

Determination Notice

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

Waldron & Schofield
25 York Street
Heywood
Lancs
OL10 4NN

On the 1 May 2008, Warrington Borough Council (“the Council”), being the relevant Licensing Authority, received an application for a review of the Premises Licence from Cheshire Police Constabulary in respect of premises known as:

Nisa Store (Best-One)
267-269 Padgate Lane
Warrington

Premises Licence Number: WBC/LP0557

On the 1 May 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 29 May 2008. During the 28-day representation period the Council received further representations from:

- (a) Cheshire Police Constabulary
- (b) The Premises Licence Holder.

On the 30 June 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 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.
- (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: add the following conditions to the current licence:

1. The removal of the current Designated Premises Supervisor.
2. Mr & Mrs Nafees' son shall not be the new Designated Premises Supervisor until he has successfully completed a conflict management course and obtained a Personal Licence.
3. Mr Ahmed Nafees shall successfully undertake a Personal Licence course.
4. All members of staff must successfully complete a conflict management course.
5. The premises must operate a Challenge 25 policy.
6. Documentary evidence of all training must be supplied to the Licensing Authority within one week of the training being completed.
7. A Personal Licence Holder shall be present on the premises to supervise alcohol sales between 16.00 and 22.00 from Sunday through to Saturday.
8. All alcohol stock shall be clearly marked with the premises details to enable tracing of discarded alcohol waste and alcohol that has been confiscated by Cheshire Constabulary.
9. The Premises Licence Holder or Designated Premises Supervisor shall attend and be an active member of the local Pub Watch/Off Watch scheme.
10. Regular meetings to take place between the Premises Licence Holder and the local police.
11. Spirits, alcopops, wines, ciders and beers which are identified as having a high volume of alcohol shall be served from behind the counter.

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 accordingly has suspended the Premises Licence for three months to enable the Premises Licence Holder to 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
Protection of Children from Harm.

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: 2 July 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.