

Statutory Licensing Sub-Committee A

Wednesday, 25 October 2006

Present: Councillor Mrs Iris Smith (Chair), Councillors Ralph Snape and Mrs Stella Walsh

Also in attendance at the commencement of the meeting Councillor Hasina Khan

06.SLA.06 DECLARATIONS OF ANY INTERESTS

None of the Members present declared an interest in respect of the item included on the agenda.

06.SLA.07 APPLICATION FOR A REVIEW OF A LICENSE IN RESPECT OF THE FOX AND GRAPES, 66 CHAPEL STREET, CHORLEY, LICENSE NUMBER - PI(A)0116

The Director of Customer, Democratic and Legal Services submitted a report on an application for a review of a licence in respect of the premises known as the Fox and Grapes, 66 Chapel Street, Chorley.

The report indicated information relating to the current premises licence.

The Lancashire Constabulary on 18 July 2006 made an application for review of the premises licence and the report gave a brief outline of the grounds for the review.

The Committee received a copy of the full application including a recording of an incident and additional information.

Representations were received from the applicant, Lancashire Constabulary and their Counsel as well as from the Designated Premises Supervisor, Premises Licence Holder and their Counsel.

After taking account of all representations and related factors the Sub-Committee arrived at the following unanimous **DECISION:**

The Sub-Committee considered carefully all the written and verbal representations submitted by and on behalf of the applicant, Lancashire Police and the Premises Licence Holder and Designated Premises Supervisor.

The Committee was aware of its objectives under the Licensing Act 2003 and in particular the guidance issued under Section 182 of the Licensing Act together with the Council's Statement of Licensing Policy.

The Committee gave consideration to its powers of a licensing authority on the determination of a review under Section 182 paragraphs 5.107, 5.108, 5.109, 5.110 and 5.112.

The Sub-Committee was aware that the licensing authority did not have the power to judge the criminality or otherwise of any issue and the role of the licensing authority when determining such a review was not therefore to establish the guilt or innocence of any individual but to ensure that the licensing objectives were promoted, Section 182 paragraph 5.117.

The Committee was mindful that it had to achieve a balanced approach to these difficult issues it had heard throughout the review.

The Committee considered that action under its statutory powers were necessary and wished to add further conditions to the premises licence.

These remedial actions were directed at the causes of the concern, which the Committee had heard throughout the review, and are no more than was necessary and proportionate. The Committee also considered the human rights implication, in particular Article 8 and Article 1 of the First Protocol and the proportionality principle.

In considering all the above factors the Committee in balancing the interests of all parties resolved that the following additional conditions are to stand in the schedule.

- 1) All staff must be suitably trained and have knowledge of the licence objectives and a written record must be kept of training which is readily available for inspection by all responsible authorities. This record must include specific reference to barred persons.
- 2) There is a log kept with regard to all incidents relevant to the licensing objectives.
- 3) There is a Personal Licence Holder present in the bar at all licensed hours in addition to the resident Designated Premises Supervisor and Resident Personal Licence Holders.
- 4) All notices as detailed in the Licensee's submission, must be kept up to date and current, with regular checks and a record made to ensure that these notices are in place.
- 5) A tamper proof CCTV system shall be installed within three calendar months from the date of receipt of receipt of this decision notice, maintained and operated at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record licensable activities within the premises during all hours that the premises are open to the public.
- 6) The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.
- 7) There shall be employed at the premises not less than two door supervisors, each of whom is registered with the Security Industry Authority, between the hours of 21.30 and 24.00 hours on Fridays, Saturdays and all National Bank Holidays, as a minimum requirement until the installation and commissioning of the CCTV system and the additional Personal Licence Holder is in post.
- 8) An action plan be drawn up within 28 days following the licensing hearing decision and this be agreed with the relevant responsible authority and regular monitoring to be done by the relevant responsible authority thereafter.

Chair