

Licensing and Public Safety Committee

Wednesday, 4th October 2023, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

Agenda

Apologies

1 Declarations of Any Interests

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 Public Questions

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%202016.pdf>

3 Minutes of meeting Tuesday, 4 October 2022 of Licensing and Public Safety Committee

(Pages 3 - 6)

4 Minutes of the General Licensing Sub-Committees

a Minutes of meeting Wednesday, 21 September 2022 of General Licensing Sub-Committee

(Pages 7 - 10)

5 Minutes of the Licensing Act 2003 Sub-Committees

a Minutes of meeting Tuesday, 18 October 2022 of Licensing Act 2003 Sub-Committee

(Pages 11 - 14)

b Minutes of meeting Wednesday, 2 November 2022 of Licensing Act 2003 Sub-Committee

(Pages 15 - 22)

c	Minutes of meeting Wednesday, 23 November 2022 of Licensing Act 2003 Sub-Committee	(Pages 23 - 28)
d	Minutes of meeting Wednesday, 15 March 2023 of Licensing Act 2003 Sub-Committee	(Pages 29 - 34)
e	Minutes of meeting Wednesday, 5 April 2023 of Licensing Act 2003 Sub-Committee	(Pages 35 - 40)
6	Consideration of Amendment to Hackney Carriage and Private Hire Licensing Policy	(Pages 41 - 46)
	To receive and consider the report of the Chief Executive.	
7	Any urgent business previously agreed with the Chair	

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Matthew Lynch (Chair), Councillor Michelle Le Marinel (Vice-Chair) and Councillors Julia Berry, Mark Clifford, Margaret France, Gordon France, Terry Howarth, Hasina Khan, Roy Lees, Samantha Martin, Dedrah Moss, Debra Platt, Jean Sherwood and Neville Whitham.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

[To view the procedure for public questions/ speaking click here and scroll to page 119](#)



Minutes of	Licensing and Public Safety Committee
Meeting date	Tuesday, 4 October 2022
Committee Members present:	Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Aaron Beaver, Gordon France, Tommy Gray, Terry Howarth, Hasina Khan, Roy Lees, Michelle Le Marinel, Dedrah Moss, Alan Platt and Jean Sherwood
Committee Members present virtually (non-voting):	Councillors John Walker
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Senior Solicitor) and Coral Astbury (Democratic and Member Services Officer)
Apologies:	Councillor Magda Cullens and Mark Clifford (Councillor Aaron Beaver in attendance as substitute)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

13 **Declarations of Any Interests**

Councillor Gray indicated he was a member of a gambling establishment and asked if he needed to declare an interest.

In response, the committee's legal advisor explained that Councillor Gray did not have a disclosable pecuniary interest and was entitled to remain in the room to participate.

14 **Public Questions**

There were no public questions.

15 **Minutes of meeting Wednesday, 6 July 2022 of Licensing and Public Safety Committee**

Councillor Margaret France indicated that her apologies from the previous meeting had not been included on the minutes. The Democratic Services Officer apologised and agreed to amend the minutes before signing by the Chair.

Subject to the amendment of the minutes it was,

Resolved: (Unanimously)

That the minutes of the last meeting are approved as a correct record for signing by the Chair.

16 Minutes of the General Licensing Sub-Committees

This item was for information.

17 Minutes of the Licensing Act 2003 Sub-Committees

18 Minutes of meeting Thursday, 7 July 2022 of Licensing Act 2003 Sub-Committee

Resolved: (Unanimously)

That the minutes of the last meeting are approved as a correct record for signing by the Chair.

19 Minutes of meeting Thursday, 21 July 2022 of Licensing Act 2003 Sub-Committee

Resolved: (Unanimously)

That the minutes of the last meeting are approved as a correct record for signing by the Chair.

20 Allocation of a Hackney Carriage Proprietor (Vehicle) Licence

The committee considered a report of the Director (Planning and Development) that following invitation, members of the trade have submitted expressions of interest in being allocated a hackney carriage vehicle licence.

The committee were requested to carry out a tombola to select those invited to make a formal application for a hackney carriage vehicle licence.

The Enforcement Team Leader (Licensing) explained the procedure to be followed and the Chair placed seven sealed envelopes, each containing an application, into the tombola. The draw was then carried out by the Vice-Chair and names were picked out in the following order:

1. Habij Miah
2. Siraj Jiva
3. Muhammad Ali
4. Yaseer Siddique
5. Muhammad Farooq
6. Khurram Hammad
7. Ali Bahri

The Enforcement Team Leader (Licensing) explained that the first name drawn would be given the opportunity to apply for the grant of a hackney carriage vehicle licence. If,

on the expiry of two months from the draw, the first applicant had not applied and had a vehicle test, the second name drawn shall be invited to make an application.

If the second name drawn did not apply, then the third would be invited to submit an application. If the third failed to apply, the matter would be brought back before the Committee to determine next actions.

Resolved (Unanimously)

1. The committee note the information contained within the report and undertake the tombola.
2. All expressions of interest were drawn from the tombola o provide an audit trail showing all valid expressions were entered into the draw.
3. The committee note and confirm that being drawn from the tombola does not give a guaranteed right to a licence and that the usual criteria grant for a licence shall apply.

21 Revision of Statement of Principles under Gambling Act 2005

The Enforcement Team Leader (Licensing) presented a report of the Director of Planning and Development that sought approval to consult on the revision of the Statement of Principles under the Gambling Act 2005.

The Enforcement Team Leader (Licensing) explained the changes were largely to update some of the information which has become out of date and to improve and clarify any issues in the existing documents. There are no major legislative changes which had been included in the revision. Members noted the summary of changes included at appendix 2.

Resolved (Unanimously)

1. That the committee approves the approach to consultation as set out in the report.
2. That authority is delegated to the Director (Planning and Development) in consultation with the Chair of the committee, to make such changes to the Principles as are appropriate in response to consultation responses.
3. That the Committee recommends to Council that the Principles (subject to any revisions by the Director in consultation with the Chair) be approved, published and implemented four weeks after its publication.

22 Thanks

The Chair explained that Elizabeth Walsh (Senior Solicitor) would be leaving the authority in January for pastures new.

The committee thanked Elizabeth for all the support given to members of the Licensing and Public Safety Committee and wished her well in her new role.

Chair

Date



Minutes of **General Licensing Sub-Committee**

Meeting date **Wednesday, 21 September 2022**

Committee Members present: Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Hasina Khan, Roy Lees and John Walker

Officers: Tracy Brzozowski (Customer Services Manager (Enforcement)), Alex Jackson (Legal Services Team Leader), Usman Gazra (Enforcement Officer (Licensing)) and Ben Storey (Democratic and Member Services Officer)

Apologies: Councillor Michelle Le Marinel

20.5 Declarations of Any Interests

On the commencement of the meeting, the Chair held a minutes' silence as a mark of respect for the late Queen, Queen Elizabeth II.

There were no declarations of interests.

20.6 Procedure

The Chair outlined the procedure to be followed.

20.7 Exclusion of the Public and Press

Resolved:

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

20.8 Review of a Private Hire Driver Licence

On 21 September 2022 at 2:00pm, a sub-committee hearing was convened in respect of a review of a Private Hire Driver Licence.

The members were Cllr Matthew Lynch (Chair), Cllr Hasina Khan, Cllr Roy Lees, and Cllr John Walker. The Driver was also present.

The Enforcement Officer (Licensing) outlined the report of the Director of Planning and Development and explained that the Driver had been referred to the sub-committee because he had been convicted of an offence after the grant of his licence, taking him

within the Council's Safeguarding, Suitability and Convictions Policy for Taxi Licensing.

The Enforcement Officer (Licensing) outlined the Driver's history as a licence holder. Following a complaint made by a member of the public, the Driver's licence was reviewed by the General Licensing Sub-Committee in December 2009. As a result of this the licence holder was required to complete a recognised training course regarding customer care, customer safety and driver safety. With reference to paragraph 13, the Enforcement Officer (Licensing) confirmed that after the report was published, evidence confirming that the Driver had completed this course had now been discovered within Council records and paragraph 13 should be disregarded.

On two separate occasions the licence holder received a fixed penalty notice for a speeding offence, resulting in his DVLA licence being endorsed with 3 penalty points. On both occasions, the licence holder failed to notify the Council of this in accordance with the conditions of his licence, however, he did declare the fixed penalty on his subsequent applications to renew the licence.

No further complaints or incidents had been reported to the Council until the offence in March 2022 with the Driver's licence last being renewed on 20 October 2020.

Members were asked to disregard paragraphs 20 and 21 of the report in relation to the Driver's failure to notify the Council of the fixed penalty notice. The Enforcement Officer (Licensing) explained that further evidence had been provided by the Driver's legal representative that demonstrates that notification was provided within 7 days of the conviction being imposed.

The Enforcement Officer (Licensing) referred members to the Safeguarding and Suitability Policy and explained that when an offence is committed in relation to driving or operating a taxi, this should be viewed in a more serious light and a longer period of rehabilitation will be required.

He explained that the Council's Policy stated that any minor traffic offence which results in 6 or more penalty points are to be treated as a major traffic offence. The policy states that a period of 2 years is required before the Council would grant a licence to an applicant with a major traffic offence.

When asked by Members, the Enforcement Officer (Licensing) confirmed that the Driver's licence was not currently suspended.

Members asked for clarification whether the previous speeding offences were obtained whilst in a licensed vehicle. In response, Members were advised that the Council would not hold these records but suggested that the Driver could clarify this point.

In making his representations, the Driver detailed the circumstances in which he received the fixed penalty notice.

Upon leaving a petrol station near where he lives, the Driver received a call from home which he believed was in relation to his mother who has health concerns. As he had just re-entered the vehicle, his mobile phone had not connected to his car when the call was received. Therefore, to answer the call the Driver reached over to his phone which was sat in a phone cradle on the dashboard. This action was spotted by a nearby police officer who took the Driver's details and reported the incident.

The Driver accepted responsibility for his actions and told the sub-committee that he had taken steps to ensure such an incident would not happen again, namely a new Bluetooth kit that connected his mobile phone to his car before he entered the vehicle.

In response to questions from Members, the Driver confirmed that he was in a private vehicle when he was convicted of the two previous speeding offences, also near to where he lives. The Driver also explained that he did not pick up his phone to answer the call but tapped on the phone whilst it was secured in a phone cradle.

The Legal Officer asked the Driver whether there were any non-paying passengers in the vehicle when he committed the mobile phone use offence. In response, the Driver confirmed that nobody else was in the car at the time.

Members sought reassurance from the Driver that he appreciated that passenger safety was paramount and asked if he had learnt from his previous convictions. The Driver replied that he had learnt from his mistakes, referencing the incident in 2009 and was a more considerate driver.

In summing up, the Driver expressed his regret at what he described was a 'genuine mistake', explained that he had learnt from his mistakes and had taken steps to ensure such an incident was not repeated in the future.

Decision

Members resolved to authorise licensing officers to issue a stern warning to lie on the Driver's licensing file for the following reasons:

1. The Driver reported the offence in writing within 7 days to the Council in accordance with conditions attached to his driver licence.
2. Members were satisfied that the Driver had given a genuine commitment to obey the law in future regarding mobile phones in vehicles.
3. Members accepted the Driver's account that the offence did not occur in a licensed taxi.
4. Members accepted the Driver's account that he merely pressed a button to answer on the mobile phone and did not hold it in his hand as he would when not driving a vehicle. Members emphasised however that any repeat of the offence even in similar circumstances would likely result in revocation of the driver licence.

Chair

Date

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Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Tuesday, 18 October 2022
Committee Members present:	Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Tommy Gray and John Walker
Committee Members present virtually (non-voting):	Councillors
Observers present:	Councillors and (attended virtually)
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Senior Solicitor), Stefanie Malcolmson (Senior Solicitor) and Coral Astbury (Democratic and Member Services Officer)
Apologies:	Councillor

A video recording of the public session of this meeting is available to view on [YouTube here](#)

8 **Declarations of Any Interests**

None.

9 **Procedure**

The Chair outlined the procedure that would be followed.

10 **Exclusion of the Public and Press**

Resolved:

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

11 **Determination of whether to suspend or revoke a Personal Licence**

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee to inform members that the Personal Licence holder has been

convicted of a relevant offence and to request that members decide whether to suspend or revoke the licence.

The Personal Licence Holder (PLH) was not present at the hearing.

The Enforcement Team Leader (Licensing) asked members to consider if they would like to proceed with the hearing given that the PLH was not in attendance. The Enforcement Team Leader advised he had served the PLH with various notices and not received any response. Officers had attempted to contact the PLH on the day of the hearing via telephone and left a voicemail, this had not been responded to.

The Enforcement Team Leader (Licensing) left the room whilst members discussed if they should continue.

It was resolved by members that the hearing would continue in the absence of the PLH.

The Enforcement Team Leader (Licensing) explained the PLH was granted a Personal Licence on 15 March 2021 and was not currently the designated premises supervisor (DPS) of a Chorley licensed premises. It was unknown whether he was the DPS at a premise outside of the borough.

On 9 August 2022, the PLH was convicted of an offence of driving a motor vehicle with alcohol concentration above the prescribed limit, contrary to Section 5(1)(b) of the Road Traffic Act 1988. The court record indicated the PLH had between 90-119 micrograms of alcohol per 100 milliliters of breath. The legal limit is 35 micrograms.

The Enforcement Team Leader (Licensing) explained that Section 128 of the Licensing Act 2003 requires a personal holder charged with a relevant offence to produce the licence to the Court. It appears, the licence holder failed to comply with this duty. Section 132 of the Act requires a PLH convicted of a relevant offence to give the Licensing Authority, as soon as reasonably practicable after the conviction, a notice containing the details of the nature and date of the conviction and an sentence imposed in respect of it. The licence holder also failed to comply with this duty.

On 31 August 2022 the PLH was given notice that the Licensing Authority was considering or revoking his Personal Licence and was invited to make representations regarding this within 28 days of receiving the notice. No representations were received from the licence holder.

Members noted the address contained on the court record differed from the address the local authority held on file and asked the Enforcement Team Leader (Licensing) if the PLH had received the letters. In response, the Enforcement Team Leader (Licensing) advised the Licensing Act 2003 has a requirement for PLH's to notify the authority of a change of address, however he had not notified the authority of any change.

As all notices had been sent to the PLH via email, the Enforcement Team Leader (Licensing) advised he did not see any issues with the service of hearing notice.

Members asked why the reading for blood alcohol levels were not more accurate. In response, the Enforcement Team Leader (Licensing) explained that several readings may have been taken over a period.

Resolved:

The Licensing Act 2003 Committee considered the request whether to suspend or revoke the Licence. Members considered the Licensing Objectives as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In coming to its decision Members regarded:

- Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The Licensing Act 2003

After careful consideration, the Sub-Committee decided to revoke the licence for the following reasons:

1. Due to the seriousness of the drink driving offence and the fact that the Licence Holder had failed to notify the Local Authority both of the conviction and due to the discrepancy of his address, this went against the promotion of the Licensing Objectives, the Council's Statement of Licensing Policy and provisions within the Licensing Act 2003.
2. The Licence Holder should have informed the Court that he held a Personal Licence, but he did not.
3. Members noted that the Personal Licence Holder had failed to make any representations and did not attend committee. His failure to respond to communications and/or lack of communication with the Enforcement Team Leader and the Council was noted by Members. Members expressed their disappointment at his failure to explain himself.

Chair

Date

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Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 2 November 2022
Committee Members present:	Councillor Matthew Lynch (Chair), and Councillors Margaret France and Alan Platt
External attendees:	PC Stephen Connolly, Lancashire Constabulary - Applicant Mr. Bryn Hayes, Trust Inns Ltd – Premises Licence Holder
Officers:	Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Stefanie Malcolmson (Senior Solicitor) and Coral Astbury (Democratic and Member Services Officer)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.12 Declarations of Any Interests

There were no declarations of interest.

20.13 Procedure

The Chair outlined the procedure that would be followed during the hearing.

20.14 Determination of Application for the review of a Premises Licence, The Imperial 59 Union Street, Chorley,

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee to advise members of an application for review of a premises licence in respect of The Imperial, 59 Union Street, Chorley, PR7 1AB.

The Premises Licence Holder (PLH) Mr. Bryn Hayes, on behalf of Trust Inns Ltd, was present.

The Applicant for Review on behalf of the Chief Constable at Lancashire Constabulary, PC 6884 Stephen Connolly was also present. Also present was Mr. Nathan Howson (Enforcement Team Leader – Licensing), who had submitted a representation on behalf of the Licensing Authority.

The Sub-Committee were asked to approve the requests received under regulation 8, allowing eligible parties to the hearing to speak. These requests were approved by the Sub-Committee.

The Customer Services Manager (Enforcement) presented the report and explained that the premises had been licensed in the name of the current premises licence holder since 2005, when the licence was transferred under grandfather rights. Since the grant of the licence, there had been regular variation applications submitted for a change of Designated Premises Supervisor (DPS). The Customer Services Manager (Enforcement) advised the premises currently had no DPS in place.

The Customer Services Manager (Enforcement) advised members the application for review had been advertised in accordance with the regulations. A notice had been displayed at the premises, at the Council Offices and a copy of the application published on the Council's website for the 28-day consultation period. In response to the consultation, a representation was received from Mr. Nathan Howson, Enforcement Team Leader (Licensing) as an authorised officer of Chorley Council on behalf of Chorley Council.

The Customer Services Manager (Enforcement) advised members that the relevant parties had agreed modified conditions for the premises licence, and these were presented to member's for consideration, within the supplementary agenda.

The Customer Services Manager (Enforcement) requested Members give due consideration to the application and any relevant representations. Members noted that the duty of the licensing authority is to take steps appropriate to promote the licensing objectives in the interests of the wider community.

PC Connolly for and on the behalf of the Chief Constable of Lancashire Constabulary, explained that an application for review was submitted on the grounds that the licensing objective of the Prevention of Public Nuisance and Public Safety objective was being undermined.

The Applicant for Review, PC Connolly explained to the Sub-Committee the premises had re-opened in March 2022 with new tenants and the original DPS who was Mr. Darren Tickle. The Police had objected to this appointment due to recent offences and pending prosecutions. Between March – August 2022 there had been four additional DPS variations, of which the Police objected to a further two appointments. The first individual had stated he was only applying to the role as a, "favour for a mate" and was not actually in control of the premises. The second individual was following the recent disorder at the premises.

PC Connolly explained that Officers first experienced difficulties with the premises in June 2022. On 24 June 2022 Officers undertook a walk through of the premises after 23:00 and noted loud music inside and no door supervisors. Another walk through was done on 2 July 2022 and had similar findings. Officers received the first incident report from the premises on 10 July 2022 which came from a member of staff, claiming there was a customer causing problems and entering the premises although they were barred.

Shortly after the call, Officers carried out another walk through at 00:45 and noted the absence of door supervisors and the DPS. The Bar Manager made comments to the

Police Officers that she had recently found a parcel of drugs within the premises and she had taken it to the Police Station.

On 16 July 2022 Officers do another walk through of the premises at 00:45 and noted the absence of door supervisors and the DPS. The music within the premises was loud and the Bar Manager made comments to the Officer's that she could not hear a thing.

On 3 August 2022 there was an allegation of assault wherein an individual had been assaulted within the premises and had a pint of beer thrown over them. Another allegation of assault within the premises was received on 6 August 2022. The complainants stated that an individual known for being on a pub watch ban had assaulted them and was acting as a security guard within the premises, despite not being licensed.

A further incident was recorded on 16 August where there was an allegation of 15 persons fighting inside the premises, before continuing the fight on the street. Town Centre CCTV operatives reviewed the footage and saw a scuffle, but there was no further complaints.

On 1 September 2022, CCTV operators for the Town Centre captured a large fight occurring outside of the premises which continued for several minutes. Following this, several of the group went back inside The Imperial. Officers attended the premises and arrested two individuals, during the arrest two Officers were also assaulted. Again, it was noted there was no door staff on duty.

On 4 September 2022 there was a further report alleging an assault at the premises, Town Centre CCTV captured individuals leaving the premises onto the street and fighting in the car park opposite. Again, no door staff were on duty. PC Connolly showed the Sub-Committee footage from the incidents on 1 September 2022 and 16 July 2022.

In response to a member enquiry it was confirmed that The Imperial did have CCTV inside, however it was of extremely poor quality.

PC Connolly confirmed that it was not clear who was in charge of the premises on a day to day basis. As the premises had changed DPS five times within a year, this raised concern and the premises would have been included in Operation Nightsafe. Officers would also do walkthroughs of the premises on the back of previous incidents or intelligence.

Members asked if any other pubs in the Town Centre demonstrated this kind of activity. In response, PC Connolly stated that there was not. Chorley Town Centre had a strong pub watch and premises worked together with incidents managed well.

Members commented on individuals drinking from open containers outside of the premises and asked if this was permitted. The Enforcement Team Leader (Licensing) explained that there was a condition on the licence requiring there be no glass containers outside, this was a breach of licence.

Mr. Nathan Howson, for and on behalf of the Licensing Authority, explained that his representation was based on the licensing objective of Prevention of Crime and Disorder. Mr. Howson explained that a significant amount of time had been spent with

the premises and multiple visits undertaken, both with Chorley Council Officers and Police, to help and assist the managers to bring their activities into compliance with the licence. Despite those visits no improvement had been made.

It was the view of Mr. Howson that the issues at the Premises were caused by poor management. The premises had seen a number of managers, different individuals proposed as DPS with no actual responsibility for the premises. Mr. Howson had written to the PLH following the visits, expressing concern at the poor management of the premises.

Mr. Howson advised that himself and the Police had worked closely with Trust Inns following the incidents and had been received positively. The PLH were now in the process of removing the current tenants, which would satisfy the concerns held by the Licensing Authority. Mr. Howson referred to the supplementary agenda and explained that parties had an agreed position regarding the imposition of licence conditions and asked members to consider these when making their decision.

Members asked the Enforcement Team Leader (Licensing) for reassurance that the conditions would be adhered to. In response, the Enforcement Team Leader (Licensing) explained the conditions would form part of the licence. Should they be breached, it would be a criminal offence and could result in prosecution. The Enforcement Team Leader (Licensing) confirmed that the premises was currently closed as it was without a DPS. Without a DPS, the premises was not permitted to sell alcohol.

Referring to the proposed conditions, members asked when the first risk assessment would need to be undertaken. The Enforcement Team Leader (Licensing) explained that a risk assessment would need to be in place prior to the premises re-opening.

Mr. Bryn Hayes, on behalf of Trust Inns the PLH, addressed the sub-committee and explained that they had no day to day control over the pubs they let. Trust Inns provided tenants with all the support they needed and explained what was expected of tenants. Mr. Hayes accepted that The Imperial had poor management and it was a poor decision to allow the tenants to be in charge of the premises. Trust Inns had possessed The Imperial for a number of years and had not previously had any issues. Mr. Hayes explained that Trust Inns had removed the DPS as soon as they could, meaning the premises could no longer trade. They were also in the process of removing the tenants. Mr. Hayes explained that Trust Inns run other premises within Chorley which were well organised and run. They had worked with the Licensing Authority and Lancashire Constabulary to try and improve the situation.

Members welcomed that Trust Inns accepted they had made a wrong decision and commented that it would be a good opportunity for someone to run a premise in a prime location within Chorley.

Members sought clarification on the process used by Trust Inns when handing over premises to new tenants. In response, Mr. Hayes explained they had a process before they put tenants within the premises. They would go through the paperwork for the premises licence and provide the tenants with all documents needed to run a successful business.

Members asked Mr. Hayes if he approached Licensing Officers when he had concern that things were not being done as they should. Mr. Hayes confirmed that he did not

approach Officers as it was admin procedures that were not being followed currently. In his experience, other tenants wanted to run their business properly and accepted help from the PLH, in this case the tenants did not.

In response to a member enquiry, it was confirmed that the eviction process for the tenants was currently with solicitors. The premises would remain closed until Trust Inns received back control and appointed another tenant. Trust Inns would inform the authorities of who that would be.

PC Connolly in summing up, referred to his previous statement and explained that Trust Inns had not come to his attention other than the Imperial. It was his view that issues could have been mediated had the tenants been prepared to pay for door supervision.

In summing up Mr. Nathan Howson, on behalf of the Licensing Authority, asked committee to consider imposing the conditions which had been agreed by all parties. It was his view that these were a reasonable way to protect the licensing objectives.

Mr. Bryn Hayes, on behalf of the PLHS Trust Inns, also referred to the agreed conditions and requested members consider these when making a decision. Mr. Hayes stated that someone would have the opportunity to run a great business in Chorley.

RESOLVED:

Members took account of the application and relevant representations, the Council's Statement of Licensing Policy, the Section 182 guidance, the Licensing Act 2003 and the Licensing Objectives. After careful consideration members resolved to vary the conditions attached to the Premises Licence for the following reasons:

1. The applicant and the premises licence holder have been working together since the application for a review was submitted in order to address the concerns set out in the body of the application. This has resulted in a number of proposed conditions being agreed and put to Members today for consideration.
2. Members are in agreement that the proposed conditions address the concerns raised in the application for a review of the Premises Licence, save for a slight amendment to proposed condition 1 below and an amendment to the existing condition to vary the opening times of the premises. The opening times of the premises on a Sunday to Thursday shall be modified to 10am to 12am in order to address concerns regarding noise levels and the fact that incidents brought to the attention of this Committee today have taken place during the week.
3. In addition to the conditions, Members would like to recommend that the Premises Licence Holder joins Pub Watch which also address the concerns raised in the application.

The following conditions shall be added to the Premises Licence:

1. A written risk assessment shall be carried out which considers the provision of door supervisors. Such risk assessment shall be conducted for the normal running of the premises and shall be carried out on a not less than yearly basis. Such risk assessment shall require a minimum of 2 door supervisors to be deployed at the premises from **2000hrs on Friday and Saturday** until the close of

business or until the immediate vicinity of the premises has been cleared of customers, whichever is the later.

2. Where the premises is proposed to be used otherwise than for the normal running of the premises or over a bank holiday, a further risk assessment shall be carried out which considers the provision of door supervisors. All risk assessments required by condition shall be kept on the premises for 12 months from the date of assessment and shall be produced to Responsible Authority Officer or Police Officer on request.
3. A CCTV system shall be installed at the premises which shall meet the following criteria:
 - All recording shall be stamped with the correct time and date;
 - The system shall be recording at all times the premises is open to the public;
 - All recordings shall be retained for at least 31 days after they are made and shall be produced to an authorised officer upon lawful request;
 - As a minimum, the CCTV shall capture a “head and shoulders” image of any person who enters the premises through one of the public entrances and shall be of a quality that would enable their identification;
 - The DPS shall carry out an inspection of the CCTV system at least once monthly to ensure it complies with the above. Any non-compliance and errors/malfunctions shall be recorded in the incident log and corrected within 3 working days of the problems being identified;
 - Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises; and
 - A competent person, trained in the use and operation of the system, shall be in attendance at the premises at all times licensable activities are being carried on. Said person shall be able to fully operate the CCTV system and be able to download data in a recognised format when requested.
4. A bound incident log shall be kept on the premises which shall be used to record any notable incidents, such as a report of crime or disorder, evidence or suspicion of drug related activity and any ejections from the premises. All entries in the log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident.
5. Any person who is authorised by a personal licence holder to sell alcohol under the premises licence shall be authorised in writing. Such authorisation shall include, as a minimum, the name and signature of the person being authorised, the name and signature of the personal licence holder and the date of the authorisation. The log of persons authorised shall be kept up to date and on the premises and shall be produced to a responsible authority on reasonable request.
6. Prior to being authorised to sell alcohol at the premises, each person shall be trained in the responsible selling of alcohol, the conditions of the premises licence, the “Challenge” Policy and drug awareness. Refresher training shall be carried out at intervals of not greater than 12 months. All training required by this condition shall be recorded in a written format which shall be kept on the

premises for a minimum of 24 months and produced to a responsible authority on reasonable request.

7. The premises licence holder shall produce a written dispersal policy for the premises and shall ensure the premises is operated in accordance with this policy.

The premises licence holder and any person who made relevant representations may appeal to the magistrates' court within 21 days of notice of this decision.

Chair

Date

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Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 23 November 2022
Committee Members present:	Councillor Matthew Lynch (Chair), and Councillors Gordon France and John Walker
External attendees:	PC Stephen Connolly, Lancashire Constabulary - applicant Ms Andrea Forrest, Forrest Solicitors – representing the Premises Licence Holder Mr. Verkaria Bharat – Premises Licence Holder Mrs Bharat – Spouse of the Premises Licence Holder Mr Jeff Bamber – Interested party
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
Apologies:	Councillor Dedrah Moss

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.15 Declarations of Any Interests

There were none.

20.16 Procedure

The Chair outlined the procedure that would be followed during the hearing.

20.17 Determination of Application for the Review of a Premises Licence- Tony's Off Licence, 50 Bolton Road, Chorley

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee advising members of an application for the review of a premises licence served by Lancashire Constabulary, in respect of the premises Tony's Off Licence, 50 Bolton Road, Chorley, PR7 3ET.

The Sub-Committee were asked to approve the requests received under Regulation 8, allowing eligible parties to the hearing to speak. These requests were approved by the Sub-Committee.

Mr. Nathan Howson (Enforcement Team Leader – Licensing), presented the Committee report which informed members that on 6 October 2022, an application for

the review of a premises licence was received from PC 6884 Connolly, for and on behalf of the Chief Constable of Lancashire Constabulary.

Mr Howson advised members that following the application for review representations had been received from Lucy Collier, who stated she is a member of staff at the premises; Scot Schilz, a member of the public and Jeff Bamber, a member of the public.

Further to the report, Mr Howson (Enforcement Team Leader - Licensing), advised members that additional evidence in the form of audio and video recordings had been submitted by the applicant and which had been circulated to the Sub-Committee.

He also informed members that the applicant and the licence holder had agreed to modified conditions to be imposed on the premises licence, and these were presented to members for consideration, together with further supporting evidence in the form of refusal records relating to the premises and certificates obtained from premises staff having completed courses for sale of age restricted products.

The Applicant for Review, PC Connolly for and on the behalf of the Chief Constable of Lancashire Constabulary, explained that an application for review of the premises licence was submitted on the grounds that the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm were being undermined at the premises.

PC Connolly informed the Sub-Committee of the circumstances which brought about the application which were that on Monday 5 September 2022 Lancashire Constabulary received a 999 call from a member of the public stating that they had assaulted a staff member on duty, alleging that her 16 year old son had been sold nitrous oxide by the staff member. PC Connolly in his statement said it was his honestly held belief that on 5th September 2022, the cashier sold the Nitrous Oxide cannister knowing that it was intended for misuse. The assistant described the product as "balloons" to the police which is how the substance is consumed for psychoactive effects.

Further to the above, PC Connolly said that on 15 September 2022 he attended the premises in company with Lancashire Trading Standards and Chorley Borough Council Licensing to undertake an inspection of the premises licence and discuss the incident with the Premises Licence Holder. PC Connolly stated that during the inspection he noted a 'slushed ice' machine by the counter which was currently switched off. Attached to the side of the machine was a hand written notice advertising "adult slushies" made with a double measure of vodka or gin. PC Connolly questioned Mr Bharat about this, specifically his process around measuring out the alcohol and he advised that he used to have a plastic cup which he measured out two shot glasses of alcohol, poured them into a plastic cup and drew a line on it with a marker pen to determine the measure when serving the "adult slushies". He advised Mr Bharat that this was not a correct means of measuring out the alcohol.

PC Connolly also stated that Mr Bharat advised that staff were trained on selling nitrous oxide but was unable to provide any evidence as to which staff were trained, by whom and when. PC Connolly in his statement said that Mr Bharat claimed that he had been selling nitrous oxide cannisters recently to takeaways, and when asked where he purchased them he initially stated "AMAZON" but then denied having an

account, and then claimed that someone had bought them for him before changing to buying them from a catering supplier.

Finally in his statement PC Connolly said he and Mr Bharat discussed the CCTV footage of the incident. It transpired that CCTV at the premises had only held records for 5 days and that a copy of the incident had not been made despite a staff member being assaulted. He stated that there was very little signage as regards the Check 25 policy for age restricted products.

Representations were also made in PC Connolly's statement that during this visit Lancashire Trading Standards seized a large quantity of noncompliant e-cigs from the premises. The inspection also uncovered that Mr Bharat had failed to notify Greenwich Council that he had changed his address.

In conclusion PC Connolly stated that the decision to review was due to the serious nature of what had taken place in that that sale of psychoactive substances was prohibited for sale for human consumption, there had been 716 deaths in England and Wales related to their use and that of those psychoactive substances had been mentioned on 56 certificates. PC Connolly stated that North West England had the worst record of deaths related to psychoactive substances.

The Audio and Video recordings were played to the Sub-Committee. PC Connolly read out in full the transcripts provided in police statements.

In the questions to the applicant by the Sub Committee it was stated that no reason had been given by the premises licence holder as to why the CCTV footage in connection with the sale had not been provided. During questions to the applicant by the licence holder's representative PC Connolly agreed that there were very few conditions on the current premises licence and further that by not providing the CCTV footage no breach of licence conditions had taken place. PC Connolly also agreed that the imposition of the proposed licence conditions would promote the licensing objectives.

Mr Jeff Bamber made verbal submissions to the Sub Committee in support of his written representations. He stated that he had never witnessed staff sell age restricted items to any customers without the appropriate identity checks taking place, and indeed on occasions had seen staff politely refuse to sell restricted items if ID was not presented. Mr Bamber also stated that he frequented the shop 4-5 times a week usually in the evenings.

Ms Andrea Forrest, on behalf Mr Bharat the Premises Licence Holder, made submissions to the Sub-Committee. She made the following representations in support of the premises licence holder:-

- No representations have been made by other responsible authorities following the application for review.
- The only written representations received by interested parties have been in support of the premises licence holder.
- The sale of a product containing nitrous oxide leading to an assault was alleged.
- In their police statement the officer merely states that it is their "honest belief" the sale of the nitrous oxide product was knowingly sold for misuse.

- Despite the seizure of e-cigarettes/vapes, Trading Standards have not made any representations.
- There is no condition on the licence in respect of training records so there has been no breach in that regard. Training undertaken many years ago would not have included e-cigarettes/vapes.
- It is difficult to identify non-compliant e-cigarettes/vapes from legitimate products.
- All premises staff have now undertaken Trading Standards courses in relation to sale of age restricted products.
- A test purchase relating to e-cigarettes carried out in August 2022 was passed.
- There have been a number of successful test purchases ranging from 21 July 2016 – 8 August 2022.
- Retention on CCTV footage was not a condition of the premises licence.
- There has been no discussion by the police with the premises licence holder to address these issues prior to applying for review. Section 182 Guidance states that with instances of concerns regarding a premises it is good practice to give the licence holder early warning in respect of those concerns (paragraph 11.10 refers).

The licence holder also stated through his wife that the Amazon account in question was hers. An exchange of excess stock was arranged where a case of champagne was exchanged for 12x cannisters with a value of £220.

PC Connolly in summing up, indicated that he had submitted the application for review due to the serious matter concerning the alleged sale of a nitrous oxide cannister which potentially may have led to a child's death. He requested that the Sub-Committee consider imposing the conditions which had now been agreed by the licence holder. It was his view that these were a reasonable way to promote the licensing objectives.

Ms Andrea Forrest, on behalf Mr Bharat the Premises Licence Holder, also referred to the agreed conditions and requested members consider these when making a decision.

RESOLVED:

Members took account of the application and relevant representations, the Council's Statement of Licensing Policy, the Section 182 guidance, the Licensing Act 2003, the Licensing Objectives and the Human Rights Act 1998.

After careful consideration members resolved to add the conditions in the addendum to the report to the premises licence as well as an additional condition prohibiting the sale or offering for sale of nitrous oxide cannisters for the following reasons:

1. Staff at the premises were confused about the sale of nitrous oxide cannisters which is a crime if the seller is reckless as to whether it will be used to produce psychoactive effects. This undermines the licensing objective of the prevention of crime and disorder and if the potential end consumer is a young person the prevention of harm to children.
2. The grounds for members' concerns are as follows:

The assistant described the product as “balloons” to the police which is how the substance is consumed for psychoactive effects.

The seller referred to feeling bad about selling the cannisters which pointed to an awareness of a risk that the substance was possibly being used for psychoactive effects.

However it was a single incident and the larger cannisters being sold did not point towards deliberate supply to the public for psychoactive effects.

3. Members attached significant weight to the police concerns but also attached weight to the fact that the police view was that the imposition of the conditions in the addendum would promote the licensing objectives.
4. The current licence was very thin and conditions relating to CCTV were appropriate considering that the system in place in September 2022 automatically wiped footage after 5 days.
5. The premises had failed an underage alcohol test purchase in 2021 and the police gave evidence that the measures to minimise sale of alcohol to minors were wanting. However Trading Standards had not submitted an application for a review so evidently did not have serious concerns about underage alcohol sales and the premises provided evidence that it has successfully passed other test purchases. Recently the Premises Licence Holder/DPS and his wife had attended training courses aimed at preventing underage alcohol sales.
6. Trading Standards did not submit a representation concerning sale of non compliant e-cigarettes/vapes.
7. The damage from abuse of nitrous oxide was very high, resulting in many deaths nationally. Members viewed the consequences of the risks at the premises as serious and merited additional conditions including a prohibition on sale and offering for sale given the serious harm to users and to the rest of society.
8. Members attached limited weight to Mr Bamber's representations because he accepted he was only in the premises sporadically.

The following conditions shall be added to the Premises Licence:

1. The premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows: - a) The system shall have cameras which cover all areas of the internal areas of the premises and the immediate external areas which customers use for access/egress to the premises. b) As a minimum, the CCTV shall capture a “head and shoulders” image of any person who enters the premises through one of the public entrances and shall be of a quality that would enable their identification. c) All recordings shall be stamped with the correct time and date d) All recordings shall be retained for 30 days and shall be produced to an authorised officers upon lawful request e) Signage advising that CCTV is in operation will be displayed f) The DPS shall undertake an inspection of the CCTV system at least once monthly to ensure that

it complies with the above. The date of the inspection shall be recorded in the premises log.

2. An incident log shall be kept on the premises which shall be used to record any notable incidents, such as a report of crime or disorder or refusal of any age-related product. All entries in the log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The DPS shall inspect the log at least once every two weeks and record with signature the date which the inspection took place.

3. Any person who is authorised by a personal licence holder to sell alcohol under the premises licence shall be authorised in writing. Such authorisation shall include, as a minimum, the name and signature of the person being authorised, the name and signature of the personal licence holder and the date of the authorisation. The log of persons authorised shall be kept up to date and on the premises and shall be produced to a responsible authority on reasonable request.

4. A documented Challenge 25 Scheme will be the adopted Age Verification Policy. The Challenge 25 Scheme will be actively promoted and advertised at the premises and suitable signage will be in place. Any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person and the refusal shall be recorded in the premises log that must be kept to record details of any refused sales. This record shall be made available for inspection by any responsible authority upon request. Acceptable forms of identification shall be: - (a) A PASS accredited holographic proof of age card (b) Photo Driving Licence (c) Passport (d) National, including EU Identity Cards

5. A documented training scheme shall be introduced for all staff in a position to sell alcohol. Training reviews shall be carried out every 6 months with all members of staff in order to reinforce this training and to promote best practice. All training records shall be kept at the premises for a minimum of 12 months from the date of training and be made available for inspection by any responsible authority upon request.

6. The sale or offering for sale of nitrous oxide cannisters shall be prohibited at the premises.

Chair

Date



Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 15 March 2023
Committee Members present:	Councillor Matthew Lynch (Chair), and Councillors Gordon France and Tommy Gray
External attendees:	Azimah Sultana – UK Border Agency, Immigration Compliance and Enforcement Mr Monir Uddin, Premises Licence Holder Mr Mohammed Hussain, Maya Solicitors
Officers:	Usman Gazra (Enforcement Officer (Licensing)), Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
Apologies:	Councillor Dedrah Moss

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.1 Declarations of Any Interests

There were none.

20.2 Procedure

The Chair outlined the procedure to be followed at the hearing.

20.3 Determination of Application for the review of a Premises Licence, Daisy Tandoori 44 Steeley Lane, Chorley

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee advising members of an application for the review of a premises licence served by Mr Nathan Howson for and on behalf of the Licensing Authority, Chorley Borough Council in its role as Responsible Authority in respect of the premises Daisy Tandoori, 44 Steeley Lane, Chorley.

The Premises Licence Holder (PLH) Mr. Monir Uddin, was present, and he was accompanied by his legal representative, Mr Mohammed Hussain, of Maya Solicitors.

The Applicant for Review, Mr Nathan Howson, Licensing Enforcement Team Leader, was present.

Ms Azimah Sultana, UKBA Immigration Compliance and Enforcement (Responsible Authority who had made representations in respect of the application to review), was present.

The Sub-Committee were asked to approve the requests received under Regulation 8, allowing eligible parties to the hearing to speak. These requests were approved by the Sub-Committee.

Presentation of the report

Mr. Usman Gazra (Enforcement Officer - Licensing), presented the Committee report which explained that on 24 January 2023, an application for review of the premises licence was received from Mr Nathan Howson, Licensing Enforcement Team Leader for and on behalf of the Licensing Authority, Chorley Borough Council. The application concerned the Prevention of Crime and Disorder being undermined at the premises.

The grounds for review were as follows:

The licensing objective of The Prevention of Crime and Disorder is being undermined at the premises in that a person who was not permitted to work in the United Kingdom by reason of his immigration status was found to be working on the premises. There was another person found to be working who was working in breach of his immigration bail conditions.

Copies of information received in relation to visit undertaken by the Home Office Border Agency officers and a previously issued caution by Chorley Borough Council was provided at Appendix 2b and 2c to the report.

Mr Gazra advised following consultation with responsible authorities, Home Office immigration enforcement made representations to the application. The representations were provided at Appendix 3 to the report.

Presentation of Case by the Applicant

The Applicant for Review, Nathan Howson, Licensing Enforcement Team Leader for and on the behalf of the Licensing Authority, explained that an application for review of the premises licence was submitted on the grounds that the licensing objective of The Prevention of Crime and Disorder, was being undermined at the premises.

Mr Howson explained that the application for review arose from a targeted immigration visit to the premises on 21.10.2022 which revealed two persons on the premises who were not entitled to work in the UK, one overstayer who was arrested and one in breach of his bail conditions entitled to be in UK but who did not have the right to work.

Mr Howson referred to Appendix 1 of the report which was an email from Immigration Compliance and Enforcement showing another overstayer was arrested at premises in 2013 so this current incident was not isolated.

He also cited Appendix 2 to the report - a simple caution administered to the Premises Licence Holder for an offence under S136 of the Licensing Act 2003. The circumstances were that the premises licence was suspended following non-payment of the annual fee and the Premises Licence Holder continued to carry out licensable activities (i.e. serving late night refreshment). Mr Howson clarified that the premises licence holder admitted the offence at the time the caution was issued on 3.2.2020.

During questions to the applicant by the Sub Committee, Mr Howson stated that the premises licence holder has a legal duty not to employ persons who do not have a right to work and further that in order not to incur a civil penalty, it was necessary to provide evidence of having carried out right to work checks on staff.

Representations by Responsible Authority

Azimah Sultana, employee of UK Border Agency (UKBA) Immigration Compliance and Enforcement (Responsible Authority who had made representations in respect of the application to review), gave details of the visit to the premises by immigration officials on the evening of 21.10.22.

Ms Sultana explained to the Sub Committee that on the night in question her team had encountered three males in total, one being the employer and other two suspected of being employees. Both men were witnessed behind the counter wearing aprons and were found with food on their shoes.

Once immigration enforcement officers had entered the premises, one male was found in the back garden with his apron scrunched up in his hands. He had difficulty providing the correct spelling of his name and date of birth. He was found to be an overstayer and arrested.

The other male was in the kitchen with his apron on top of the fridge, and a hot cup of tea left on there.

Both males were questioned to ascertain their immigration status. One male was found to be an overstayer and arrested. The other male, who was found to be in breach of bail conditions, was removed from the premises and escorted back to the detention centre.

The employer, Mr Uddin (premises licence holder) claimed the two males on the premises were not employees, and he had known them for several years. He said that they arrived approximately 7/8pm and that he had allowed them to use the kitchen to make food at no charge. Ms Sultana stated that due to the lack of evidence the two males were employees, no civil penalty was issued.

During questions by Mr Howson, Ms Sultana confirmed that in her view the two males found on the premises were working on the premises.

Presentation by the Premises Licence Holder

Mr Mohammed Hussain, on behalf of Mr Uddin the Premises Licence Holder, made submissions to the Sub-Committee. He also provided supporting documentation in the form of a letter by the accountancy firm used by the premises confirming details of three employees and NI numbers for tax purposes, (one of which was Mr Uddin), which did not include the two males on the premises on 21.10.22. It was noted that the

supporting documentation had not been provided in advance of the hearing. The applicant viewed the document and he and the Sub Committee agreed that the letter be accepted but advised the Sub Committee that this evidence hadn't been provided in time and so couldn't be tested and invited them to apply little weight to it.

Mr Hussain made the following representations in support of the premises licence holder:-

- Mr Uddin was a responsible premises licence holder, having regard to legal obligations, rules and regulations associated with the premises licence
- There was no civil penalty issued due to lack of evidence the two males were working at the premises
- The premises licence holder maintains the two males were visitors he allowed to make food in the kitchen
- The premises licence holder was therefore not in contravention of the Licensing Act 2003 (s.182 guidance) or relevant Immigration laws
- With regard to the caution of 3.2.2020, the non-payment of fees was an oversight and they were subsequently paid. The premises licence is currently in force
- Mr Hussain suggested that repeat visits by immigration enforcement (a reference to a previous visit in 2013) and resulting in no action on the visit on 21.10.22 suggests that intelligence provided to Immigration officials may be malicious

Mr Uddin answered questions by the sub-committee and parties to the hearing with the assistance of Mr Hussain acting as an interpreter in his native language.

The Sub-Committee sought to clarify the number of staff normally on premises and on the night of 21.10.22. During questions by the Sub Committee the following responses were given:-

- it was stated by Ms Sultana, UKBA that during the visit to the premises on 21.10.22 there was a male outside claiming to be a delivery driver who did not enter the premises
- Mr Uddin through Mr Hussain stated that he operates as head chef, overseeing the business and that he also employs an assistant sous chef and one other employee as a delivery driver.
- Mr Uddin stated that the delivery driver working on 21.10.22 was self-employed and used on a temporary basis, hence he was not listed on the accountant's letter as an employee. It was his first night working for the premises
- Mr Uddin stated that he often allowed friends to make food in the kitchen at the premises.
- Mr Uddin stated that he knew the two males in question on 21.10.22 from Bangladesh, they had just sat down having finished making food for themselves in the kitchen
- Mr Uddin claimed that on 21.10.22 he was working by himself in the kitchen, with the only additional member of staff being the delivery driver
- Mr Uddin said that his busiest hours of trade were 6 – 9pm and that his busiest day was Saturday. Fridays were "normal" days, not busier than usual
- Ms Sultana informed the sub-committee that the premises had been subject to visits by Immigration Enforcement on two occasions in 2013 and one on Friday 21 October 2022.

- Mr Uddin stated that he carries out right to work checks for employees by keeping copies of documentation such as passports and National Insurance numbers. However, Ms Sultana, UKBA stated that no such documentation was offered during the visit on 21.10.22. Mr Hussain suggested that as the two males were not employees, the documentation would not have existed for those individuals.
- When questioned by Usman Gazra, Licensing Enforcement officer Mr Uddin stated that typically he had two or three people working on the premises, and that mostly it would be two. He said that he employs a separate delivery driver which does not include kitchen staff. Mr Gazra referred to Annex 2 of the premises licence (agenda page 10 of the licensing sub committee papers), which states that “There will be a minimum of three staff on duty at all times”.

Summing Up / Concluding Statements

Mr Nathan Howson in his summing up, made the following points:

- Regarding the decision not to issue a civil penalty- it is a necessary and important consideration- but not the only one. The Sub Committee should consider on the balance of probabilities, whether evidence supports illegal workers and, if so, the Licensing Objectives are engaged and you must take such action as is appropriate to promote objectives.
- The Sub Committee must have regard to Section 182 Guidance which in this case states that “certain criminal activity should be treated particularly seriously i.e. use of licensed premises for employing a person who is disqualified from working in UK”. It is expected that revocation of licence, even in first instance, should be seriously considered.
- Given the aggravating factor of previous overstayer being arrested and a licensing offence having been admitted at the premises, he invited the Sub Committee to revoke the licence.

Mr Hussain, on behalf of the premises licence holder reiterated that Mr Uddin maintains he did not employ the males at the premises on 21.10.22 as staff and he will ensure that the licensing objectives and conditions of the licence are met moving forward.

RESOLVED:

Members took account of the application and relevant representations, the Council’s Statement of Licensing Policy, the Licensing Act 2003, Licensing Objectives, the Section 182 guidance. After careful consideration members resolved to revoke the premises licence for the following reasons:

1. Members directed themselves that their task if they made any determination on whether the two men were working at the premises was on a balance of probabilities. They had food on their shoes, would not need to be in a working area open to the public to eat and they were both wearing aprons which are consistent with working.
2. Members noted that Paragraph 11.27 of the national Section 182 guidance says employing those without the right to work in the UK should be treated particularly seriously

3. Members did not attach weight to the fact that one of the two men had difficulty spelling their name in English (their non-native language).
4. In relation to the accountant's letter produced at the hearing and there was no opportunity for the Licensing Unit to verify it and in any case only reflected what information may have been provided to the accountant.
5. Members did not attach weight to allegations of malicious reports since their decision was based on what Immigration officers discovered and witnessed, and not on reports leading to the visit.
6. It emerged during questions to the Premises Licence Holder from Chair that another employee was not referred to in the letter from the accountant.
7. There were conflicting accounts from the Premises Licence Holder about staff on duty on the night of the visit.
8. No examples of documentary checks were offered by the Premises Licence Holder to Immigration Enforcement on the visit or in advance of the sub-committee hearing, although the accountant's letter was provided unsolicited at the hearing so this demonstrated that documents could easily have been provided beforehand, especially as these would be in the control of the premises licence holder and easier to produce than asking an accountant.
9. It was not the case that the premises were always run in accordance with the law as the premises licence solicitor claimed. The caution in 2020 was accepted by the Premises Licence Holder as it could not be imposed by the Council.
10. On Mr Uddin's evidence he was in breach of a condition attached to the Premises Licence requiring at least 3 people on duty at all times. His legal representative made no reference to this in his summing up so members had nothing before them by way of a defence or mitigation on this point. It appeared that this breach of condition was chronic and repeated and therefore serious.

The premises licence holder may appeal to the magistrates' court within 21 days of notice of this decision.

Councillor Matthew Lynch
Chair of the Licensing Act 2003 Sub-Committee

Chair

Date



Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 5 April 2023
Committee Members present:	Councillor Matthew Lynch (Chair), Councillor Terry Howarth and Councillor Jean Sherwood
Other attendees:	Kris Dawber – Escape Bars Limited (applicant) Andrew Howarth – Designated Premises Supervisor
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.4 Declarations of Any Interests

There were none.

20.5 Procedure

The Chair outlined the procedure to be followed at the meeting.

20.6 Determination of Application to Vary a Premises Licence- Inn the Doghouse, 20 Church Street, Adlington

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee advising members of an application to vary a premises licence in respect of Inn the Doghouse, 20 Church Street, Adlington, regarding which, relevant representations had been received.

The applicant, Escape Bars Ltd, represented by Kris Dawber and the designated premises supervisor, Andrew Howarth, were in attendance.

Mr Nathan Howson, Enforcement Team leader (Licensing) was in attendance.

Presentation of the Report

Mr Nathan Howson, Enforcement Team leader (Licensing) presented the committee report which gave details of an application received on 14.2.2023 to vary a premises licence in respect of Inn the Doghouse, 20 Church Street, Adlington. The premises was first licensed in May 2018 under the name JR's Ale House.

Following this, and in September 2022, the premises licence was transferred and the DPS varied into the current holders, with the name changing to Inn the Doghouse.

The application sought to vary the premises licence as follows:

- a) Extend the opening hours of the premises by 1.5hrs, Mon- Sun, 10:00- 23:30hrs,
- b) Extend the permitted hours for the sale of alcohol by 1hr, Mon- Sun, 10:00- 23:00hrs,
- c) The addition of the sale of alcohol for consumption off the premises (the licence already authorises the sale for consumption on the premises),
- d) Variation of the plans of the premises to incorporate minor amendments, and
- e) Remove the following outdated and/or unenforceable conditions:
 - *No drunk or disorderly behaviour on the premises.*
 - *No violence or anti-social behaviour.*
 - *No harm to children.*
 - *Opening times displayed for licensable activity.*
 - *All staff areas will be secured.*
 - *A heating and air conditioning system will be in place.*
 - *Smoking will be allowed to the front of the premises.*
 - *A noise management policy will be in place.*

The report indicated that a representation was received on 27.2.23. A copy of the representation was appended at Appendix 4 to the report and was concerned with the Prevention of Public Nuisance objective.

On 13.03.23, a further representation was received. A copy of the representation was appended at Appendix 5 and was concerned with both the Prevention of Public Nuisance and the Prevention of Crime and Disorder objectives.

Mr Howson informed the Sub Committee that although the parties who had submitted written representations objecting to the application were not in attendance, the Sub Committee must give due consideration to those representations.

The report stated although Lancashire Constabulary did not make a representation, negotiations were carried out with the premises licence holder which resulted in the agreement for additional conditions to be imposed on the licence. A copy of these conditions was appended at Appendix 6.

The report further stated that no other representations were received from the other responsible authorities.

During questions from the Sub Committee, Mr Howson confirmed that no complaints had been received by the Council's Licensing Team in respect of the premises prior to the written representations made to the current application to vary the premises licence.

There were no questions to Mr Howson from the applicant.

Representations made by the applicant

Mr Howarth and Mr Dawber made the following representations to the Sub Committee in support of their application:

- Escape Bars Ltd were looking to expand the business, and hoped to attract clients from nearby venues
- They have invested in improving the venue e.g. new insulated roof, windows to reduce noise
- There has been no incidents since the current licence holder has taken over the premises
- With regard to the incident referred to in the resident objection letter regarding human faeces, the applicant stated that they had not been made aware of this and it could easily have been a person walking past rather than a customer.
- With regard to discarded cigarettes, there is a cigarette bin outside which was cleaned every day. Again, this could have been persons passing by rather than customers.
- With regard to noise from car doors, the applicant stated that the premises was situated in a small village with no onsite parking, and therefore 95% of customers were on foot.

The Sub-Committee then put questions Mr Howarth and Mr Dawber. Their responses were as follows:

- The premises' busiest days were Friday and Saturday
- The venues nearby were The Retreat (open until midnight) and Spinners (open until 1am).
- With regard to capacity, the premises had 39 seats
- The new front door was PVC and soft close, to reduce noise
- The busiest times were between 5 and 7pm, generally there was a gradual egress from the premises, no mass exodus at closing time
- There was 1 WC in the premises – mixed use.
- As per the conditions agreed with the police, colour CCTV covered inside and all around the surrounding areas of the building.
- As per the conditions agreed with the police, staff would carry out hourly toilet checks and deal with any incident as necessary
- With regard to consuming alcohol outside the property, there is a patio area, there is only 1 regular customer who smokes. A table and chairs may be placed in the area in summer, not all year round. The steps up to the building are restricted, it is a small area and it is difficult to throw a cigarette on to an adjoining property due to a 4/5 " high wall.

Summing up

The applicant was invited to sum up / make any final statements. In conclusion, Mr Howarth and Mr Dawber stated that they did not intend to utilise all the opening hours applied for, it would likely just be weekends rather than closing at 11pm during the week. They reiterated that improvements had been made to the premises to reduce noise, such as a new front door and windows, and newly installed CCTV.

Mr Howarth and Mr Dawber, of Escape Bars Ltd and Mr Howson, Enforcement Team Leader (Licensing) left the meeting while the Sub-Committee considered its decision in private.

Resolved:-

After careful consideration, the Sub Committee resolved to grant the variation in its entirety and to modify the conditions of the licence by imposing the following conditions which had been agreed by the applicant and Lancashire Constabulary, as it considered these conditions to be appropriate for the promotion of the licensing objectives:

1. The premises shall operate and maintain a digital CCTV system which shall be in use whenever the premises are open.
 - a) The system shall cover all entrances and exits from the premises, in addition to providing recordings from all internal and external areas of the premises used to supply or consume licensed products.
 - b) The focus of the camera(s) shall be to enable clear identification of persons on the premises
 - c) The recordings shall be correctly time and date stamped and shall be retained for a minimum of 28 days.
 - d) The Data Controller shall make footage available for viewing and downloading to a Police Officer whenever such a request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.
 - e) Signage advising that CCTV is in operation shall be displayed.
2. All staff in a position to sell, serve or deliver alcohol shall receive training. The training shall include but need not be limited to serving alcohol to young persons, serving alcohol to persons who are drunk, allowing disorderly conduct on licensed premises, Challenge 25, and Drug Awareness. The Designated Premises Supervisor (DPS) or Premises Licence Holder (PLH) shall conduct annual training reviews with all members of staff authorised to sell, serve, or deliver alcohol. The purpose of the training is to ensure that all staff have an up to date understanding of what their role and responsibilities are whilst working in a Licensed Premises and to promote best practice. A written record shall be kept of the content of such training. The training records shall be available for inspection by a Police Officer upon request. There shall be a written Authority to Sell, to identify staff members authorised by the DPS to supply alcohol.
3. A documented Challenge 25 Scheme with an Age Verification Policy shall be operated at the premise. The Challenge 25 Scheme will be actively promoted and advertised, and suitable signage will be in place. Any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or older. Failure to supply such identification will result in No Sale or Supply of alcohol to that person and the refusal shall be recorded in the Premises Logbook.

Acceptable forms of identification: -

 - (a) Photo driving licence
 - (b) Passport
 - (c) National Identity Cards (including EU)
 - (d) A PASS accredited holographic proof of age card
 - a) A premises logbook shall be maintained and retained at the premises and will be used to record the time, date, and comprehensive details of: -

- a. Any incident of crime & disorder – detailing the nature of the incident and the person recording it, the outcome or action taken and a Police log number if appropriate.
- b. Any challenge made regarding the sale of alcohol including whether the sale went ahead or not & why, description of person and name of staff member completing the challenge.
- c. Any proactive steps taken by the premises to ensure premises complies with the Licensing Objectives (examples could include but are not limited to turned down music after a certain hour, closed windows, cleaned up broken glass, asked customer to leave the premises etc.)

Entries should be completed as soon as possible, and in all cases, no later than the close of business on the day of the incident.

The written record shall be available for inspection by a Police Officer on request.

4. The DPS or Premises Licence Holder will undertake a written general risk assessment to consider whether Door Supervisors are required at the premises in order to promote the licensing objectives. This assessment shall consider any local or national events (Bank holidays, seasonal demand, freshers' week etc.), sporting events and any other days which the DPS or Premises Licence Holder expects the venue to be busy or to open beyond 2100. Whenever a risk assessment identifies that door supervisors are required, an appropriate number of door supervisors will be utilised in accordance with said risk assessment. The written risk assessment is to be retained for one year and made available for inspection by a Police Officer upon request.
5. Any sales of alcohol made for consumption off the premise will be made in a sealed container.
6. The DPS or in their absence a nominated staff member shall undertake inspection of toilets regularly, with a minimum of one per hour completed whenever any licensable activities are taking place. Inspections shall be recorded and made available to a Police Officer upon request.

The reasons for this decision are as follows:

1. The additional conditions promote the licensing objectives and are acceptable to the police
2. No responsible authorities had made representations
3. No residents attended sub-committee to amplify their representations so there was nothing more put before members to persuade them not to grant the application. However members were satisfied that the additional conditions would mitigate the risk of the nuisance behaviour subject of residents' complaints.
4. The premises had installed a soft close PVC door which showed a commitment to mitigating noise.
5. The variation will result in a difference between the terminal hours for sale of alcohol and closing time which will aid a gradual dispersal of customers.
6. The Enforcement Team Leader (Licensing) confirmed that there had been no history of complaints against the premises.
7. The conditions to be deleted were outdated and unenforceable and served no purpose.

The premises licence holder may appeal to the magistrates' court within 21 days of notice of this decision.

Councillor Matthew Lynch
Chair of the Licensing Act 2003 Sub-Committee

Chair

Date



Report of	Meeting	Date
Chief Executive	Licensing and Public Safety Committee	Wednesday, 4 October 2023

Consideration of Amendment to Hackney Carriage and Private Hire Licensing Policy

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To advise the Committee that a request to make an amendment to the Council’s current licensing policy has been received from the trade.
2. For the Committee to determine whether to make such an amendment.

Recommendations

3. To consider the contents of the report and any other comments made,
4. To determine whether to grant an extension to the Euro 5 Emissions requirement in the Hackney Carriage and Private Hire Licensing Policy, and
5. Where an extension is granted, to determine the length of that extension.

Reasons for recommendations

6. There are legitimate considerations put forward by the trade regarding the ability of some licence holders to replace their vehicles in order to comply with the policy requirements as they currently stand.

Other options considered and rejected

7. To not consider the request. This option is rejected as there are legitimate considerations put forward by the trade

Corporate priorities

8. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
---------------------------------------	---------------------------------

An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities
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Background to the report

9. When the Private Hire and Taxi Policy was approved by the Licensing and Public Safety Committee in 2017, the policy included new requirements for all vehicles relating to emissions standards. These requirements were contained within the Vehicle Type Conditions section of the policy.

10. Section 21 of the Vehicle Type Conditions states:

21. Emissions Standards:

a) Hackney Carriage Vehicles waiting on the rank are required to switch off engines (except in extreme weather conditions where heaters would be required for the welfare of the driver) in order to reduce air pollution emissions in the town centre.

b) Vehicles presented for licensing as taxis should meet a minimum Euro 5 emissions standard. Require all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet this condition from 1st January 2017; except allow those vehicles that have previously been subject to a licence, but where this has lapsed or been suspended, to be treated as existing vehicles, rather than at the next grant application.

c) That where a vehicle is written off due to a none-fault accident, the grandfather rights as described above are honoured and the replacement like for like vehicle of the same make, model and year will be accepted as an existing vehicle; and

d) Require all existing vehicles to comply from 1st January 2024.

Impact of Covid Restrictions and Cost of Living Crisis

11. Throughout much of 2020, the hackney and private hire trade were prevented from working by coronavirus restrictions. Government interventions did see payments to self-employed persons however, anecdotal evidence suggests that these payments may not have fully covered the trade's expenses.

12. In addition to the specific restriction on working in the first lockdown, the number of people using public transport dramatically decreased, with all but essential workers instructed to stay at home. Large sections of travel, namely for work purposes and leisure, were either not permitted or vastly reduced due to the restrictions, further reducing the licensed trade's ability to earn a living.

13. More recently, the Committee will note the rise in the inflation rate throughout 2022 and 2023, further squeezing household incomes and the associated, so called, cost of living crisis.

Trade Request

14. Correspondence was received from a member of the trade which requests that paragraph d of Section 21 of the Vehicle Type Conditions, as set out at paragraph 10 of the report, be amended to state:

d) require all existing vehicles to comply from 1st January 2025.

15. In essence, delaying the coming into force of this policy by 12 months.
16. Correspondence was received from Chorley Taxi Association on 10th September 2023 which is appended as Appendix 1.

Impact

17. The vast majority of the licensed fleet now comprises vehicles which either meet or exceed the Euro 5 Emission standard. A search of the Council's records has identified 8 private hire vehicles and 4 hackney carriage vehicles which do not meet Euro 5 standard.
18. Significantly, every hackney vehicle which currently doesn't meet the policy is a wheelchair accessible vehicle. The Committee will be aware that the cost of replacing wheelchair accessible vehicles is significant and specific representations from the proprietors of these vehicles have been received.

Climate change and air quality

19. The work noted in this report may have a small negative impact on the Council's Air Quality and sustainability targets.
20. In particular if the Committee were minded to move forward the coming into force of this policy, it may impact on the following, **bolded**, activities:
 - a. **net carbon zero by 2030**,
 - b. energy use / renewable energy sources
 - c. waste and the use of single use plastics,
 - d. **sustainable forms of transport**,
 - e. **air quality**,
 - f. flooding risks,
 - g. green areas and biodiversity.
21. For this reason, the Committee should carefully consider and balance the needs of the hackney carriage and private hire trades and those of the residents of Chorley.

Equality and diversity

22. As highlighted in the body of the report, a significant number of the wheelchair accessible vehicles (WAVs) in the fleet do not meet Euro 5 standards and so would not be suitable to be licensed under the current policy from 1st January 2024. This would drastically reduce the availability of WAVs and would likely impact on ability of wheelchair users to travel.

Risk

23. There is a reputational risk to the Council of failing to properly administer the licensing regime.

Comments of the Statutory Finance Officer

24. There are no financial implications arising within the report.

Comments of the Monitoring Officer

- 25. The Council can set local policies relating to licensed vehicles within its borough. S21 of the policy has already been through a consultation process and approved by the Licensing & Public Safety Committee. The taxi trade has requested a 12-month delay to the requirement for all licensed vehicles to be Euro 5 compliant to 1st January 2025. There are no national minimal standards for taxis and therefore no negative impacts on the trade, should the request be approved.

Background documents

There are no background papers to this report

Appendices

Appendix	Description	
Appendix 1	Correspondence from Chorley Taxi Association	
Report Author:	Telephone:	Date:
Nathan Howson (Enforcement Team Leader (Licensing))	Ext: 5665	25 th August 2023



Chorley Taxi Association, Unit 2, Hollinshead St, Chorley, PR7 1EP

01257 25 55 55

hello@chorleytaxiassociation.co.uk

11th September 2023

Dear Sub Committee,

Meeting which was held on 22nd August 2023 by Chorley Taxi Association, (CTA) with Nathan and Usman regarding extension of Euro 4 vehicles which are due to expire by end of this year.

Trade is asking licensing to defer for at least a year for the age limit on vehicles, which was already discussed in the meeting 22nd August 2023, Usman and Nathans concerns were what if the vehicles are not changed within the time limit, trade has an agreement in place with the CTA, after one year if the euro 4 vehicles are not replaced the vehicle will not be able to continue which the trade is in favor of. Two year was lost through Covid-19 which we know of and everyone was affected globally, the trade has agreed half of this, one-year extension.

Reason for the one-year extension, are due to the present cost of living, the cost of second-hand vehicles which has increased tremendously after the covid outbreak and the fact that the trade is still recovering from the covid outbreak which affected the trade enormously.

This has been delayed in many districts due to the cost it would have cost the trade which many drivers would not be able to afford to buy new vehicles, so would mean the trade losing more drivers.

Manchester, Bury and Bolton are some of the districts who have delayed, no time limit has been set.

If you read the consultation affordability under those licensing authorities you would see their report on this.

Kindest Regards,

Shaz Malik
Chorley Taxi Association
shaz@chorleytaxiassociation.co.uk

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