

Cheshire Police Licensing Department

**Police vs Thirsty Beak Café Bar**

Unit 5 Dukes Court  
Mill Street  
Macclesfield  
SK11 6NN

**Request for Review of the Premises Licence**

The police made the application to review the premises licence on 14/02/2020, with the consultation period ending as the Country entered lockdown due to the COVID-19 pandemic thus delaying the committee hearing.

During this time, an application was received on 09/07/2020 from Ms Kate Homer to transfer the premises licence.

At the time of the transfer Ms Homer and her partner a [REDACTED] were not aware of the pending application to review the premises licence as when they agreed the sale of the business with [REDACTED] & Tracey Warne they did not disclose this information.

The police licensing officer – [REDACTED] has made a number of attempts to contact the new premises licence holder Ms Homer both during the transfer process and since with the hope that it would be possible to work together to find a solution to avoid the need for a hearing.

On 20/07/2020 [REDACTED] sent an email to Ms Homer detailing what conditions and hours the police would be seeking should the Committee choose not to revoke the premises licence. Ms Homer was asked if she would agree to vary the licence in accordance with those conditions and in return the police would withdraw their review.

Ms Homer has not acknowledged this email, she has not responded to any voicemail messages left and she has not engaged with the police at any time, which gives further cause for concern regarding how she will manage this premises, going forward.

It is also worth noting that although the licence has been transferred, Ms Tracey Warne is still the DPS for this premises and it was Ms Warne who was in charge of the premises when the licensing offences occurred, leading to this request to review the premises licence.

Due to Ms Homers lack of engagement with both the police and the council and the fact that Ms Warne is still involved in the business, the police are still seeking revocation of the premises licence.

Should the committee choose not to revoke the licence then the Police would ask that the committee consider imposing the following change in hours and new conditions:

Reduce hours for Playing of Recorded Music – Monday to Sunday 11:00 to 00:00

Reduce hours for Sale and Supply of alcohol to – Monday to Sunday 11:00 to 00:00

Reduce Provision of Late night refreshment to – Monday to Sunday 23:00 to 00:00

Reduce hours open to the public to – Monday to Sunday 11:00 to 00:30

**Amend the existing conditions relating to CCTV, Door Staff and Challenge 25 to the below:**

**Prevention of Crime & Disorder**

A CCTV system shall be used and 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.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days,

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.

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.



SIA registered Door Supervisors shall be employed from 22:00 until the close of the premises on both Friday and Saturday evenings, along with Bank Holidays, Christmas Eve and New Year's Eve, 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.

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

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

The premises shall maintain an Incident Log book and will record all incidents in this book, where the police are called the log entry should also record the incident number.

The incident book shall be available for inspection on demand by an Authorised Officer of the Council or a Police Officer.

### **Protection of Children from Harm**

A "Challenge 25" policy shall be operated at the premises at all times.

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)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

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.

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

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

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.

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 reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

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.

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.

**\*\* Remove condition 7 regarding attendance at Pubwatch as this is not enforceable.**

If the new owners wish to continue to use the courtyard area for customers to drink, then this is to be included in the premises licence plan, so that conditions relating to the outside area can be applied as appropriate.

**Suggested conditions relating to outside:**

All furniture shall be removed and stored away by 22:00 hrs each day

Only polycarbonate or plastic disposable vessels and bottles will be used in the outside area. All drinks in glass bottles must be decanted into such vessels before being allowed into this area.

