

Determination Notice

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

Mr R Williams
Licensing Legal Solicitors
Canada House
3 Chepstow Street
Manchester
M1 5FW

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

Medicine
1 Bold Street
Warrington

Premises Licence Number: WBC/LP0478

On the 14 November 2008 the Council advertised the application on the above premises and at the Council Offices and on its website for a period of 28 days, which ended on 11 December 2008. During the 28-day representation period the Council received no further representations.

On the 11 December 2008 at 10.00 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 2008-2011; 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.
- (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 consideration was given to the proportionality principle.

In considering all of the above factors the Sub-Committee, balancing the interest of Cheshire Police Constabulary and the Licence Holder has resolved to: Remove the current suspension of the licence and impose the following

conditions to run in conjunction with the existing conditions on the premises licence:

1. Hours premises are open to the public to be reduced as follows: Thursday/Friday/Saturday - 19:00 to 03:00. All other activities on these days to cease 1 hour before the terminal hour. (Sunday/Monday/Tuesday/Wednesday hours are unchanged). These hours are to take effect immediately and all the following conditions are to be implemented within 30 days.
2. The premises must operate a challenge 25 system of entry.
3. The premise licence holder shall keep refusal logs for the door entry and bars.
4. At all times when the premises are open for licensed activities a female door supervisor must be present.
5. A reduction in overall capacity by 25% reducing the capacity to 250.
6. A last entry time of 1 hour before the terminal hour.
7. No drinks promotions of any kind.
8. All door staff to be SIA approved.
9. A hard back incident book to be retained.
10. All toilets, entrances, exits and surrounding areas to be checked every 15 minutes.
11. A hard back book recording the checking of toilets, entrances, exits and surrounding areas to be retained.
12. CCTV must meet Cheshire Police standards and be inspected by a Police expert.
13. CCTV footage to be made available to Cheshire Police Constabulary upon their request.
14. A drugs and weapons written search policy to be implemented and to include briefing and training of all door staff
15. Drugs amnesty bin in area of main entrance.
16. Payment for the use of a police drugs dog once a week for 1 month and twice a month thereafter.
17. Monitoring of their websites and removal of any messages relating to drugs or violence.
18. The premises will operate a no returns policy.
19. The use only of none shattering type glasses to be approved by the licensing authority.
20. All bottled drinks to be decanted at the bar into none shattering type glass.
21. Attend all Pub Watch meetings either in person or by deputy and have and use the Town Centre radio link.
22. Regular meetings to be held between the licence holder and Cheshire Police Constabulary.
23. A smart casual dress code to be implemented.

The Sub-Committee considers that due to the serious nature of the issues surrounding the review that action under its statutory powers is necessary and the Premises Licence Holder must put into place the remedial actions that have been conditioned above.

Reasons:

The Sub-Committee considers that the above actions are necessary in order to comply with the Licensing objectives namely:

Prevention of Crime & Disorder

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: 12 December 2008

Signed: _____

Designation: Acting 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.