

Statutory Licensing Sub-Committee A

Wednesday, 17 January 2007

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

07.SLA.01 DECLARATIONS OF ANY INTERESTS

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

07.SLA.02 REVIEW OF A LICENSE IN RESPECT OF THE FOX AND GRAPES, 66 CHAPEL STREET, CHORLEY. LICENSE NUMBER - P1(A)0116

The Licensing Sub-Committee considered the minutes of the meeting held on 26 October 2006 and the suggested alternative conditions from the meetings held on 5 November 2006 and 11 December 2006 relating to an application for a review of a licence in respect of the premises known as the Fox and Grapes, 66 Chapel Street, Chorley.

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

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.

We have considered the powers of a licensing authority on the determination of a review under Section 182 paragraphs 5.107, 5.108, 5.109, 5.110 and 5.111.

We are aware the licensing authority do 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 is not therefore to establish the guilt or innocence of any individual but to ensure that the licensing objectives are promoted. Section 182 paragraph 5.112.

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 action under its statutory powers are necessary and wish to add further conditions to the premises licence.

These remedial actions are directed at the causes of the concerns which the Committee has heard throughout the review and are no more than is necessary and proportionate. The Committee also considered the human rights implications, in particular Article 8 and Article 1 of the First Protocol and the proportionality principles.

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 and that conditions 3 and 7 are replaced with updated conditions.

- 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 on the premises at all times other than in the bar on a Friday and Saturday from 19:00 hours to close, when a personal licence holder must be present in the bar itself.
- 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 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 should be employed at the premises not less than two door supervisors, each of whom are 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 if the installation and commissioning of the CCTV system and subject to new condition (3) has not taken place by the 31 January 2007.
- 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