

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 14th April 2010

**PRESENT: Councillor Cheetham (Chair)
Councillors Morris and C. Pilling**

**IN ATTENDANCE: Miss S Blackwell, Trainee Solicitor (Legal
Advisor)
Miss S Chadwick, Licensing Administration
Officer (Licensing Officer)
Mrs T Brzozowski, Licensing and Planning
Enforcement Manager
Mrs J Cook, Committee Officer (Hearing
Administrator)**

**ALSO PRESENT: PC Mark Driver, Lancashire Constabulary
PC Mark Walker, Lancashire Constabulary
(Applicant)
Mr Moore (Premises Licence Holder)
Mr Fitton, Accountant to Mr Moore who attended as
a member of the public)**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absences submitted.

2. CHAIRMAN'S INTRODUCTION

The Chairman welcomed all parties to the meeting and asked the members of the Sub-Committee and Officers to introduce themselves.

The Chairman asked the Applicant and the Licence Holder to introduce themselves.

3. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

**4. APPLICATION TO REVIEW A PREMISES LICENCE
AT: 365 ROCHDALE ROAD, BACUP**

It was confirmed that no parties wished to withdraw their representations.

HEARING PROCESS

At the Hearing, the Licensing Officer's report was presented and representations were made to the Sub-Committee by the Applicant and the Licence Holder.

The Sub-Committee asked questions to the Licensing Officer, the Applicant and the Licence Holder. After questioning, the Chairman asked both parties for their final closing statements.

DETERMINATION

Following the representations made by all parties, the Applicant, the Premises Licence Holder and Licensing Unit Staff left the room in order that the Sub-Committee Members could discuss the application and representations made in respect thereof. The Legal Advisor and the Hearing Administrator remained in the room.

RESOLVED:

After giving careful consideration to all the written and verbal representations made by the Applicant and the Licence Holder; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the review of the Premises Licence under Section 52(4) of the 2003 Act:

That the premises licence be suspended for 28 days.

In addition the following conditions would be applied to the premises licence:

1. All staff will be trained in relation to the sale of alcohol and alcohol awareness before being allowed to make sales of alcohol to the public. Any new members of staff will receive induction training on joining. The details of members of staff and the training must be documented and made available to the Authorities on request.
2. Refresher staff training for all staff will take place at 3-monthly intervals. Refresher training will be documented and made available to the Authorities on request.
3. CCTV will be installed and maintained at the premises in accordance with the minimum requirements of Lancashire Constabulary (see below).
4. A Refusals Register will be maintained at the premises and completed on each occasion a refusal of alcohol is made. The Register will be checked and signed by the DPS or Premises Licence Holder on a monthly basis and will be made available to the Authorities on request.
5. Any person who looks or appears to be under the age of 21 shall be asked to provide suitable identification that they are over the age of 18.
6. Signage will be displayed at the premises informing customers that a 'Challenge 21' scheme is in operation.

CCTV Recording – Lancashire Constabulary Minimum Requirements

The licensed area of the premises shall be equipped with a Closed Circuit Television system (CCTV), which should comply with the following criteria:-

1. It will record to a Digital Video Recorder (DVR), with an evidential burn to Compact Disc (CD) or Digital Versatile Disc (DVD) with software facility.
2. The CCTV Digital Video Recorder (DVR) will always be connected to a colour monitor that will be maintained in good working order in order to facilitate the viewing of any CCTV recording at the premises by the Police or any member of staff from the Local Authority.
3. A member of staff will be trained and will always be present when the premises are open for licensable activity in order to download the images from the hard drive to disc.
4. The full CCTV operating system will be maintained in proper working order. Any faults will be rectified without delay.
5. It will be a colour system and will display on any recording the time and date of the recording.
6. The system will be operated during all permitted hours.
7. Recordings will be held for 28 days; thereafter the DVR can be allowed to overwrite if desired.
8. The 28-day recorded data to be made available to Police or Local Authority Licensing Officers for inspection and retention on request.
9. Cameras shall be sufficient in number to view any area for licensable activity and any exit/entry.
10. CCTV cameras will be robust and conspicuous in presence.
11. Clear signage deployed to indicate CCTV use both prior to entry and whilst within premises.

We are satisfied that these measures are necessary to satisfy the following licensing objective:

Protection of Children from Harm

In addition we would like to make the following recommendations:

1. That serious consideration is given to Mrs Moore becoming the Designated Premises Supervisor.
2. That Mr Moore liaises closely with the Police and the Licensing Unit to ensure that he is aware of changes to legislation.
3. That Mr Moore considers that two members of staff be encouraged to attend training to enable them to obtain a personal licence.

The Applicant was informed that there was a right of appeal for all parties before the Magistrates Court within 21 days of the date of service of the Determination Notice.

The meeting commenced at 12noon and closed at 1.40pm