

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Thirsty Beak Café Bar Dukes Court 5C 91-95 Mill Street Macclesfield SK11 6NN	
Post town Macclesfield	Post code (if known) SK11 6NN

Name of premises licence holder or club holding club premises certificate (if known) Tracey WARNE 34 Craig Road Macclesfield SK11 7XN
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Number of premises licence or club premises certificate (if known) PREM1028

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cheshire Police Macclesfield Police Station Brunswick Street Macclesfield Cheshire Constabulary SK10 1HQ
Telephone number (if any) 101
E-mail address (optional) <div></div>

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The grounds for review are that the premises have been found by Police to be consistently in breach of their licence conditions.

The premises have recently been subjected to an action plan with clear conditions which needed to be adhered to in order to help them become compliant with their licence conditions. A recent Police licencing visit has found the premises in breach of the conditions set out in the action plan.

The nature and style of the operation at the premises is undermining the licencing objectives particularly:

- Prevention of Crime and Disorder
- Public Safety

Please provide as much information as possible to support the application (please read guidance note 3)

The Thirsty Beak first came to the attention of the licencing officer when footage of a serious assault on Mill Street on 18/08/19 at around 3am was sent to Cheshire East Council. A search of police systems did not find any incident for that date being reported to the police an incident has retrospectively been recorded. Police licencing Officer [REDACTED] and [REDACTED] (Cheshire East Licensing Enforcement officer) started to make enquiries to try to obtain CCTV from various premises on Mill Street who may have CCTV that covered the incident. All conversations pointed to either Thirsty Beak or Capri lounge, as they were the only premises who were open at that time of the morning.

On 23/08/19 [REDACTED] and [REDACTED] visited the premises and spoke to staff at Thirsty Beak and the [REDACTED] of the Designated Premises Supervisor (DPS). [REDACTED] contacted [REDACTED] back after the visit by phone and [REDACTED] verbally requested CCTV from [REDACTED] and she sent over a written request on 30/08/19

The premises should retain CCTV for 28 days therefore the CCTV should have been available until 15/09/19. [REDACTED] was unable to download the CCTV and was reliant on an employee [REDACTED] to download this for her.

The premises licence condition states:

A CCTV system will be installed and maintained at the premises to the satisfaction of the police licensing officer and it will record continuously whenever the premises are open to the public. Unedited images will be securely stored for a period of not less than 28 days and copies promptly provided upon receipt of a lawful request to a constable or an employee of the police.

Tracey Warne was invited to the Police station on 06/09/19 to discuss the issues with the footage not being provided, Tracey was unable to attend but her [REDACTED] who predominantly manages the premises attended in her place. She was reminded of the conditions on the licence and how not providing the CCTV was a section 136 offence as it was a breach of the condition of the licence.

Whilst looking into the circumstances of the complaint [REDACTED] & [REDACTED] became aware of a number of concerns regarding the management of Thirsty Beak Café bar and these were raised with [REDACTED] during the meeting on the 06/09/19.

The concerns were related to the employment of the Security staff at the premises and how they deal with incidents of crime and disorder.

[REDACTED] was asked about the security company she used and she admitted to employing door staff directly and when asked if she had a non-frontline licence she asked what one of those was which suggested that she doesn't have one. [REDACTED] stated that she pays the doorstaff herself cash in hand, but she also gets an invoice (not sure who from) but tried to say that she pays Mani Security for their insurance.

[REDACTED] conducted a follow up enquiry [REDACTED] who is the owner of Voodoo in Macclesfield who is the owner of Mani Security and [REDACTED] advised that he has nothing to do with [REDACTED] and doesn't provide her with any security staff.

The list of 7 names of the door staff [REDACTED] stated worked for her on a regular basis were sent to the SIA who confirmed that only 2 had SIA badges. Checks were also done with the SIA to confirm whether Tracey or [REDACTED] have an SIA non-frontline licence and this it was confirmed that they did not.

When challenged about providing the CCTV [REDACTED] was unable to provide a telephone number for [REDACTED] to enable officers to contact him directly regarding obtaining the CCTV as she contacts him by Facebook messenger. [REDACTED] had to contact him and request that he contact [REDACTED]. By the time [REDACTED] was available to meet, it was 19/09/19 by which time the footage was no longer available. The premises had known since 30/08/19 that this footage was required and had no attempt to secure the CCTV before it was overwritten.

A number of licensing visits were carried out by the LPU and these identified a number of breaches of the premises licence.

The following Section 136 Licensing offences were identified:

The CCTV was not retaining the footage for 28 days as per the licence and on one occasion, the CCTV wasn't even recording when officers attended.

Customers were consuming drinks in the courtyard, but the premises licence states that drinks are for consumption on the premises only and the courtyard was not part of the area licenced by the premises licence.

The premises had held regulated entertainment in the courtyard which is not covered by the premises licence,

Door supervisors not on duty at 22:00 hours as per the premises licence conditions.

There were also concerns regarding the way Security staff are employed at the premises and how involved the DPS is in the day to day running of the premises.

[REDACTED] invited both Tracey Warne and [REDACTED] to Macclesfield Police Station on the 05/12/19 for an Action Plan meeting. Both Tracey and [REDACTED] were very reluctant to agree to the meeting and messed [REDACTED] around regarding whether they would or would not attend. Both did come in on the 5/12/19 and the action plan was agreed (this is detailed below).

On 23/01/20 (a week before Police conduct another licencing visit) Tracey Warne came to Macclesfield Police Station for an interview under caution with [REDACTED] and [REDACTED]. Tracey admitted to a number of licence offences which Cheshire East are looking to prosecute.

The action plan agreed on the 5th December 2019 is detailed below:

Action 1 – The CCTV currently installed at the premises is not fit for purpose and person(s) who have previously asked to view it or requested copies, have either been refused or have been obstructed so that the footage overwrites.

- Ensure the CCTV system records continuously at all times the premises are open to the public and the footage must be retained for at least 28 days.
- When requested, copies of CCTV to be provided to authorised personnel (i.e. Police Officers or Licensing Officers) as soon as practicable.
- For someone to always be on the premises that is able to work the CCTV system.

Action 2 – The premises has been known to employ door supervisors who either are known to the SIA but are not accredited to them, or are unregistered.

- Door Supervisors are to be employed via an SIA accredited security company or should the premises wish to employ directly they must have a valid SIA non-frontline licence.
- All door staff to ensure they sign in/out whenever they are on duty.

Action 3 – The Designated Premises Holder for the premises is Tracy Warne, however the premises are run and managed by [REDACTED] who is not a personal licence holder.

- [REDACTED] to attend a personal licence course and take over as the designated premises holder for the Thirsty Beak. Licensing will assist with arranging this course should [REDACTED] choose to do this.
- If the above is not adhered too then Tracy Warne is to take over the day to day control of the premises.

Action 4 – Although present, the Challenge 25 and no drugs posters are not in suitable enough locations within the premises.

- For the above mentioned posters to be more visible and prominent to members of the public within the premises.

Action 5 – Entertainment is being provided in non-licensed areas of the courtyard.

- Regulated entertainment is only to be held in areas stated on the Thirsty Beak premises licence plan.

Action 6 – On occasions when the premises have been visited the rear gate onto the car park has been locked which is against fire regulations.

- Ensure all fire escapes are freely accessible.

All actions with the exception of Action 3 were to be completed within 28 days.

Police conducted a licencing visit at the premises at 22.00 on Friday 31st January 2020.

Action 1-CCTV

There was no-one on site who could view or show Police the CCTV

Action 2-SIA Supervisors

No doorstaff were present. This visit was at the opening time of 22.00. Police were told that they were on the way

Action 3-DPS

There was an unknown male in charge (not a personal licence holder), no sign whatsoever of Tracy or [REDACTED]. Police were told Tracy was not in and [REDACTED] was on holiday

Action 4-Posters

There was only one challenge 2 notice behind the bar which I had to ask for where it was as it was not visible, only one drugs poster

Action 5-Entertainment

There was no entertainment anywhere within the courtyard

Action 6-Gate/Fire Regulations

The gates were open

Conclusion of review-Chief Inspector Jez Taylor

The staff at Macclesfield have been trying to work with the licensee but at this time, we are seeking to revoke the license of Thirsty Beak Café Bar. The licensee has total disregard for the license conditions currently on the premises licence; we feel that nothing would be achieved by adding further conditions given that Ms Warne is unable to adhere to the conditions currently on the licence.

The licensee has been provided with the support from the officers in Macclesfield along with advice on measures that can be taken in order to address the issues identified and for her to become compliant with the premises licence conditions. The police have shown in the information above that little or no action has been taken which is clearly undermining the licensing objectives and therefore I firmly believe that the Thirsty Beak should have their licence revoked.

If the committee decide against revocation of the licence for the Thirsty Beak Café Bar then we would hope that the following licence changes are considered:

- Reduction in opening hours from 03.00 to 00.00
- Supply of alcohol hours reduced from 03.00 to 00.00
- Change of DPS who will be in day to day control of the premises.

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If yes please state the date of that application

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date **13th February 2020**

.....

Capacity **Police Chief Inspector-Macclesfield Local Policing Unit**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any) **01606 364721**

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [Redacted Email Address]

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.