

Determination Notice

Application to summary review a Premises Licence Licensing Act 2003, Section 53A

DV8 Ltd
98 Bridge Street
Warrington
WA1 2RF

On the 14 November 2013, Warrington Borough Council (“the Council”), being the relevant Licensing Authority, received an application for a summary review of a Premises Licence from Cheshire Constabulary in respect of premises known as:

Reef
98 Bridge Street
Warrington
WA1 2RF

Premises Licence Number: WBC/LP0039

On the 15 November 2013 a hearing was held whereupon members determined to impose the following interim steps:

- The exclusion of the sale of alcohol from the scope of the premises licence: alcohol sales to cease at 2.30am.
- The modification of the conditions of the premises licence: the premises shall be closed to the public at 3.00am.

In response to those interim steps, representations were submitted on behalf of Reef Bar. A further hearing was held on 19 November 2013 to hear those representations and consider the interim steps imposed. At that hearing the interim steps were upheld on the understanding that such steps shall cease to have effect on the commencement of a review hearing but without prejudice to the powers of the Licensing Sub-Committee.

On 10 December 2013 a full review hearing was held. The Licensing Sub-Committee considered carefully the written and verbal representations submitted by and on behalf of the Licence holder and Cheshire Constabulary, the applicant for the review.

The Committee is aware of its obligations under the Licensing Act 2003 and in particular the guidance issued under Section 182 of the Act together with the Council’s statement of licensing policy.

The Committee also considered the Human Rights Act implications in Article 8 and Article 1 of the First Protocol. These are not absolute rights but qualified ones and in reaching their decision the Committee has considered the proportionality principle.

In considering all of the above factors the Committee, balancing the interests of the Cheshire Police Constabulary and the Licence holder resolved to:

take no further action in relation to these premises for the following reasons:

- Members did not consider that the evidence as produced by Cheshire Constabulary was sufficient enough to show that the licensing objectives of Crime and Disorder and Public Safety were being undermined.
- The incident as detailed on 10th November 2013 did not constitute serious disorder. Members felt that one punch being thrown which was then quickly contained by the door staff was not serious disorder.
- The situation was not out of control.
- Members also took into account that Cheshire Constabulary confirmed that 3am closing was their objective.
- It is not the sole responsibility of Reef Bar management to deal with Crime and Disorder happening outside their premises that is not attributable to those premises.
- Members took into account Mr Northcott's anecdotal evidence of the financial impact on his premises.

Dated: 11 December 2013

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

Signed: _____

Designation: Assistant Director - Public Protection Services

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.