

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 6th November, 2020 as a Virtual Meeting

PRESENT

Councillors L Gilbert, M Goldsmith and J Wray

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Joanne Clarke- Solicitor for the Police
Lesley Halliday- Police Licensing Officer
PC Matthew Bassirat- Macclesfield Local Policing Unit
Neil Naylor- Premises Manager
Jane Bailey- Premises Manager

4 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 THE PRINCE ALBERT PUBLIC HOUSE, 140 NEWTON STREET, MACCLESFIELD, SK11 6RW

The Sub-Committee considered a report regarding a premises license review instigated by Section 167 of the Licensing Act 2003 for the licence granted to Mr. Simon Johnson, for the premises known as The Prince Albert Public House, 140 Newton Street, Macclesfield, SK11 6RW.

The report outlined the evidence presented by the parties in relation to the review. The order was issued following agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 27th October 2020.

The following attending the hearing and made representations with respect to the application:

- the applicant; and
- Cheshire Police acting as the Responsible Authority.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy;
- the four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them; and
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties.

The following course of action had been agreed:

RESOLVED-

That the Premises Licence be **MODIFIED** as outlined in the application by attaching to it those conditions as proposed by Cheshire Constabulary in their entirety. The Sub-Committee added a further 2 conditions as set out below. The conditions are listed as a) – ak) below for ease of reference:

Prevention of Crime & Disorder

- a) A CCTV system shall be in operation both inside and outside the premises and it shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.
- b) Recorded CCTV images will be maintained and stored for a period of twenty-eight days.
- c) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police officer or an authorised officer of the licensing authority data or footage upon request. All requests for footage are to be provided within a reasonable time scale.
- d) Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-
 - Recordings are fit for their intended purpose,
 - Good quality images are presented to the officer in a format that can be replayed on a standard computer
 - The supervisor has an understanding of the equipment/training,
 - Management records are kept,
 - Maintenance agreements and records are maintained,
 - Data Protection principles and signage are in place.
- e) SIA registered Door Supervisors shall be employed from 16:00 until 30 minutes after the close of the premises 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.

- f) All persons employed at the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or entitle to carry out that activity by virtue of section 4 of that Act.
- g) Door supervisors shall be required to wear reflective waistcoats or jackets to approved standard – to be a specified colour, with approved lettering “security” front and rear and a clear plastic pocket to display the SIA badge in a prominent position.
- h) A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
 - The door supervisor's name, date of birth and home address;
 - His/her Security Industry Authority 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;
 - Record of all incidents taking place in the venue.
- i) That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
- j) Security staff will ensure the safe and quiet dispersal of customers at the end of trading, encouraging people to leave the area immediately.

Search Policy

- k) The Premises Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises, which shall be to the satisfaction of Cheshire Constabulary.
- l) The Premises Licence Holder or Designated Premises Supervisor shall then ensure that this search policy is complied with at all times when the premises are open for licensable activities.
- m) Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.
- n) All door supervisors shall be trained in search/seizure/arrest procedures at the premises, particularly in relation to controlled drugs and offensive weapons.

Prevention of Public Nuisance

- o) Prominent, clear and legible signs must be displayed at all exits in key areas, requesting the public to respect the needs of the local residents and to leave the premises and area quickly and quietly.
- p) The designated premises supervisor or their representative shall conduct regular assessments of the noise emanating from the premises and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.
- q) A written record of those assessments and the remedial action taken shall be kept and shall include the date, time of checks and the name of the persons carrying out the checks.
- r) Records shall be made available to Officers of Cheshire East Council or Cheshire Constabulary immediately on request.
- s) No external speakers shall be used outside the building.
- t) Refuse, including bottles, shall not be removed from the building for disposal between the hours of 21:00 and 09:00.
- u) All doors and windows must be kept closed (except to allow ingress and exit) when any amplified music or voices, including live or recorded music are being played within the premises.
- v) The designated premises supervisor shall make arrangement to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

Outside Area

- w) the outside area in the rear yard of the premises shall be closed at 20:00 hrs each day save for the area that is under cover immediately outside the rear entrance to allow people to smoke.
- x) All furniture shall be removed and stored away by 20:00hrs each day.
- y) When the outside area is in use, there will be a member of staff on duty in the area at all times in order to maintain appropriate noise levels so as not to disrupt local residents and to discourage the use of foul language by customers.

Protection of Children from Harm

- z) A "Challenge 25" policy shall be operated at the premises at all times.
- aa) The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

ab) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.

ac) The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal, which shall be made available for inspection by Local Authority Officers and the Police.

ad) The DPS or other responsible person shall check and sign the register once a week.

ae) Alternatively, an electronic point of sale refusals log shall be kept.

af) A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

ag) The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such training reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

ah) A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

ai) Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

aj) The Premises may not reopen without a Designated Premises Supervisor in place.

ak) The Premises may not reopen without the confirmation and approval of officers from both Cheshire Constabulary and the licensing authority that the measures set out in the licensing conditions are in place.”

The meeting commenced at 10.00 am and concluded at 1.30 pm

Councillor Mark Goldsmith