

Review of Premises Licence

JUNK

**12 Church Street
Ormskirk**

Police recommendations with regards review sanctions

Sanction - Removal of DPS

Section 4.3.1 of the Section 182 Guidance states;

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

Current DPS is listed as Stephen Warbrick, who is understood to be the step father of Boschetto and resides in Tewkesbury as such he cannot be said to have “day to day” responsibility for running the premises.

The police would therefore recommend the removal of DPS to enable a more suitable DPS to be nominated.

Sanction – Modification of Conditions

The current licence has conditions listed under Annex 2 and also Annex 3, some of which are duplicated within each section, this makes the licence confusing both in compliance and enforcement.

There is also an issue in relation to the interpretation of the condition under Annex 3 relating to the provision of door supervisors at the premises, which in no small part has led to these review proceedings.

The police would recommend that the conditions contained within Annex 2 are removed and replaced with the wording “**See Annex 3**”

Annex 3 conditions should be modified to incorporate the existing conditions under both Annexes with the duplicated conditions removed.

Therefore the recommendation is that **Annex 3** should read as follows;

1. The premises shall install, maintain and operate a CCTV system which will be in use during all times the premises is open to the public and will comply with the following requirements;
 - i. The system will cover all internal public areas of the premises and any external areas used by customers of the premises
 - ii. The system will cover all entrances and exits and be capable of capturing a head and shoulders image of all persons entering the premises

- iii. The system will display the correct time and date and will be capable of time and date stamping any downloaded footage
- iv. The system will be capable of retaining recorded images for a minimum of 28 days
- v. At all times the premises is open to the public there will be a member of staff at the premises who can operate the system and provide any footage requested.
- vi. The Data Controller will provide footage from the system, in a playable format, to any responsible authority on reasonable request and where that request complies with the Data Protection Act or equivalent legislation.
- vii. Any requested footage will be provided as soon as practicable and in any event within 72 hours
- viii. The premises will prominently display signage informing customers that CCTV is in operation at the premises

(NOTE -CCTV conditions have been modified and additional wording added to cater for issues experienced in obtaining footage previously)

2. On a Friday and Saturday there will be a minimum of two door supervisors on duty at the premises from 22:00 until the premises is closed to the public. *(NOTE – modified condition to remove misinterpretation of previous condition, also amended time to reflect incident occurring earlier than midnight and to correspond with recommendation made by the police at the variation hearing)*
3. Whenever the premises is authorised to provide licensable activity until 02:00 on a Sunday, Monday, Tuesday, Wednesday or Thursday, the provision of door supervisors will be the same as that for a Friday And Saturday. *(NOTE – modified condition to remove misinterpretation of previous condition)*
4. On any day that the premises is not authorised by the premises licence to provide licensable activity till 02:00 or later (Sunday to Thursday) the provision of door supervisors will be on a risk assessed basis taking into account the nature and type of operation being conducted on that night.
5. The above risk assessment will be documented, retained on the premises and produced for inspection to any responsible authority upon request.
6. Notices will be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and area quietly.
7. Whenever regulated entertainment is taking place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that

noise is likely to cause nuisance to any local residents, remedial steps shall be taken to reduce the levels of noise.

8. The premises will operate a 'Challenge 25' policy whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over 18. The acceptable forms of proof of identification shall be either;
 - i. Passport
 - ii. A UK Photocard driving licence
 - iii. Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder
 - iv. Proof of age card accredited under the Proof of Age Standards Scheme (PASS)

9. All staff involved in the sale of alcohol will be trained in relation to the 'Challenge 25' policy, age related sales and the licensing objectives upon commencement of their employment. Staff will be subject to refresher training at regular intervals, this training will be documented and made available for inspection on request by any Responsible Authority

10. The Premises Licence Holder/DPS will prevent customers taking glasses and bottles outside the premises at any time

11. The Premises Licence holder/DPS will ensure the curtilage of the premises shall be kept clean and tidy and free from litter

12. A bound incident book shall be maintained at the premises which will be used to record the following;
 - i. Any challenges, both positive and negative, made to customers relating to the sale of age restricted products
 - ii. The time, date of the challenge, description and or name of the customer and details of identification produced
 - iii. Any incidents relating to the premises, its staff or customers
 - iv. This record will include the time, date, nature and outcome of the incident

13. The incident book will be made available for inspection by any responsible authority on reasonable request (*NOTE – modified wording for 11 & 12 due to current wording on the licence and the fact that incidents are not currently recorded*)

14. The premises will operate a 'Shopwatch' radio and be part of the Ormskirk Town Centre Radio Link Scheme. The radio will be operated at all times the premises is open to the public in accordance with the radio Link scheme protocols, which include the requirement to book on and off with Ormskirk CCTV operators. (*NOTE – modified wording to make the condition more understandable and enforceable as the condition is not currently complied with*)

15. The premises will be permitted to provide its authorised licensable activities for an additional hour on the following days;
 - i. The last Friday before Christmas Eve
 - ii. Christmas Day
 - iii. Any Friday, Saturday, Sunday and Mondays of Bank Holiday Weekends
 - iv. From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's day