pubwatch:

The applicant shall be an active member of the local Pubwatch and the radio-link scheme.

DPS:

At all times when the premises is open a personal licence holder must be on the premises.

Premises Hours:

The hours of the premises licence to be amended as follows:

All licensable activities:-

Monday to Thursday to terminate at midnight;

Friday to Sunday to terminate at 01.00.

No change to seasonal variation.

The premises opening hours to be:-

Monday to Thursday closure by 01.00;

Friday to Sunday closure by 02.00am.

Last entry Time:

The premises must operate a last entry policy. The last entry to the premises will be 1 hour before the termination of all licensable activities.

Reasons

The Sub-Committee decided that evidence from Cheshire Constabulary

The Committee are mindful that it has to achieve a balanced approach to those difficult issues it has heard throughout the review.

The Committee considers that due to the serious nature of the issues surrounding the review that action under its statutory powers are necessary and accordingly has amended the premises licence. The Committee would also point out that in considering the serious issues surrounding the management of the premises the Committee feels that steps need to be imposed to rectify these matters.

The remedial actions are directed at the caused of the concerns which the Committee has heard throughout the review and are no more than is necessary and proportionate

The determination does not have effect:

- (a) until the end of the period given for appealing against the decisions, or
- (b) if the decisions is appealed against, until the appeal is disposed of.

Dated: 29 May 2008

Signed: _____

Designation: 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.