

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Thursday, 25 February 2010 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Drakeley, Howard, D. Inch, A. Lowe, Murray, E. Ratcliffe, Wainwright and Nelson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: L. Capper, K. Cleary and J. Tully

Also in attendance: Mrs S Gibbs Inn Court Licensing Consultants and 2 members of the public.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

#### REG18 APPLICATION FOR THE REVIEW OF THE STUDIO 77 HIGH STREET RUNCORN

*Action*

The Committee met to consider an application which had been made under Section 51 of the Licensing Act 2003 for the review of the above premises.

The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

Prior to the hearing commencing the Committee Members were advised that there had been a request to adjourn the hearing in a letter dated 1 February 2010 from the Premises Licence Holder Padderborn Limited. The letter was read out to the Committee together with the response from the Councils Licensing Section.

Mrs Sue Gibbs from Inn Court Licensing Consultants was requested by Padderborn Limited to address the Committee at the hearing to request an adjournment only.

Paul Draycott on behalf of Cheshire Police addressed the Committee requesting that the hearing go ahead in the

absence of the Premises Licence holder or their representative.

The Members asked questions of both parties and retired to consider adjourning the hearing.

The members resolved that the request for an adjournment be rejected and the hearing would go ahead in the absence of the Premises Licence holder or their representative for the following reasons:-

1. Regulations allow the matter to continue in absence
2. The review is against a Limited Company (Padderborn Limited) not an individual
3. It is not in the public interest to delay the hearing
4. There is no indication from Mr McLaughlin or the Company that they dispute the evidence presented by the Police.

Paul Draycott Police Licensing Officer, Inspector Simon Blackwell and P C Chris Carney addressed the Committee and answered questions from the members. Mrs Sue Gibbs took no part in the hearing.

The Committee then retired to consider the application.

RESOLVED: That

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the Committee made the following determination.

The Committee must act with a view to promoting the relevant licensing objective, in this case: the prevention of crime and disorder; and must also have regard to-

- (a) the Council's Statement of Licensing Policy, and
- (b) the Statutory Guidance issued by the Secretary of State.

The Committee found that the allegation that the premises were not currently being managed in a way that promotes the crime and disorder objective (as required under the Licensing Act 2003) had been proven to its satisfaction.

The Committee has also taken into account the considerable amount of evidence provided by the Police in advance of the hearing.

The Committee, having regard to the application and all relevant representations, decided to take the following steps as provided by section 52 Licensing Act 2003 because it considers them necessary for the promotion of the licensing objectives.

The steps are that the premises licence shall be subject to the following additional conditions —

### **Door Supervisors**

1. Security Industry Authority (“SIA”) registered Door Supervisors from an SIA Accredited Company shall be employed from no later than 10pm until the close of the premises on nights when the service of alcohol continues after midnight.
2. There shall be provided at the premises door supervisors who are registered with the SIA to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.
3. No door supervisors shall be employed who have previously been engaged at the premises within the preceding twelve months from the date of the review hearing (26 February 2010)
4. All door supervisors shall wear high visibility jackets to the standard supplied by the Crime and Disorder Reduction Partnership.
5. Written record shall be kept on the premises of every person employed on the premises as a door supervisor in a register kept for that purpose (“the Register”)
6. The Register shall contain the following details:-
  - the door supervisor's name, date of birth and home address;
  - his/her SIA licence number;
  - the time and date he/she starts and finishes duty;
  - the time of any breaks taken whilst on duty;
  - each entry shall be signed by the door supervisor.
7. The Register shall be available for inspection on demand by an Authorised Officer of the Council, the SIA, or a Police Constable.

8. The Register shall comprise of a bound book with consecutively numbered pages and shall be retained for a period of not less than 12 months from the last entry.

## **CCTV**

9. An effective CCTV system shall be designed and installed in accordance with the Cheshire Constabulary CCTV guidance document entitled 'CCTV in Licensed Premises – An Operational Requirement'.
10. Two additional CCTV cameras shall be fitted as per Police guidance to cover the main entrance and beer garden.
11. The Designated Premises Supervisor or a nominated member of staff shall demonstrate on demand by Authorised Officer of the Council, the Security Industry Authority or a Police Constable that the CCTV system complies with the operational requirements of these conditions.
12. A commissioning test shall be carried out with the Police Licensing and CCTV Liaison Officers before completion and hand over of the system.
13. The commissioning test shall demonstrate the following:-
  - recordings are fit for their intended purpose
  - good quality images are presented to the officer in a format that can be relayed on a standard computer
  - the Designated Premises Supervisor or a nominated member of staff have an understanding of the equipment/training
  - management records are kept
  - maintenance agreements and records are maintained
  - Data protection principles and signage are in place
14. When the premises are open for licensable activities there shall be a member of staff on duty who is trained in the use of the CCTV system for the propose of downloading images on the request of a Police Officer for the purposes of crime prevention and detection and such person shall supply the

images in a readable format on disk, USB memory stick or similar device at the request of a Police Officer.

### **Communication**

15. A method of communicating between any premises designated by the Council or the Police from time to time and or the Councils CCTV control room by way of radio links approved by the Police (to the minimum standard of the NITE NET system) shall be provided at the premises.
16. Any radio link used for communication with any premises designated by the Council or the Police from time to time and or the Councils CCTV control room Watch and other licensed premises shall be kept in good working order at all times.
17. When the premises are open to the public, the radio link with any premises designated by the Council or the Police from time to time and the Council's CCTV control room shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff.

**a) Reporting Crime and Disorder**

18. Every incident of crime or disorder in the premises shall be reported via radio link to the Council's CCTV control room by the Designated Premises Supervisor or a nominated member of staff.

### **Reason for the determination**

For the reasons stated above this determination was considered necessary for the promotion of the Licensing Objectives specifically the prevention of crime and disorder.

### **Time that the review decision shall take effect**

The determination in respect of the Door Supervisor conditions (that is, conditions 1 to 8 inclusive) shall come into effect in accordance with section 52 (11) Licensing Act 2003 at the end of the period given for appealing against the decision or if the decision is appealed against as soon as the appeal is disposed of.

The determination in respect of the CCTV, Communications and Reporting Crime and Disorder conditions (that is, conditions 9 to 18 inclusive) shall come into effect within 6 weeks from the date of the hearing or if the decision is

appealed against within 6 weeks from the date the appeal is disposed of.

*Meeting ended at 8.10 p.m.*