

# Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

## Monday, 17th August 2009

In Committee Room 1, Town Hall, Chorley

At 10.00 am



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6 August 2009

Dear Councillor

**LICENSING ACT 2003 SUB-COMMITTEE - MONDAY, 17TH AUGUST 2009**

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in Committee Room 1, Town Hall, Chorley on Monday, 17th August 2009 commencing at 10.00 am.

**AGENDA**

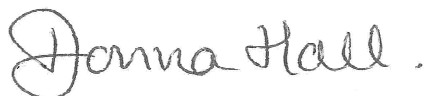
1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial 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.

3. **Application for a review of a Licence in respect of The Crown, 46-48 Chapel Street, Chorley PR7 1BW made under Section 52 of The Licensing Act 2003 (Pages 1 - 100)**
4. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall  
Chief Executive

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## **Distribution**

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Keith Iddon (Chair) and Councillors Judith Boothman and Ralph Snape for attendance.
2. Agenda and reports to Bob Beeston (Licensing Enforcement Officer) for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823 کیجئے:

**CHORLEY BOROUGH COUNCIL****LICENSING ACT 2003****SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
  - the merits of the application
  - the promotion of the four licensing objectives
  - the Council's Statement of Licensing Policy
  - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use it's best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the licensing authority “considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

**HEARING PROCEDURE****REVIEW OF PREMISES LICENCE****1. CHAIR OF SUB-COMMITTEE**

- Opens meeting
- Introduces Members and Officers
- Confirms details of all parties in attendance
- Outlines procedure to be followed

**2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS****3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:**

- Sub Committee
- Applicant (Lancashire Police)
- Relevant representations – interested parties
- Premises Licence holder or representative

**4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION (LANCASHIRE POLICE)****5. QUESTIONS TO THE APPLICANT AND WITNESSES (LANCASHIRE POLICE) FROM:**

- Sub Committee
- Relevant representations – interested parties
- Premises Licence holder or representative.

**6. RELEVANT REPRESENTATIONS – INTERESTED PARTIES****7. QUESTIONS TO THE RELEVANT REPRESENTATIONS – INTERESTED PARTIES FROM:**

- Sub Committee
- Applicant or representative (Lancashire Police)
- Premises Licence holder or representative

**8. PREMISES LICENCE HOLDERS REPRESENTATIONS**

- Premises Licence Holder (or representative) will present their case

**9. QUESTIONS TO THE PREMISES LICENCE HOLDER AND WITNESSES FROM:**

- Sub Committee
- Applicant or representative (Lancashire Police)
- Relevant representations – interested parties

**10. APPLICANT OR REPRESENTATIVE TO SUM UP (LANCASHIRE POLICE)****11. RELEVANT REPRESENTATIONS – INTERESTED PARTIES TO SUM UP**

12 **PREMISES LICENCE HOLDER OR REPRESENTATIVE TO SUM UP**

13 **DECISION MAKING**

- All parties retire whilst Sub-Committee makes decision

14 **NOTICE OF DECISION**

- Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Director of Corporate Governance	Licensing Act 2003 Sub-Committee	17 August 2009

## **APPLICATION FOR A REVIEW OF A LICENCE IN RESPECT OF THE CROWN, 46-48 CHAPEL STREET, CHORLEY PR7 1BW MADE UNDER SECTION 52 OF THE LICENSING ACT 2003**

### **PURPOSE OF REPORT**

- To enable Members to determine the application for a review of the premises licence in respect of the premises known as The Crown, 46-48 Chapel Street, Chorley PR7 1BW.

### **RECOMMENDATION(S)**

- Members are recommended to consider the reasons for the review and any representations made by any relevant authorities or interested parties and after considering those representations and any proposed remedies, determine the licensable activities for the purpose of the premises licence for The Crown.

### **EXECUTIVE SUMMARY OF REPORT**

- The Licensing Authority has received an application served under the Licensing Act 2003 Section 51 by Lancashire Constabulary to review the premises licence for The Crown, 46-48 Chapel Street, Chorley PR7 1BW. The hearing is conveyed under section 52 of the Licensing Act 2003.
- In accordance with section 51(3) of the act, the relevant notices detailing the aforementioned grounds for review, were displayed on the premises giving interested parties the right to make representations regarding the application for review and be available to view in full at the Council Offices. The premises licence holder has also received a copy of the review application.

### **CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	4
Involving people in their communities	4	Ensure Chorley Borough Council is a performing organization	

**BACKGROUND**

6. An application was made on 24 November 2005 under the Licensing Act 2003 to convert the existing licence to a Premises Licence. Mr Mark Davies has held the Premises Licence since that date.
7. On 8 October 2008 an application to vary the Premises Licence was made which sought to increase the hours of some licensable activities, namely the playing of recorded music, the sale of alcohol and the hours which the premises are open to the public. This variation was granted following agreements made with Lancashire Constabulary, mainly to reduce the hours of the original application with regards to the sale of alcohol and the opening hours of the premises.

Current Licensable activities:

Performance of live music (Indoors) (E)  
20:00 to 01:00 Monday to Sunday

Playing of recorded music (Indoors) (F)  
11:00 to 02:00 Monday to Sunday

Performance of Dance (Indoors) (G)  
Entertainment of a similar description to that falling with E, F, or G (indoors) (H)  
11:00 to 23:00 Monday to Saturday  
12:00 to 22:30 Sunday

Provision of facilities for making music (Indoors) (I)  
Provision of facilities for dancing (Indoors) (J)  
20:00 to 01:00 Monday to Sunday

Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors) (K)  
11:00 to 23:00 Monday to Saturday  
12:00 to 22:30 Sunday

Late Night Refreshment (Indoors and Outdoors) (L)  
23:00 to 23:30 Monday to Saturday

The sale by retail of alcohol for consumption On and Off the premises (M)  
11:00 to 02:00 Monday to Sunday

The opening hours of the premises (O)  
11:00 to 02:30 Monday to Sunday

Non standard timings apply as detailed below

New Year's Eve 11:00 to start of permitted hours on the following day with respect to Performance of live music (indoors), playing of recording music (indoors), performance of dance (indoors), entertainment of a similar description to that falling within E, F or G (indoors), provision of facilities for making music (indoors), provision of facilities for dancing (indoors), the sale by retail of alcohol for consumption on and off the premises and the opening hours of the premises. With respect to late night refreshment (indoors) the non standard timings on New Year's Eve are 23:00 to 05:00 the next day.

**ANNEX 1 - MANDATORY CONDITIONS****On and Off Licence**

1 Alcohol shall not be sold or supplied except during permitted hours.

**Where there is no children's certificate:**

1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

**Licensed Premises - Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**Alcohol**

1 No supply of alcohol may be made under the premises licence -

- a) At a time when there is no designated premises supervisor in respect of the premises licence,  
*or*
- b) At a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Door Supervision**

1 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

**Public Entertainment Licence Conditions**

**The Maximum occupancy of the premises is 100 persons**

For the purpose of these special conditions and to which they relate the expressions "the Council" and/or "the Licensing Authority" means Chorley Borough Council.

**Structural Condition**

The premises, services, fixtures and fittings shall be maintained in good order and structural condition at all times.

No structural alteration shall be carried out which effects the licensed area without prior consultation of the Borough Councils Licensing Officers. This condition is without prejudice to any other function/department of the Council.

**Means of escape**

All means of escape (including external escape routes to a place of safety) as agreed by the Local Authority shall be properly maintained in a proper state, be in efficient working order, be in good repair and kept free from obstruction at all times when the premises are occupied.

The contents of the licensed area i.e., tables, chairs, plants, DJ's equipment etc. shall be so arranged or disposed as to provide for any persons therein an unobstructed escape route to a means of escape in case of emergency.

The nosings to steps, landings etc. painted white or otherwise suitably marked or constructed to make them conspicuous shall be properly maintained in that condition to the satisfaction of the Licensing Authority.

**Electrical Installation**

Should any new electrical work be required or undertaken, then the Licensing Authority should be notified. Any such work must be carried out in an approved system of wiring for public entertainment premises notably wiring that conforms to the current edition of the IEE regulations and in addition, wiring enclosed in screwed steel conduit or metal trunking, mineral insulated copper sheathed cable or in armoured cable.

Any temporary wiring or equipment for a specific function must be under the control of a competent person who must ensure its safe erection and use including disconnection and removal after use.

Satisfactory access to the electrical intake, main control switch gear and any back up battery system for the emergency/safety lighting (where relevant) must be maintained at all times and combustibles must not be stored in the same area.

Should any visual fault occur (i.e. physical damage to cables, cords, switches, plugs and socket outlets or flickering lights or blown fuses) it should be reported immediately to a competent person who should take appropriate action to isolate and/or rectify the defect.

No electrical appliance fixed or portable shall be used within the licensed premises without that appliance meeting the following requirements: -

- (a) The appliance should conform to the relevant British Standard.
- (b) The appliance should be installed in accordance with the manufacturers' instructions.
- (c) All portable appliances should be tested fully in accordance with the Portable Appliance Tests (PAT) by a suitably qualified person and certificates provided should be readily available for examination by the Licensing Authority.
- (d) All manufacturers/installers instructions or manuals regarding the installation and use of the appliance should be kept available for inspection by the licensing team.

Emergency/Safety LightingSupervision

A competent person should be appointed to supervise the system. This person should be given sufficient authority to ensure the carrying out of any work necessary to maintain the system in correct operation. The person appointed must ensure that the emergency lighting system is switched on prior to any member of the public being allowed access to the premises and that the system is not switched off until all members of the public have vacated the premises.

Routine Inspections and Tests

Inspections and tests should be carried out at the following intervals: -

- (a) Daily (b) Monthly (c) Six monthly

Daily

An inspection should be made every day the building is used for its licensed purpose to ensure that all luminaries and illuminated signs are lit.

Monthly

The following procedures should be undertaken: -

- (a) Each luminaire and internally illuminated exit sign should be switched to "Battery mode" by simulation of a failure of the normal electrical supply for a period of no less than 15 minutes but no more than 30 minutes. During the test period all luminaries and/or signs should be examined visual to ensure that they are working correctly.
- (b) Clean the exterior of the luminaries and signs.
- (c) Check that defects recorded in the logbook have been corrected.
- (d) Check the level of electrolyte in central battery systems.
- (e) Check that all indicator lamps are functioning.
- (f) Record all data in the logbook.

Six Monthly

The monthly inspection should be carried out but the simulated mains supply failure time should be increased to one hour.

Liquefied Petroleum Gas (LPG)

No portable LPG heaters should be in the premises when members of the public are present. Containers of LPG should be protected against unauthorised interference and accidental leakage. LPG cylinders, both full and empty, should be kept in safe positions in the **open air** away from other flammable materials, or where this is not reasonably practical because of **exceptional circumstances**, in an adequately ventilated storeroom.

LPG in use should be sited outside the structure and with their valves readily accessible in case of an emergency.

Pyrotechnics

Application for the licensing authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least seven days before the first

performance of the entertainment. The notice should give full details of the proposed use and the date and time on which a demonstration can be witnessed if required by a representative of the licensing authority.

#### Seating and Gangways

When the Licensed area is used for a closely seated audience, gangways should be provided at the side, centre, front and rear wherever possible. They should be of adequate width for the number of seats served but in no circumstances should they be less than 1050mm wide. (Measurement in the case of side gangways to be taken from the foremost projection).

Where more than **two hundred** (200) persons are to be accommodated as a closely seated audience, all loose chairs used for seating should be securely battened or clipped together in blocks of at least four seats and not more than twelve seats.

There should be an unobstructed seatway of not less than 305mm in depth measured between perpendiculars between the back of one seat and the foremost portion of the seat, arm or frame behind.

No seat shall be more than 3.6m from any gangway.

No portion of any gangway should normally be more than 18m from any exit from the premises measured along the line of the gangway.

When a sports entertainment takes place the following conditions should apply: -

When **four hundred** (400) or more are to be accommodated as well as clipping, or battening the seats in blocks, the chairs or sets of chairs adjoining, front, rear, cross, sides, and centre gangways, together with those adjoining the exits should be securely fixed to the floor (or fixed in some similar manner to the satisfaction of the Licensing Authority).

There should be a clear seatway or space of at least 305mm measured between the perpendiculars from the back of one seat unit to the foremost position of the seat, arm or frame of the one behind.

The number of seats in a row shall not exceed: -

**Seven** seats where there is a gangway at one end only except that up to a maximum of **eleven** seats may be permitted if the 305mm referred to above is increased by 25mm for each additional seat over seven and

**Fourteen** seats where there is a gangway at each end, except that up to **eighteen** seats may be permitted if the 305mm seatway referred to above is increased to not less than 400mm and more than **eighteen** seats may be permitted up to **twenty two** seats with a seatway of not less than 500mm.

#### Staff Fire Procedures

At all times the public are on the premises, it shall be the specific duty of at least one responsible person to call the fire brigade in case of fire or suspected fire. Such person(s) should know the location of the nearest telephone and be familiar with the emergency method of calling the fire brigade. In addition, a further responsible person or persons should be available to ensure the safe and orderly exit of the public from the building to minimise the possibility of a panic situation.

Before the public is allowed on the premises, a competent person should carry out the following duties: -

- (a) Check that all the fire fighting equipment is in place and accessible.
- (b) Ensure that all the exit routes/doors are free from obstruction and operating effectively.
- (c) Ensure that the emergency lighting/safety lighting is switched on and operating satisfactorily.

Responsible persons mentioned above shall not be less than eighteen years of age. The licensee shall be under a duty to maintain good order, conduct and decency on the premises.

Where it is proposed to use any pyrotechnic type effects within the Licensed Area the Borough Council and the Fire Authority should be notified within seven days prior to the event-taking place.

In premises where children and parents are likely to be separated, or use different floors, the council shall be notified and arrangements must be made to have the children supervised by a competent person or persons who are over the age of eighteen to ensure satisfactory evacuation of the premises in case of an emergency.

#### Furniture/Decorations

No decorations which affect the existing surface spread of flame characteristics of the building shall be carried out without the Borough Council being notified so that, if necessary a reassessment of these conditions can be undertaken.

All new or replacement items of upholstered seating/furniture should satisfy as a minimum standard the "**fire tests for furniture**" BS 5852 part 1 1979 and BS 5852 part 2 1982.

All curtains and drapes within the licensed area shall be of a material which is inherently flame retardant or be treated with a durable flame retardant which complies with Type "B" performance requirements of BS 5867 part 2 1980 (Flammability requirements for curtains and drapes).

#### Toilet Accommodation

The toilet accommodation provided for use by members of the public and performers must be maintained in a clean and tidy condition with an adequate and constant supply of washing/drying equipment.

If the location of the toilet accommodation is not immediately obvious to persons present in the licensed area due to it being some distance from the main activity then adequate notices indicating their location should be displayed prominently. Each door should be properly marked Male/Female as appropriate.

#### Hypnotism

No exhibition, demonstration or performance of hypnotism (as defined in section 6 of the Hypnotism Act 1952) shall be given on any person at the place licensed.

#### Other Matters

Should any circumstances arise that prevents compliance with these conditions of use then the use of the premises must be discontinued and the Borough Council notified immediately.

Adequate access for the fire brigade vehicles and equipment should be provided and maintained at all times.

Arrangements for the admission of disabled persons, to the premises who are totally reliant on wheelchairs for mobility shall be made and maintained to the satisfaction of the Licensing Authority.

The Borough Council must be notified before any proposed alteration to the licensed area is carried out whether of a structural or non-structural nature so that they can assess the impact, if any, the proposed changes will have on the premises suitability for the use as licensed.

Any authorised officer of the Licensing Authority or the Fire Authority may at any time enter and inspect the premises so licensed for the purpose of ensuring that the terms, restrictions and conditions on or subject to which the licence is held are being complied with.

Adequate provision should be provided within the premises for the application of first aid treatment by suitably trained staff to persons injured within the premises.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### a) General

- 1) Additional steps we will take are the use of plastic glasses only. No one will be served a drink in a glass or bottle after midnight. On Friday, Saturday and Sunday between 00.00 and 02.00 there shall be registered door staff.

### b) The prevention of crime and disorder

- 1) No irresponsible sales promotions of alcoholic beverages shall be offered to customers.
- 2) No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.
- 3) A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.
- 4) Staff and doorman will make sure no one is allowed to drink too much. There will be no offers on prices.
- 5) Cameras are situated throughout the pub, and record 24 hours a day.

### c) Public safety

- 1) All fire doors will be effectively self-closing and shall not be held open other than by approved devices.
- 2) Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.
- 3) Plastic glasses only will be used during the extended hours.
- 4) People who appear drunk or rowdy will be asked to leave.

### d) The prevention of public nuisance

- 1) No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22.00 save for any special event seven days' notice of which has been given to the licensing authority and police.
- 2) When amplified musical entertainment is taking place inside the premises after 22.00 windows and doors, save for entrance and exit purpose, will be kept shut.
- 3) A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
- 4) Doormen will work during the extended hours.
- 5) People who appear drunk or rowdy will not be permitted.



- 6) Doors and windows will be closed to keep noise to a minimum.
- e) The protection of children from harm

No one under the age of 16 will be allowed on the premises.

Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to provide a proof of age before such a sale is made.

A 'Think 21' policy will be in force.

### **ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None.

### **THE APPLICATION FOR REVIEW**

- 8. On the 29 June 2009 an application for review of the premises licence for The Crown, Chapel Street, Chorley was received from a Responsible Authority, Lancashire Constabulary. An outline of the grounds for review is as follows:

Since the beginning of the year there have been a number of issues relating to the premises that have caused concern for the police.

These issues are having a detrimental effect on the Crime and Disorder Objective and the Police feel the cause of these issues is the ineffective management and operation of the premises.

The Police have evidence of violent incidents amongst customers taking place both inside and outside the premises.

The Police have found unregistered door supervisors on a number of occasions employed at the premises.

There is evidence that persons banned by the Chorley Pub Watch are being allowed to drink in the premises.

There is evidence of drug use on the premises of which the management have been made aware but are still failing to address.

It is clear that the premises are not being managed effectively and as such the Police have no confidence in the management.

In view of this the Police would seek to remove the current management at the premises and in order to do so have no alternative but to seek full revocation of the premises licence.

A copy of the full application for the review is attached for member's information to this report as in Appendix A

### **RELEVANT REPRESENTATIONS**

### **RESPONSIBLE AUTHORITIES**

- 9. One representation was received for the review from Lancashire Constabulary. Members are asked to refer to Appendix A for information.

**INTERESTED PARTIES**

10. No representations were received from interested parties.

**POLICY CONSIDERATIONS AND LEGAL CONSIDERATIONS**

11. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.

As members will be aware the four licensing objectives are as follows:

- the prevention of crime and disorder
- public safety
- prevention of public nuisance
- the protection of children from harm.

The Licensing Act 2003 Section 51 provides that where relevant representations are received the Licensing Authority must hold a hearing to consider them.

Member's attention must be drawn to Section 182 (11.24 and 11.25) of the Licensing Act which clearly states:

It is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and for the laundering of the proceeds of drugs crime.
- for the sale and distribution of illegal firearms:
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected:
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people:
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racists attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol

The Licensing Authority in determining the application, having had regard to the representations, and Licensing Act 2003 Section 52 may take the following steps it considers it necessary for the promotion of the licensing objectives.

- i) To modify the conditions of the licence
- ii) To exclude a licensable activity from the scope of the licence

- iii) To remove the designated premises supervisor
- iv) To suspend the licence for a period not exceeding 3 months
- v) Revoke the licence.

Members must have regard to the Statement of Licensing Policy when determining this application. In particular, member's attention is drawn to the following paragraphs:

Paragraph 1.3 The policy provides guidance on the general approach the Council, as Licensing Authority, within the meaning of the Act, will take in terms of licensing. However, each application will be considered separately, on its individual merits.

Paragraph 1.4 The Statement of Licensing Policy sets out how the licensing objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.

Paragraph 2.5 Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.

Paragraph 2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

## **CRIME AND DISORDER**

12. Paragraph 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.

Paragraph 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.

Paragraph 6.5 the promotion of the crime and disorder-licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.

## **REVIEWS**

13. Paragraph 41.1 The Act 2003 makes provision for the review of premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

Paragraph 41.2 At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises),

may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Paragraph 41.1 The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.

The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.

Paragraph 41.11 The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.

The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.

Paragraph 41.12 In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:

- no action necessary as no steps required to promote the licensing objectives;
- issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
- to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- excluding a licensable activity from the licence;
- remove the designated premises supervisor,
- suspend the licence for a period of three months;
- to revoke the licence.

Paragraph 41.13 The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

#### Human Rights Act Implications

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights;

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and family life;
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

There is a right of appeal to the Magistrates Court within 21 days from the date of receipt of the notification of the decision.

**IMPLICATIONS OF REPORT**

14. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

**LEGAL IMPLICATIONS**

15. The legal implications are addressed within the report.

ISHBEL MURRAY  
CORPORATE DIRECTOR NEIGHBOURHOODS

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Janet Brereton	5204	16 July 2009	LCSREP/2807SH

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I Police Sergeant 1506 Anthony John Bushell

*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Crown 46-48 Chapel Street	
<b>Post town</b> Chorley	<b>Post code (if known)</b> PR7 1BW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mark Wayne DAVIES
--

<b>Number of premises licence or club premises certificate (if known)</b> PL(A) 0090
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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

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

Please tick

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional) anthony.bushell@lancashire.pnn.police.uk

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 1)**

Since the beginning of the year there have been a number of issues relating to the premises that have caused concern for the police.

These issues are having a detrimental impact on the Crime and Disorder Objective and the Police feel the cause of these issues is the ineffective management and operation of the premises.

The Police have evidence of violent incidents amongst customers taking place both inside and outside the premises.

The Police have found unregistered door supervisors on a number of occasions employed at the premises.

There is evidence that persons banned by the Chorley Pubwatch are being allowed to drink in the premises.

There is evidence of drug use on the premises of which the management have been made aware but are still failing to address.

It is clear that the premises is not being managed effectively and as such the Police have no confidence in the management.

In view of this the Police would seek to remove the current management at the premises and in order to do so have no alternative but to seek full revocation of the premises licence.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

See attached documentation

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

Please tick yes

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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date 29<sup>th</sup> June 2009 .....

Capacity .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b> As Above	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**The Crown**

46-48 Chapel Street, Chorley, Lancashire, PR7 1BW

**Premises Licence from 14/11/08 to indefinite**

Licence Holder(s)

Full name Mr Mark Wayne DAVIES

Designated Premises Supervisor

Premises supervisor name Mr Mark Wayne Davies

Permitted Activities:

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

Premises Open Hours granted

	<b>Time From</b>	<b>Time To</b>
Monday to Sunday	11:00am	2:30am

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day.

Activities - Times granted

	<b>Time From</b>	<b>Time To</b>
<b>E. Performance of live music (Indoors)</b>		
Monday to Sunday	8:00pm	1:00am

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day.

**F. Playing of recorded music (Indoors)**

Monday to Sunday	11:00am	2:00am
------------------	---------	--------

Non Standard Timings:

**Time From      Time To**

New Years Eve 11.00 to start of permitted hours on the following day.

**G. Performance of dance (Indoors)**

Monday to Saturday	11:00am	11:00pm
Sunday	Noon	10:30pm

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day

**H. Entertainment of a similar description to that falling within E, F, or G (Indoors)**

Monday to Saturday	11:00am	11:00pm
Sunday	Noon	10:30pm

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day

**I. Provision of facilities for making music (Indoors)**

Monday to Sunday	8:00pm	1:00am
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New Years Eve 11.00 to start of permitted hours on the following day

**J. Provision of facilities for dancing (Indoors)**

Monday to Sunday	8:00pm	1:00am
------------------	--------	--------

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day

**K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)**

Monday to Saturday	11:00am	11:00pm
Sunday	Noon	10:30pm

Non Standard Timings:

**L. Late night refreshment (Indoors)**

Monday to Saturday	11:00pm	11:30pm
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Non Standard Timings:

**Time From      Time To**

New Years Eve 23.00 to 05.00 next day.

**M. The sale by retail of alcohol for consumption ON and OFF the premises**

Monday to Sunday                      11:00am              2:00am

Non Standard Timings:

New Years Eve 11.00 to start of permitted hours on the following day

**Additional Conditions****ANNEX 1 - MANDATORY CONDITIONS**On and Off Licence

1 Alcohol shall not be sold or supplied except during permitted hours.

Where there is no childrens certificate:

1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition bar includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Licensed Premises - Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

Alcohol



1 No supply of alcohol may be made under the premises licence -

a) At a time when there is no designated premises supervisor in respect of the premises licence,

or

b) At a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Door Supervision

1 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

#### Public Entertainment Licence Conditions

##### **The Maximum occupancy of the premises is 100 persons**

For the purpose of these special conditions and to which they relate the expressions "the Council" and/or "the Licensing Authority" means Chorley Borough Council.

#### Structural Condition

The premises, services, fixtures and fittings shall be maintained in good order and structural condition at all times.

No structural alteration shall be carried out which effects the licensed area without prior consultation of the Borough Councils Licensing Officers. This condition is without prejudice to any other function/department of the Council.

#### Means of escape

All means of escape (including external escape routes to a place of safety) as agreed by the Local Authority shall be properly maintained in a proper state, be in efficient working order, be in good repair and kept free from obstruction at all times when the premises are occupied.

The contents of the licensed area i.e., tables, chairs, plants, DJ's equipment etc. shall be so arranged or disposed as to provide for any persons therein an unobstructed escape route to a means of escape in case of emergency.

The nosings to steps, landings etc. painted white or otherwise suitably marked or constructed to make them conspicuous shall be properly maintained in that condition to the satisfaction of the Licensing Authority.

#### Electrical Installation

Should any new electrical work be required or undertaken, then the Licensing Authority should be notified. Any such work must be carried out in an approved system of wiring for public entertainment premises notably wiring that conforms to the current edition of the IEE regulations and in addition, wiring enclosed in screwed

steel conduit or metal trunking, mineral insulated copper sheathed cable or in armoured cable.

Any temporary wiring or equipment for a specific function must be under the control of a competent person who must ensure its safe erection and use including disconnection and removal after use.

Satisfactory access to the electrical intake, main control switch gear and any back up battery system for the emergency/safety lighting (where relevant) must be maintained at all times and combustibles must not be stored in the same area.

Should any visual fault occur (i.e. physical damage to cables, cords, switches, plugs and socket outlets or flickering lights or blown fuses) it should be reported immediately to a competent person who should take appropriate action to isolate and/or rectify the defect.

No electrical appliance fixed or portable shall be used within the licensed premises without that appliance meeting the following requirements: -

- (a) The appliance should conform to the relevant British Standard.
- (b) The appliance should be installed in accordance with the manufacturers instructions.
- (c) All portable appliances should be tested fully in accordance with the Portable Appliance Tests (PAT) by a suitably qualified person and certificates provided should be readily available for examination by the Licensing Authority.
- (d) All manufacturers/installers instructions or manuals regarding the installation and use of the appliance should be kept available for inspection by the licensing team.

#### Emergency/Safety Lighting

##### Supervision

A competent person should be appointed to supervise the system. This person should be given sufficient authority to ensure the carrying out of any work necessary to maintain the system in correct operation. The person appointed must ensure that the emergency lighting system is switched on prior to any member of the public being allowed access to the premises and that the system is not switched off until all members of the public have vacated the premises.

##### Routine Inspections and Tests

Inspections and tests should be carried out at the following intervals: -

- (a) Daily (b) Monthly (c) Six monthly

##### Daily

An inspection should be made every day the building is used for its licensed purpose to ensure that all luminaries and illuminated signs are lit.

##### Monthly

The following procedures should be undertaken: -

- (a) Each luminaire and internally illuminated exit sign should be switched to "Battery mode" by simulation of a failure of the normal electrical supply for a period of no less than 15 minutes but no more than 30 minutes. During the test period all luminaries and/or signs should be examined visual to ensure that they are working correctly.

- (b) Clean the exterior of the luminaries and signs.
- (c) Check that defects recorded in the logbook have been corrected.
- (d) Check the level of electrolyte in central battery systems.
- (e) Check that all indicator lamps are functioning.
- (f) Record all data in the logbook.

#### Six Monthly

The monthly inspection should be carried out but the simulated mains supply failure time should be increased to one hour.

#### Liquefied Petroleum Gas (LPG)

No portable LPG heaters should be in the premises when members of the public are present. Containers of LPG should be protected against unauthorised interference and accidental leakage. LPG cylinders, both full and empty, should be kept in safe positions in the **open air** away from other flammable materials, or where this is not reasonably practical because of **exceptional circumstances**, in an adequately ventilated storeroom.

LPG in use should be sited outside the structure and with their valves readily accessible in case of an emergency.

#### Pyrotechnics

Application for the licensing authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least seven days before the first performance of the entertainment. The notice should give full details of the proposed use and the date and time on which a demonstration can be witnessed if required by a representative of the licensing authority.

#### Seating and Gangways

When the Licensed area is used for a closely seated audience, gangways should be provided at the side, centre, front and rear wherever possible. They should be of adequate width for the number of seats served but in no circumstances should they be less than 1050mm wide. (Measurement in the case of side gangways to be taken from the foremost projection).

Where more than **two hundred** (200) persons are to be accommodated as a closely seated audience, all loose chairs used for seating should be securely battened or clipped together in blocks of at least four seats and not more than twelve seats.

There should be an unobstructed seatway of not less than 305mm in depth measured between perpendiculars between the back of one seat and the foremost portion of the seat, arm or frame behind.

No seat shall be more than 3.6m from any gangway.

No portion of any gangway should normally be more than 18m from any exit from the premises measured along the line of the gangway.

When a sports entertainment takes place the following conditions should apply: -

When **four hundred** (400) or more are to be accommodated as well as clipping, or battening the seats in blocks, the chairs or sets of chairs adjoining, front, rear, cross, sides, and centre gangways, together with those adjoining the exits should be securely fixed to the floor (or fixed in some similar manner to the satisfaction of the Licensing Authority).

There should be a clear seatway or space of at least 305mm measured between the perpendiculars from the back of one seat unit to the foremost position of the seat, arm or frame of the one behind.

The number of seats in a row shall not exceed: -

**Seven** seats where there is a gangway at one end only except that up to a maximum of **eleven** seats may be permitted if the 305mm referred to above is increased by 25mm for each additional seat over seven and

**Fourteen** seats where there is a gangway at each end, except that up to **eighteen** seats may be permitted if the 305mm seatway referred to above is increased to not less than 400mm and more than **eighteen** seats may be permitted up to **twenty two** seats with a seatway of not less than 500mm.

#### Staff Fire Procedures

At all times the public are on the premises, it shall be the specific duty of at least one responsible person to call the fire brigade in case of fire or suspected fire. Such person(s) should know the location of the nearest telephone and be familiar with the emergency method of calling the fire brigade. In addition, a further responsible person or persons should be available to ensure the safe and orderly exit of the public from the building to minimise the possibility of a panic situation.

Before the public is allowed on the premises, a competent person should carry out the following duties: -

- (a) Check that all the fire fighting equipment is in place and accessible.
- (b) Ensure that all the exit routes/doors are free from obstruction and operating effectively.
- (c) Ensure that the emergency lighting/safety lighting is switched on and operating satisfactorily.

Responsible persons mentioned above shall not be less than eighteen years of age. The licensee shall be under a duty to maintain good order, conduct and decency on the premises.

Where it is proposed to use any pyrotechnic type effects within the Licensed Area the Borough Council and the Fire Authority should be notified within seven days prior to the event-taking place.

In premises where children and parents are likely to be separated, or use different floors, the council shall be notified and arrangements must be made to have the children supervised by a competent person or persons who are over the age of eighteen to ensure satisfactory evacuation of the premises in case of an emergency.

### Furniture/Decorations

No decorations which affect the existing surface spread of flame characteristics of the building shall be carried out without the Borough Council being notified so that, if necessary a reassessment of these conditions can be undertaken.

All new or replacement items of upholstered seating/furniture should satisfy as a minimum standard the "**fire tests for furniture**" BS 5852 part 1 1979 and BS 5852 part 2 1982.

All curtains and drapes within the licensed area shall be of a material which is inherently flame retardant or be treated with a durable flame retardant which complies with Type "B" performance requirements of BS 5867 part 2 1980 (Flammability requirements for curtains and drapes).

### Toilet Accommodation

The toilet accommodation provided for use by members of the public and performers must be maintained in a clean and tidy condition with an adequate and constant supply of washing/drying equipment.

If the location of the toilet accommodation is not immediately obvious to persons present in the licensed area due to it being some distance from the main activity then adequate notices indicating their location should be displayed prominently. Each door should be properly marked Male/Female as appropriate.

### Hypnotism

No exhibition, demonstration or performance of hypnotism (as defined in section 6 of the Hypnotism Act 1952) shall be given on any person at the place licensed.

### Other Matters

Should any circumstances arise that prevents compliance with these conditions of use then the use of the premises must be discontinued and the Borough Council notified immediately.

Adequate access for the fire brigade vehicles and equipment should be provided and maintained at all times.

Arrangements for the admission of disabled persons, to the premises who are totally reliant on wheelchairs for mobility shall be made and maintained to the satisfaction of the Licensing Authority.

The Borough Council must be notified before any proposed alteration to the licensed area is carried out whether of a structural or non-structural nature so that they can assess the impact, if any, the proposed changes will have on the premises suitability for the use as licensed.

Any authorised officer of the Licensing Authority or the Fire Authority may at any time enter and inspect the premises so licensed for the purpose of ensuring that the terms, restrictions and conditions on or subject to which the licence is held are being complied with.

Adequate provision should be provided within the premises for the application of first aid treatment by suitably trained staff to persons injured within the premises.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **a) General**

1) Additional steps we will take are the use of plastic glasses only. No one will be served a drink in a glass or bottle after midnight. On Friday, Saturday and Sunday between 00.00 and 02.00 there shall be registered door staff.

### **b) The prevention of crime and disorder**

- 1) No irresponsible sales promotions of alcoholic beverages shall be offered to customers.
- 2) No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.
- 3) A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.
- 4) Staff and doorman will make sure no one is allowed to drink too much. There will be no offers on prices.
- 5) Cameras are situated throughout the pub, and record 24 hours a day.

### **c) Public safety**

- 1) All fire doors will be effectively self-closing and shall not be held open other than by approved devices.
- 2) Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.
- 3) Plastic glasses only will be used during the extended hours.
- 4) People who appear drunk or rowdy will be asked to leave.

### **d) The prevention of public nuisance**

- 1) No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22.00 save for any special event seven days notice of which has been given to the licensing authority and police.
- 2) When amplified musical entertainment is taking place inside the premises after 22.00 windows and doors, save for entrance and exit purpose, will be kept shut.
- 3) A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
- 4) Doormen will work during the extended hours.
- 5) People who appear drunk or rowdy will not be permitted.
- 6) Doors and windows will be closed to keep noise to a minimum.

### **e) The protection of children from harm**

No one under the age of 16 will be allowed on the premises.  
Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to provide a proof of age before such a sale is made.

A 'Think 21' policy will be in force.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING  
AUTHORITY**

None.

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**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Anthony John Bushell**

URN

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Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of 14 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the **29th** day of **June 2009**Tick if witness evidence is visually recorded   
(supply witness details on rear)

Signature



1. I am Police Sergeant 1506 of the Lancashire Constabulary currently based on the Licensing Unit at Chorley, a post I have held since September 2004.
2. My role covers the area of Southern Division of the Constabulary and incorporates the Local authority areas of South Ribble, Chorley and West Lancashire.
3. My duties include the provision of an administrative function with regards applications under the licensing Act 2003, the identification of problem premises with a view to offer support and guidance and the enforcement of licensing legislation.
4. The Crown Pub is situated at 46-48 Chapel Street, Chorley, the Premises Licence Holder and the DPS for the premises is Mark Wayne Davies.
5. Davies has been at the premises since the conversion from the Licensing Act 1964 to the Licensing Act 2003 in November 2005.
6. During this time the premises has come to note on a number of occasions with regards to incidents of disorder, however these have not been significant enough

Signature



Signature witnessed by

for any action to be taken, however there has always been a question mark over his strength of management.

7. On 14<sup>th</sup> November 2008 we received an application from Davies requesting a variation of the premises licence for the Crown.
8. The application wanted to increase the hours of recorded music from 01.00 hrs to 04.00 hrs, the sale of alcohol from 01.00 hrs to 04.00 hrs and to change the opening hours of the premises from 01.30 hrs to 05.00 hrs.
9. There were concerns regarding these extensions so Davies was invited into the police station to discuss the application with myself and an environmental health officer from Chorley Borough Council.
10. He was informed that the police would make representations against the application for the hours requested and it was suggested that he apply for lesser hours, which he eventually agreed to do effectively reducing the sale of alcohol time from 04.00 hrs to 02.00 hrs and the opening time to 02.30.
11. We also had concerns about the number of people who would stand outside the front of his premises and the potential for disorder that this may create, he was adamant that he would be able to manage this.

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

12. In addition to this he was advised that we would require door supervisors to be on duty and he volunteered a condition not to serve drinks in glasses or bottles after midnight.
13. A further discussion was had in relation to who would be providing the security for the premises he stated he would be using a male called Andy Parker.
14. I raised this as a concern as I was aware that Parker was not registered as a door supervisor and I strongly advised Davies that he should not use him but get a reputable company.
15. Although still reticent about Davies's ability to manage the premises the amended application was agreed.
16. At the beginning of January 2009 I was informed by PC Sumner that he had attended an assault at the Crown pub where a male had his ear bitten off at 04.00 hrs on 1<sup>st</sup> January 2009.
17. I was informed that at this time Andy Parker had presented himself to the officers stating that he was the head doorman and pointed out two other door supervisors at the premises these being David Gibson and Ged McGrath.
18. I was aware that Parker, Gibson and McGrath were not registered to work as door supervisors and as such this gave me cause for concern as I had specifically advised Davies that Parker should not be employed in this capacity.

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

19. This information was provided to by via a statement from PC Sumner the original of which forms part of a prosecution file for offences under the security Industry Act 2001.

20. I produce a copy of this statement as Exhibit Ref AJB1506/1.

21. As a result of this information I attended the Crown on Monday 5<sup>th</sup> January 2009 in company with Bob Beeston, the council licensing enforcement officer.

22. At the premises I spoke to Davies and pointed out that he was employing unregistered doorstaff and as such he would be committing offences.

23. Davies stated they had show him certificates that they had passed the door supervisor course. It was pointed out that this was not sufficient and that they needed badges to work.

24. Davies was advised that it was his responsibility to ensure the staff at the premises are registered and that if they were not able to show him the blue badge he should not allow them to work.

25. I established that the company he was using was A&D Security Professionals, the A&D was confirmed as standing for Andy and Dave. I requested an invoice from Davies and he provided me with a company invoice.

26. A copy of this invoice is produced Exhibit ref AJB1506/2

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

27. I made a note of this visit in my pocket note book a copy of which I produce as Exhibit Ref AJB1506/3

28. As a result of this information I requested patrols make regular visits to the premises to make checks on the doorstaff.

29. I was later made aware that PS Wainwright had attended the premises at 02.15 hrs on 18<sup>th</sup> January 2009 and found two doorstaff working at the premises these being Dave Gibson and Ged McGrath, they confirmed on the night that they had no badges but that they had passed the course and were awaiting their badges.

30. This information was provided to by via a statement from PC Wainwright the original of which forms part of a prosecution file for offences under the security Industry Act 2001.

31. I produce a copy of this statement as Exhibit Ref AJB1506/4.

32. As a result of this information at 10.00 hrs on 23<sup>rd</sup> January 2009, I contacted Davies over the telephone and expressed my disappointment that he had ignored my advice and continued to employ unregistered doorstaff.

33. I made a note of this conversation in my pocket notebook and produce a copy as Exhibit Ref AJB1506/5

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

34. I had now received confirmation through statements from the Security Industry Authority that the individuals were not registered nor had they applied for badges at the SIA.

35. This information was provided to me via a statement from the SIA the originals of which forms part of a prosecution file for offences under the Security Industry Act 2001.

36. I produce a copy of these statements as Exhibit Ref AJB1506/6

37. I informed Davies that I was considering taking further action against all parties in this matter.

38. I was then made aware of further issues with regards the door supervisors at the premises over the weekend of 23<sup>rd</sup>/24<sup>th</sup> January 2009 via E-mail from PC Appleton sent at 01.55 hrs 25<sup>th</sup> January 2009.

39. I produce the E-Mail as exhibit Ref AJB1506/7

40. Upon receipt of this E-mail I requested further details and as a result I received a further E-mail on 4<sup>th</sup> February 2009 that outlined that Davies had breached his licence conditions on both evenings by not having the required number of door supervisors on duty.

41. I produce the E-Mail as exhibit Ref AJB1506/8

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

42. At 15.00 hours on Tuesday 10<sup>th</sup> February 2009 I again attended the Crown Public House in order to speak with Mark Davies regarding drugs paraphernalia that had been found in his toilets at a visit on 7<sup>th</sup> February 2009.

43. I was at this time in company with Steve Culleton the licensing manager from Chorley Borough Council.

44. At the premises we spoke to Davies, highlighted that he had customers using drugs in his toilets and asked him what provisions he had put in place to stop this he stated he had done nothing and that he didn't think notices would be a deterrent.

45. He was given advice with regards the prevention of drug use and the implications of allowing drug use to take place on the premises.

46. We then had a further conversation regarding the unregistered doorstaff where I informed Davies that I was looking to prosecute them and would require a statement from him outlining his dealings with the company.

47. Davies refused to provide a statement, however when requested he provided me with further copies of invoices from the company.

48. I produce copies of these invoices Exhibit Ref AJB1506/9

49. I outlined the consequences of failing to co-operate and left him to consider the options.

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

50. I made a note of this conversation in my pocket notebook and produce a copy as Exhibit Ref AJB1506/10

51. At a later date I was provided with CCTV footage of the Crown Pub on the 1<sup>st</sup> January 2009 at the time of the assault taking place.

52. Upon watching the footage I was concerned regarding the amount of persons outside the premises and aspects of disorder taking place.

53. I also noted that persons were drinking outside and were using what appeared to be glasses even though there is a condition on the licence, volunteered by Davies that only plastic glasses would be used after midnight.

54. Upon further scrutiny I observed a male drinking outside the premises I recognised this male to be Steven Headley who is banned by the Chorley Pubwatch from entering licensed premises until 2012.

55. I can say that Davies is a member of Pubwatch, does attend meetings and has been provided with a book showing all the persons banned including Headley.

56. In view of these concerns I wrote to Davies on 16<sup>th</sup> February 2009 requesting he attend Chorley Police Station to take part in an interview with regards the issues that had come to light.

57. A copy of this letter is produced as Exhibit Ref AJB1506/11

Signature



Signature witnessed by



Continuation of Statement / Interview of **Anthony John Bushell**

58. At 15.00 hours on 24<sup>th</sup> February 2009 Davies attended the police station where I conducted a tape recorded interview with him.

59. During the interview he outlined how he had come to employ Parker and Gibson at his premises and I pointed out the concerns as shown on the CCTV footage from 1<sup>st</sup> January 2009.

60. I pointed out the fact that Steven Headley can be clearly seen drinking and pointed out that this was undermining the other Pubwatch members.

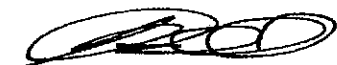
61. As a result of the interview I decided to allow Davies a final chance to address the issues at his premises and pointed out I would be taking no further action against him.

62. However it was pointed out that should any other issues come to light then I would look at instigating more formal proceedings.

63. On the evening of Saturday 28<sup>th</sup> February 2009 I was on uniformed duty in Chorley Town Centre carrying out licensed premises visits.

64. Around 23.45 hours I was on Cleveland Street, Chorley, where I saw Steven Headley with a female, I observed them walk towards the Crown Pub and enter the premises.

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

65. I made my way to the premises and looked through the front window where I saw Headley stood playing the fruit machine whilst holding a pint of beer.
66. I remained outside the premises and a few minutes later Headley emerged from the premises with a pint glass and stood outside to smoke.
67. At this time I spoke to the doorman on duty and asked if the DPS, Davies was in. He stated that he was upstairs so I requested he brings him outside.
68. A short time later Davies appeared outside the premises and I reminded him of the conversation we'd had with regards Pubwatch, banned persons and in particular Steven Headley being allowed to drink in premises.
69. Davies stated that he understood this and further stated that all his staff were aware of the banned persons.
70. At this point I pointed out Headley who was stood behind him and asked why he was being served in the premises, he had no response to make.
71. I informed Davies that I was disappointed that despite my previous warnings he was still unable to effectively manage his premises.
72. I made a note of this conversation in my pocket notebook a copy is produced  
Exhibit Ref AJB1506/12

Signature



Signature witnessed by

73. At the beginning of April I was sent an E-mail by PS Watterson which outlined a visit he had conducted at the premises in the early hours of Sunday 5<sup>th</sup> April 2009.

74. As a result of the visit it was found that one of the doorstaff Liam Killinger being used at the premises did not have his badge.

75. I produce a copy of this E-mail as Exhibit Ref AJB1506/13

76. This again indicated that despite my previous advice re checking badges Davies was still not doing so and again was a further example of his lack of control at the premises.

77. A subsequent check via the SIA public register shows Killinger as being registered from 29<sup>th</sup> April 2009, he therefore was not officially registered at the time of the visit.

78. Towards the end of April I was made aware of a police operation taking place in Chorley targeting certain individuals who were involved in the supply of drugs in the town centre.

79. As a result of evidence gathered during this operation it transpired that one of the targeted individuals was found to be openly using and dealing drugs in the Crown.

80. In May I was also made aware of an incident that occurred the early hours of Sunday 10<sup>th</sup> May 2009 outside the premises and was provided with CCTV footage of the incident.

Signature



Signature witnessed by

## Continuation of Statement / Interview of Anthony John Bushell

81. Upon viewing the footage it showed that there was a large group of known offenders gathered outside the pub and one of these was Anthony Ryan who is banned from entering licensed premises by Pubwatch.
82. This footage shows Ryan drinking at the premises and also shows a fight involving two female customers from the premises as well as a fight that occurs between Ryan and another male, at whom Ryan throws a pint glass taken from the premises.
83. After viewing the CCTV I compiled sections of this footage as well as footage from the CCTV on 1<sup>st</sup> January 2009 and had them copied onto one disc. I produce this as Exhibit ref AJB 1506/14.
84. I also compiled a reference chart with regards the timings and footage on the disc which I produce Exhibit Ref AJB1506/15
85. As a result of the information from the targeted operation a drugs warrant was issued by Chorley Magistrates Court that was executed at the premises on the evening of Friday 15<sup>th</sup> May 2009.
86. After a search of the premises and the customers present no drugs were found at this time.

Signature



Signature witnessed by

87. On Tuesday 16<sup>th</sup> June 2009, I was contacted by the chair of Chorley Pubwatch in order to update me as to what had occurred at the Pubwatch meeting on 2<sup>nd</sup> June 2009.

88. As part of the update he informed me that there had been an issue with regards the banning of an individual at the meeting.

89. This individual had been nominated by a member of staff at the Crown to be banned as he had been witnessed openly taking drugs in the premises on 14<sup>th</sup> May 2009.

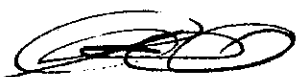
90. However Mark Davies was not happy about him being banned and refused to support the decision.

91. I later contacted the member of staff who worked at the premises who informed me that she had provided some footage of the individual taking drugs at the premises and had subsequently been given a hard time by Davies for nominating him in this way.

92. Further enquiries revealed that the incident had also been reported to the police and log number LC-20090514-0024 refers, this has been produced Exhibit ref AJB 1506/16

93. I made further enquiries with officers at the station and eventually located the footage.

Signature



Signature witnessed by

94. Upon viewing this footage it clearly shows the individual at the premises but also shows Anthony Ryan again openly drinking inside the premises

95. I produce this footage exhibit ref AJB 1506/17

96. It is evident that since the granting of the extended hours at the premises there has been a lack of robust management and it would appear there have been a number of licensing breaches evident.

97. I have compiled a list of alleged breaches and other issues of concern at the premises which I produce as Exhibit ref AJB1506/18

98. I have also reviewed the premises licence and have suggested recommendations to address the issues at the premises.

99. I produce these recommendations as Exhibit ref AJB1506/19

Signature



Signature witnessed by

# EXHIBIT LIST

Exhibit Ref	Article
AJB 1	Statement from PC Sumner
AJB 2	Invoice from A&D Security Professionals dated 16/12/08
AJB 3	PNB entry re visit to Crown on 05/01/09
AJB 4	Statement from PS Wainwright
AJB 5	PNB entry re phone call to Crown on 23/01/09
AJB 6	Statements from SIA
AJB 7	E-Mail 1 from PC Appleton
AJB 8	E-Mail 2 from PC Appleton
AJB 9	8 Invoices from A&D Security Professionals
AJB 10	PNB entry re visit to Crown 10/02/09
AJB 11	Letter to Mark Davies re interview
AJB 12	PNB entry re Steven Headley at Crown on 28/02/09
AJB 13	E-Mail from PS Watterson
AJB 14	Compilation of CCTV Footage
AJB 15	CCTV Timing schedule
AJB 16	Copy of incident log LC-20090514-0024
AJB 17	CCTV footage from Crown – Ryan
AJB 18	List of alleged breaches at Crown
AJB 19	List of recommendations

# Exhibit

# AJB 1



## Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **ANDREW CARL SUMNER**

URN

--	--	--	--


Age if under 18 **OVER 18** (if over 18 insert "over 18"). Occupation **POLICE CONSTABLE**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the 11th day of Feb 2009

Tick if witness evidence is visually recorded   
(supply witness details on rear)

Signature



I am police constable 1527 Sumner of the Lancashire constabulary currently stationed at Chorley. At approximately 4am on Thursday 1<sup>st</sup> January I was on uniformed duty in company with PC 3033 Percy when we attended an incident at the Crown public house on Chapel Street Chorley. On our arrival there was a large group gathered outside as other officers were in attendance. It quickly transpired that a male had had part of his ear bitten off. Due to this I made inside the pub which was extremely packed and made to the bar area to speak with the land lord a Mr Mark DAVIES. On speaking to him I asked what time he was closing to which he stated he wasn't, he was carrying all way through. I asked if he had any door staff on he replied " YES " I told him to tell them not to let any more people in as the place was extremely full. At this point I made my way back out side. Once I had got outside a few moments later I was approached by a male who I now know to be Andrew PARKER who stated he was part of the door staff. He then gave the names of David GIBSON and Ged McGrath and stated that they were also door staff covering the pub and that they worked for A&G security and the telephone number was 01257 421668. I then asked PARKER about there security badge identification which PARKER was not wearing. He informed me that they had passed the course and were waiting for their badges to arrive. I explained that the pub was full and that they should not allow any one else to enter, he then left. At this point I then made to an ambulance that was treating the male who had had part of his ear bitten off.

Signature



Signature witnessed by

# Exhibit

## AJB 2

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

RECEIVED  
29 DEC 2008



SECURITY PROFESSIONAL'S

THE CROWN

16/12/08

Jan Friday night 2 hours £15 per hour

Ged Friday night 2 hours £14 per hour

Jan Saturday night 2 hours £15 per hour

Ged Saturday night 2 hours £14 per hour

Jan Sunday night 2 hours £15 per hour

Ged Sunday night 2 hours £14 per hour .

Total... £174.00

yours sincerely

David Gibson



# Exhibit

## AJB 3

Exhibit Ref A361806/3

Agenda Page 57 in Agenda Item 3

Charly Pat 2nd.

01217 410077.

07921 627085.

related to actual course.

17.10. Course St Thoms Rovers  
- no lab.

22.10 off duty

2009 Monday 5<sup>th</sup> January

To-D 0700-1600

0700 Report to chief - Admin  
office.

15.10. Attend Crown Court  
Newton - enquiries re  
ATD Security. - pointed  
out that Andy Parker  
and Dave Osborn are not  
registered and should  
not be working. Mark  
Davis advised that if  
they do not have to blue  
knives they shouldn't  
be allowed as he does  
and it is his responsibility  
to check this and not  
allow them to use without  
a badge. Copy of invoice  
from ATD Security  
obtained from Mark  
Davis ... 73

# Exhibit

## AJB 4

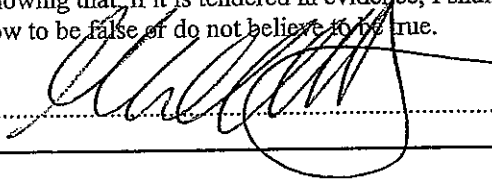
**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss. 5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of:.....Martin WAINWRIGHT.....

Age if under 18:.....OVER 18. (if over 18 insert 'over 18'). Occupation: ...Police Sergeant.....

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:  Date: 10<sup>th</sup> February 2009

I am Police Sergeant 2384 WAINWRIGHT of the Lancashire Constabulary currently stationed at Chorley.

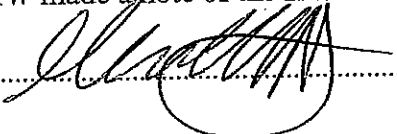
At about 22.15 hours on Saturday 17<sup>th</sup> January 2009 I was on uniformed foot patrol duties in company with PC 1621 SHAW within the town centre of Chorley when we attended the Crown public house at 46-48 Chapel Street.

I could see that there was no doorstaff present on the main door to the pub and went inside to speak with the licensee Mark DAVIES. I spoke with DAVIES about the doorstaff to which he informed me that they would be present later on that same evening. I enquired about the registration of the doorstaff to which he showed me some certificates.

At about 02.15 hours the next day I reattended the Crown public house and found two doorstaff stood at the main entrance. I spoke to the doorstaff who provided their personal details as David GIBSON born 130674 and Gerald McGRATH born 050178. Both GIBSON and McGRATH were not displaying any type of badge to formally identify themselves as doorstaff but they clearly had the indication of being doorstaff by their clothing, demeanor and presence at the door.

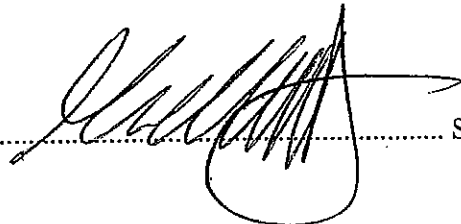
I spoke to them about not having any badge or identity on display to which they stated that they had passed the SIA course and awaiting the delivery of the badges. They also clarified that they worked for the company called AND SECURITY.

PC SHAW made a note of the information provided and we continued with foot patrol duties.

Signature:  Signature witnessed by: .....

Continuation of Statement/Interview of ..... M WAINWRIGHT .....

I had no further dealings with GIBSON and McGRATH.

Signature  ..... Signature witnessed by .....



# Exhibit

# AJB 5

Exhibit Ref A23 1506/5

16.00 off duty  
 ADMIN + CARRY CURRIC  
 1009 FRIDAY 23<sup>RD</sup> JANUARY  
 TD. 08.00 - 16.00  
 08.00 Report to duty  
 10.00. As a result of enquiries  
 and into suit to Mark  
 Davies of The Crown  
 re Dave Gibson defuncted  
 and reported as deceased  
 that he was very employed  
 Internet News, will be  
 taking further action upon  
 my return from the court  
 and enquiries advised that  
 a unexpected death  
 and no consequences.  
 11.00. Visit to Market Tavern

4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15

**Exhibit**

**AJB 6**



Security Industry Authority

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, T.70)

URN:

Statement of: Patrick TAKAN

Age: over 18

Occupation: Licensing Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to *be* false, or do not believe to be true.

Signature:

A handwritten signature in black ink, appearing to read 'Patrick Takan', written over a horizontal line.

Date: 21 January 2009

I am Patrick TAKAN employed as Licensing Officer with the Security Industry Authority. I make this statement from perusal of records held by the Authority and my own knowledge.

The Security Industry Authority is established by the Private Security Industry Act 2001 and within the Authority's remit is to set and approve standards of conduct, training and supervision within the security industry and to make recommendations to improve standards. Other functions are to licence individuals working within specific sectors of the industry, including those working as a Door Supervisor. A person employed within this sector would be engaged in licensable activity if they have responsibility for guarding premises/property against unauthorized access or occupation, outbreaks of disorder or against damage and also, against property being stolen or against otherwise being taken or dishonestly obtained. A person will also be engaged in licensable activity if they are guarding one or more individuals against injuries caused unlawfully.

Persons holding a Door Supervision licence will be required to provide the Authority with proof of identity and that they have achieved the relevant training and qualification (or exemption). They will also be required to undergo criminality checks to ensure they are a fit and proper person to be employed within the industry and ultimately concerned in the protection of the public. Persons making an application for Door Supervision licence will need to satisfy the Authority of these requirements. The cost of the licence is £245.00 and it is valid for a period of three years.

On the 15<sup>th</sup> November 2004 and within the North West Region, it became an offence for a person to engage in licensable conduct except under and in accordance with a licence.

There is no right to work under s4(4) Private Security Industry Act 2001 other than for people who have sent a completed application form to the SIA, **and** have pending applications, **and** work for Approved Contractors under the Approved Contractors Scheme.

Signature:

Second page of 2

Continuation Statement of: Patrick TAKAN

As a result of a communication made to me by: **Anthony BUSHELL** I conducted a check on a record against the person's details, which were provided as:

**David Gibson, Date of Birth 13/06/74, 294 Mossy Lea Rd, Wroughtington, Lancs**

As a result of the check from records held, I can state that:

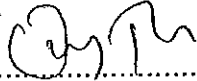
**The Security Industry Authority holds no records on David GIBSON, (Date of Birth 13/06/74)**

**Therefore, the SIA can confirm that David GIBSON does not currently hold a valid SIA licence.**

This is the latest status as at 21/01/2009.

I can confirm that in accordance with Section 117(2) of the Criminal Justice Act 2003 (The Act), as a result of my enquiries which were conducted during the course of my business, profession or other occupation, or as the holder of a paid or unpaid office with the Security Industry Authority, I examined certain statements/records held on our data base. I can confirm that the person who supplied the information contained in those statements/records (the relevant person) had or may reasonably be supposed to have had personal knowledge of the matters dealt with, and each person (if any) through whom the information was supplied from the relevant person to myself, received the information in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office.

In accordance with Section 117(5) of the 'Act' I can say the 'relevant person' cannot reasonably be expected to have any recollection of the matters dealt with in the statement (having regard to the length of time since he/she supplied the information and all other circumstances).

Signature: .....  .....



Security Industry Authority

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, T.70)

URN:

Statement of: Patrick TAKAN

Age: over 18

Occupation: Licensing Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

A handwritten signature in black ink, appearing to be 'Patrick Takan', written over a horizontal line.

Date: 21 January 2009

I am Patrick TAKAN employed as Licensing Officer with the Security Industry Authority. I make this statement from perusal of records held by the Authority and my own knowledge.

The Security Industry Authority is established by the Private Security Industry Act 2001 and within the Authority's remit is to set and approve standards of conduct, training and supervision within the security industry and to make recommendations to improve standards. Other functions are to licence individuals working within specific sectors of the industry, including those working as a Door Supervisor. A person employed within this sector would be engaged in licensable activity if they have responsibility for guarding premises/property against unauthorized access or occupation, outbreaks of disorder or against damage and also, against property being stolen or against otherwise being taken or dishonestly obtained. A person will also be engaged in licensable activity if they are guarding one or more individuals against injuries caused unlawfully.

Persons holding a Door Supervision licence will be required to provide the Authority with proof of identity and that they have achieved the relevant training and qualification (or exemption). They will also be required to undergo criminality checks to ensure they are a fit and proper person to be employed within the industry and ultimately concerned in the protection of the public. Persons making an application for Door Supervision licence will need to satisfy the Authority of these requirements. The cost of the licence is £245.00 and it is valid for a period of three years.

On the 15<sup>th</sup> November 2004 and within the North West Region, it became an offence for a person to engage in licensable conduct except under and in accordance with a licence.

There is no right to work under s4(4) Private Security Industry Act 2001 other than for people who have sent a completed application form to the SIA, and have pending applications, and work for Approved Contractors under the Approved Contractors Scheme.

Signature:

Second page of 2

Continuation Statement of: Patrick TAKAN

As a result of a communication made to me by: **Anthony BUSHELL** I conducted a check on a record against the person's details, which were provided as:

**Andrew Parker, Date of Birth 24/03/68, 15 Harrison Rd, Adlington, Chorley, Lancs**

As a result of the check from records held, I can state that:

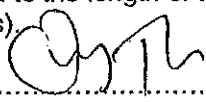
**The Security Industry Authority holds no records on Andrew Parker, (Date of Birth 24/03/68)**

**Therefore, the SIA can confirm that Andrew Parker does not currently hold a valid SIA licence.**

This is the latest status as at 21/01/2009.

I can confirm that in accordance with Section 117(2) of the Criminal Justice Act 2003 (The Act), as a result of my enquiries which were conducted during the course of my business, profession or other occupation, or as the holder of a paid or unpaid office with the Security Industry Authority, I examined certain statements/records held on our data base. I can confirm that the person who supplied the information contained in those statements/records (the relevant person) had or may reasonably be supposed to have had personal knowledge of the matters dealt with, and each person (if any) through whom the information was supplied from the relevant person to myself, received the information in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office.

In accordance with Section 117(5) of the 'Act' I can say the 'relevant person' cannot reasonably be expected to have any recollection of the matters dealt with in the statement (having regard to the length of time since he/she supplied the information and all other circumstances)

Signature: .....

# Exhibit

# AJB 7



**Bushell, Anthony**

---

**From:** Appleton, Carina - 804  
**Sent:** 25 January 2009 01:55  
**To:** Bushell, Anthony  
**Subject:** Crown

Sgt Bushell,

Just to make you aware, on Friday 23/01/09 the Crown licensee Mark Davies was warned to have door staff with valid SIA badges due to his door staff on at the time not having any.

On Saturday 24/01/09 Mark was spoken to again at approx 23:00 as he had no door staff on duty at all, on viewing his license it appears that he should have door staff on between 00:00 and 02:00, at approx 00:30 the Mark informed Nikos Makris of Safe Hands security who then attended at 00:45 to cover the door.

Mark Davies is currently looking at a more permanent arrangement with Nikos Makris for door staff cover.

*Carina Appleton  
PC 804  
Chorley/Coppull Geographic Patrol  
[carina.appleton2@lancashire.pnn.police.uk](mailto:carina.appleton2@lancashire.pnn.police.uk)*

# Exhibit

# AJB 8

**Bushell, Anthony**

---

**From:** Appleton, Carina - 804  
**Sent:** 04 February 2009 03:35  
**To:** Bushell, Anthony.  
**Subject:** RE: Crown

Sgt Bushell,

Sorry about this, on the 23/01/09 - PC 3031 Rick Kershaw attended the crown and spoke to licensee Mark Davies who informed him that there would be no doorstaff on until 12:30. Due to being called to another job they did not return. Sorry about the confusion with the badges, that info came 3rd hand. I believe the doorstaff at the Crown had already been spoken to re: badges and that was infact what officers were checking on 23/01/09.

I attended on 24/01/09 with Sgt Watterson and spoke to Mark Davies and pointed out to him that his license clearly states there must be doorstaff present between 00:00 and 02:00, Mark seemed to be unaware of the conditions of his license but stated he would make contact with someone to obtain staff to cover. On my return to the Crown at about 01:15 I spoke to Nikos Makris of Safe Hands security who stated he had been contacted by Mark at 00:30 and then Nikos had arrived there and been covering the door from 00:45. Meaning on 23/01/09 the Mark knowingly had no cover from atleast 00:00-00:30 and on 24/01/09 00:00-00:45 which breaches his license.

Hope this clears it up a little. If you need anything further from me let me know. I presume you don't need a statement to this effect due to me not attending on 23/01/09 but if you need one I shall send you one.

Regards,

*Carina Appleton  
PC 804  
Chorley/Coppull Geographic Patrol  
carina.appleton2@lancashire.pnn.police.uk*

---

**From:** Bushell, Anthony  
**Sent:** Mon 02/02/2009 15:36  
**To:** Appleton, Carina - 804  
**Subject:** Crown

Carina

Thanks for your e mail regarding the Crown. can you confirm that i have read the e mail correctly in that you visited on 23/01/09 and that there were doorstaff on duty without badges? if so you advised mark davies re this ? if the answer to this is yes i need a statement from you covering this.  
could you let me know the position asap as i need to take some action against the premises  
thanks

PS 1506 Tony Bushell  
Southern Division Licensing Unit  
Chorley  
Tel 01257 246227 / Int 246227  
Mob 07984 650358  
E-Mail - anthony.bushell@lancashire.pnn.police.uk

**Bushell, Anthony**

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**To:** Bushell, Anthony  
**Subject:** RE: Crown

Sgt Bushell,

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Regards,

*Carina Appleton  
PC 804  
Chorley/Coppull Geographic Patrol  
carina.appleton2@lancashire.pnn.police.uk*

---

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**Sent:** Mon 02/02/2009 15:36  
**To:** Appleton, Carina - 804  
**Subject:** Crown

**Carina**

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could you let me know the position asap as i need to take some action against the premises  
thanks

PS 1506 Tony Bushell  
Southern Division Licensing Unit  
Chorley  
Tel 01257 246227 / Int 246227  
Mob 07984 650358  
E-Mail - anthony.bushell@lancashire.pnn.police.uk

# Exhibit

## AJB 9

SECURITY



SECURITY PROFESSIONAL'S

THE CROWN

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

02/2/09

2 staff 2 hours fri

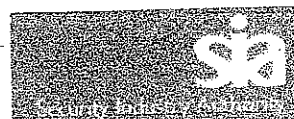
2 staff 2 hours sat

2 staff 2 hours sun

Total... \$174.00

yours sincerely

David Gibson



SECURITY



BLA...

29 JAN 2009

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

SECURITY PROFESSIONAL'S

THE CROWN

191/01/09

- Dave Friday night 2 hours £15 per hour
- Ged Friday night 2 hours £14 per hour
- Dave Saturday night 2 hours £15 per hour
- Ged Saturday night 2 hours £14 per hour
- Dave Sunday night 2 hours £15 per hour
- Ged Sunday night 2 hours £14 per hour

Total... £174.00

yours sincerely

David Gibson



294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN



SECURITY PROFESSIONAL'S

THE CROWN


11/01/09

- Dave Friday night 2 hours £15 per hour
- Ged Friday night 2 hours £14 per hour
- Dave Saturday night 2 hours £15 per hour
- Ged Saturday night 2 hours £14 per hour
- Dave Sunday night 2 hours £15 per hour
- Ged Sunday night 2 hours £14 per hour

RECEIVED  
16 JAN 2009

Total... £174.00

yours sincerely

  
David Gibson







SECURITY PROFESSIONAL'S

THE CROWN

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

02/01/09

Dave 7 hours £15 per hour

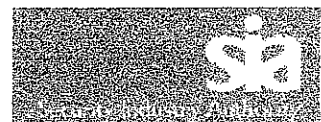
Ged 7 hours £15 per hour

Steve 7 hours £14 per hour

08 JAN 2009

Total... £308.00

yours sincerely

  
David Gibson

SECURITY



SECURITY PROFESSIONAL'S

THE CROWN

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

28/12/08

Steve Friday night 2 hours £14 per hour

Ged Friday night 2 hours £15 per hour

steve Saturday night 2 hours £14 per hour

Ged Saturday night 2 hours £15 per hour

steve Sunday night 2 hours £14 per hour

Ged Sunday night 2 hours £15 per hour

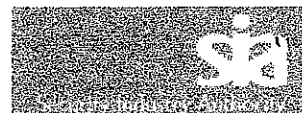
RECEIVED

9 8 JAN 2009

Total... £174.00

yours sincerely

David Gibson



SECURITY



SECURITY PROFESSIONAL'S

THE CROWN

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

28/12/08

RECEIVED  
05 JAN 2009

Steve thursday night £14 per hour

Ged Thursday night £15 per hour

Steve Friday night 2 hours £14 per hour

Ged Friday night 2 hours £15 per hour

steve Saturday night 2 hours £14 per hour

Ged Saturday night 2 hours £15 per hour

steve Sunday night 2 hours £14 per hour

Ged Sunday night 2 hours £15 per hour

Total... £232.00

yours sincerely

  
David Gibson







SECURITY PROFESSIONAL'S

294 Mossey lea rd  
Writington  
Wigan  
Wn6 9RN

THE CROWN

10/12/08

RECEIVED  
19 DEC 2008

Jan Friday night 2 hours £15 per hour

Steve Friday night 2 hours £14 per hour

Jan Saturday night 2 hours £15 per hour

Steve Saturday night 2 hours £14 per hour

Jan Sunday night 2 hours £15 per hour

Steve Sunday night 2 hours £14 per hour

Total... £174.00

yours sincerely

David Gibson





SECURITY PROFESSIONAL'S

RECEIVED

THE CROWN

12 DEC 2008

294 mossy lea rd  
wrightington  
Wigan  
Wn6 9RN

INVOICE DETAILS...

Friday Ged 2 hours £ 14 per hour  
Friday Jan 2 hours £ 15 per hour

Saturday Ged 2 hours £ 14 per hour  
Saturday Jan 2 hours £ 15 per hour

Sunday Ged 2 hours £ 14 per hour  
Sunday Jan 2 hours £ 15 per hour

For £ 174.00

Week ending 30th Nov 2008.



**Exhibit**

**AJB 10**

Exhibit Ref A051006 10

1700 off duty.

2009 TUESDAY 10<sup>th</sup> FEBRUARY  
TOD. 09-00 - 1700

09-00 Dept. 14 duty - Admin.

15:00. Crime '6 Store Collection  
issue no drugs found in  
toilets. Discussed door staff  
Doris when to provide  
evidence which he did  
however did not want  
to provide a statement.  
Advised that he was possibly  
committing offences and as  
such could be liable.  
At this time left it with  
him to decide the best  
course of action & to  
contact me.

1700 off duty.

ADAM POTTS

This page is intentionally left blank



**Exhibit**

**AJB 15**

**Timings & Footage from CCTV Disc, Exhibit Ref AJB1506/14**

<b>Date</b>	<b>DiscTime</b>	<b>Footage</b>
1 <sup>st</sup> Jan 09	00:00:00	Commencement of footage
1 <sup>st</sup> Jan 09	00:00:24	Close up of Stephen Headley Pubwatch banned person, also shows fight taking place and female is led away by what appears to be a door supervisor who is believed to be McGrath who is not registered
1 <sup>st</sup> Jan 09	00:01:47	Another disturbance taking place again female led away by McGrath
1 <sup>st</sup> Jan 09	00:02:17	Further disturbance taking place on corner of pub
1 <sup>st</sup> Jan 09	00:07:36	Further disturbance it appears that the aggressor is Andy Parker, unregistered door supervisor, who is restrained by others including McGrath
1 <sup>st</sup> Jan 09	00:13:06	Conclusion of footage for this date
10 <sup>th</sup> May 09	00:13:07	Commencement of footage, shows group of males outside the premises, these males are members of the Majestik Mafia who are responsible for crime and disorder in Chorley. It also shows their leader Tony Ryan who is banned by charley pubwatch
10 <sup>th</sup> May 09	00:13:59	Fight starts between two females who are customers of the premises
10 <sup>th</sup> May 09	00:16:42	Further footage from later that morning shows Tony Ryan holding court with customers from the premises, Ryan has a pint glass tucked into the crook of his arm
10 <sup>th</sup> May 09	00:18:24	People outside with glasses
10 <sup>th</sup> May 09	00:21:04	Tony Ryan speaking to door supervisor clearly showing his pint
10 <sup>th</sup> May 09	00:21:56	Male in grey T Shirt and female involved in fight earlier with others leave the premises
10 <sup>th</sup> May 09	00:22:56	Male in grey T Shirt posturing towards Ryan who with his group run after this male
10 <sup>th</sup> May 09	00:23:41	Footage of male in grey T Shirt from another camera
10 <sup>th</sup> May 09	00:24:49	Ryan and male male start fighting Ryan is hit by the male Ryan is then seen to throw a pint glass taken from the Crown at the male. The disturbance ends as the police arrive
		Throughout the all the footage people can be seen drinking outside the premises with what appears to be glasses this would be further confirmed by Ryan throwing the glass at the male

**Exhibit**

**AJB 16**

# 'Lancashire Constabulary Sleuth' [SLEUTH EXTRACT]



## Incident Report - LC-20090514-0024

**Date:** 14/05/2009  
**Time:** 00:37 hours  
**Informant:** ████████████████████  
**Informant Contact Numbers:** 01257232924, 01257232924, 01257232924, 01257232924, 01257232924, 01257232924,  
**Informant Address:** CROWN HOTEL 46 CHAPEL ST CHORLEY PR71BW  
**Incident Location:** CA1J  
**Incident Address:** 46 CHAPEL ST CHORLEY  
**Class:** Drugs  
**Type:** DRUGS  
**Details:** -LOOKING AFTER BOSSES PUB INF HAS FOUND SOMEONE SNORTING COCAINE HE IS REFUSING TO LEAVE THE PREMISES- THE CROWN CHAPEL ST CHORLEY-HE IS COMING UP THE STAIRS IN TO THE FLAT- HE HAS LEFT THE PUB-5FT 8 SHORT BLONDE HA  
**Officer Dealing:** 2407  
**Involved Vehicles:**  
**Officers Attended:** 4104, 4104, 4104,  
**Call Signs Attended:** CC36,  
**Local Requirements:**

### Related Actions:

14/05/2009 00:38 hours	10836	10836
-		
14/05/2009 00:38 hours	10836	10836
LOOKING AFTER BOSSES PUB INF HAS FOUND SOMEONE SNORTING COCAINE HE IS REFUSING TO LEAVE THE PREMISES		
-		
14/05/2009 00:38 hours	10836	10836
-		
14/05/2009 00:39 hours	10836	10836
THE CROWN CHAPEL ST CHORLEY		

14/05/2009 00:39 hours	10836	10836	-
14/05/2009 00:39 hours	10836	10836	HE IS COMING UP THE STAIRS IN TO THE FLAT
14/05/2009 00:39 hours	10836	10836	-
14/05/2009 00:39 hours	10836	10836	HE HAS LEFT THE PUB
14/05/2009 00:39 hours	10836	10836	-
14/05/2009 00:40 hours	10836	10836	5FT 8 SHORT BLONDE HAIR HENLEY T-SHIRT BLACK PANTS ON THINK THEY ARE TRACKY PANTS - WM
14/05/2009 00:40 hours	10836	10836	-
14/05/2009 00:40 hours	12047	12047	PASSED TO PATROLS
14/05/2009 00:40 hours	10836	10836	LOOKS LIKE HE IS IN PUB IN ONE OF THE SNUGS
14/05/2009 00:40 hours	10836	10836	-
14/05/2009 00:40 hours	10836	10836	HE KNOWS INF IS RINGING THE POLICE HE HAS TOLD HER TO
14/05/2009 00:40 hours	10836	10836	-
14/05/2009 00:41 hours	10836	10836	HE IS IN THE RIGHT HAND SNUG.
14/05/2009 00:41 hours	10836	10836	HE IS A REGULAR IN THE PUB
14/05/2009 00:41 hours	10836	10836	-

---

14/05/2009 00:41 hours	12047	12047
PATROLS UPDATED		

---

14/05/2009 00:41 hours	10836	10836
HE IS HEADING TO POOL ROOM TOWARDS THE BACK DOOR		

---

14/05/2009 00:41 hours	10836	10836
-		

---

14/05/2009 00:41 hours	10836	10836
LEADS TO THE ALLEY THAT GOES IN TO ROAD POSS HEAD ST GEORGES ST AND THEN ON TO MARKET ST		

---

14/05/2009 00:41 hours	10836	10836
-		

---

14/05/2009 00:42 hours	10836	10836
INF BELS HE MAY HAVE DRUGS ON HIM UNLESS HE HAS FINISHED SNORTING IT		

---

14/05/2009 00:42 hours	10836	10836
-		

---

14/05/2009 00:42 hours	12047	12047
PATROLS RECEIVED UPDATES		

---

14/05/2009 00:43 hours	12047	12047
CA20 - DOES INF KNOW THE NAME OF THIS MALE		

---

14/05/2009 00:43 hours	12047	12047
FROM CALL TAKER - FEMALE ONLY NORMALLY WORKS NIGHTS - SO UNAWARE OF THIS MALES NAME		

---

14/05/2009 00:46 hours	12047	12047
CC36 - ANY IDEA OF THE LICENCING HOURS		

---

14/05/2009 00:46 hours	12047	12047
ADVISED NOT KNOWN		

---

14/05/2009 00:46 hours	12047	12047
CC36 - STILL A NUMBER OF PEOPLE AT THE PREMISES		

---

14/05/2009 00:47 hours	10823	10823
CA20: WILL CHECK INNKEEPER SYSTEM FOR LICENSING HOURS		

---

14/05/2009 00:47 hours	12047	12047
------------------------	-------	-------

ADVISED WE COULD CALL LICENCEE

---

14/05/2009 00:47 hours 12047 12047  
CC36 - WOULD PREFER US TO CHECK OUR SYSTEMS

---

14/05/2009 00:47 hours 12047 12047  
CA20 - WILL BE INN KEEPER SYSTEM

---

14/05/2009 00:47 hours 12047 12047  
LIASED WITH T/L - NO ONE AWARE OF INN KEEPER SYSTEM?

---

14/05/2009 00:47 hours 12047 12047  
AS ABOVE CA20 CHECKING

---

14/05/2009 00:48 hours 12047 12047  
CA20 - HOURS 1100- 0100HRS

---

14/05/2009 00:48 hours 12047 12047  
PATROL UPDATED

---

14/05/2009 00:48 hours 12047 12047  
CC36 - MALE NO LONGER ON THE PREMISES

---

14/05/2009 00:48 hours 12047 12047  
CC36 - WILL HAVE A DRIVE ROUND THE AREA

---

14/05/2009 00:48 hours 12047 12047  
CC36 - WE HAVE A DESCRIPTION

---

14/05/2009 00:59 hours 12047 12047  
CC36: SPOKEN TO STAFF MEMBER - IDENTITY OF MALE NOT KNOWN BY  
STAFF OR MALES

---

14/05/2009 00:59 hours 12047 12047  
CC36: HE HAD POWDER ON HIS HAND WHICH HE SNIFFED AND THEN  
LEFT

---

14/05/2009 00:59 hours 12047 12047  
CC36: HAD A GOOD SEARCH ROUND SIDE STREETS - NO TRACE AT THIS  
TIME

---

14/05/2009 01:14 hours 12047 12047  
LIASED WITH T/L - CLOSE AS DRUGS WITH NC

---

14/05/2009 01:14 hours 12047 12047  
Disposition code: `102`

---

14/05/2009 01:14 hours 12047 12047  
 No. of Arrests 0 N.F.A. 0 No. of Reports 0

14/05/2009 01:14 hours 12047 12047  
 Handling Officer 2407

14/05/2009 01:14 hours 12047 12047  
 Qualifiers NO QUALIFIER

14/05/2009 01:14 hours 12047 12047  
 Other Factors NO CRIME

14/05/2009 01:14 hours 12047 12047  
 LC-20090514-0024 HAS BEEN DISPOSED

14/05/2009 12:45 hours 6356 6356

14/05/2009 12:46 hours 6356 6356  
 CMU \*DMC\* CALL CARD REVIEWED AUDITED AND REMOVED FROM  
 STAGING DATA BASE

14/05/2009 12:46 hours 6356 6356

>  
>

**CLOSURE DETAILS**

**Date / Time Closed:** 14/05/2009 0114 hours

**Response:** 2      **Result:** -1      **Arrested:** 0  
**Crime:**              **Racial:**              **Assault Police:**  
**Motorway:**              **Press:**              **Spatial:**  
**Briefing Sheet:**              **Management:**              **INTL:**

**ALARM DETAILS**

**Alarm Cause:**              **Alarm Type:**

**CRIME DETAILS**

**Crime Ref:**              **HOC:**              **Location:**  
**OIC:** 0              **VRM:**

**REPEAT VICTIMISATION DETAILS**

**Victim Surname:**              **Victim Forename:**              **Victim DOB:** 01/01/1900  
**Victim Type:**              **Person Index:** 0              **Person/Property Index:** 0  
**Property Index:** 0              **Graded Response:**



**PERFORMANCE STATISTICS**

<b>Off Attended:</b>	2	<b>Call Handling Time:</b>	1m 28sec	<b>Total Time from Despatch to Scene:</b>	0m 0sec
<b>Call Handling Completion to Despatch:</b>	8m 58sec	<b>Time for First Resource to Arrive at Scene:</b>	37m 18sec		
<b>Total Officer Time Spent on Incident: 5m 55sec</b>					

\*\*\* End Of Report \*\*\*

**Exhibit**

**AJB 17**

**Exhibit**

**AJB 18**

**The Crown  
Breach of Conditions & Issues undermining the  
Licensing Objectives**

**ANNEX 1 – Mandatory Conditions**

Condition		Evidence of Breach
1	<p>Door supervision – <i>Any individual employed on the premises to carry out a security activity must be licensed by the Security industry Authority.</i></p>	<ul style="list-style-type: none"> <li>• Unregistered door supervisors working at the premises between Nov 2008 and Feb 2009. Evidenced by observations of police officers, copies of invoices and admission by DPS</li> <li>• Unregistered door supervisor working at the premises 5<sup>th</sup> April 2009. Evidenced via E Mail from PS Watterson</li> </ul>

**ANNEX 2 – Conditions Consistent with the Operating Schedule**

Condition		Evidence of Breach
A	<p>General</p> <ul style="list-style-type: none"> <li>• <i>Additional steps we will take are the use of plastic glasses only. No one will be served a drink in a glass or bottle after midnight.</i></li> <li>• <i>On Friday, Saturday and Sunday between 00.00 and 02.00 there shall be registered doorstaff</i></li> </ul>	<ul style="list-style-type: none"> <li>• Evidenced via the footage from the CCTV cameras tendered in evidence for this review</li> <li>• Two breaches on 23/01/09 and 24/01/09. Evidenced via the E Mail from PC Appleton.</li> </ul>
C 3	<p>Public Safety</p> <ul style="list-style-type: none"> <li>• <i>Plastic glasses will be used during the extended hours</i></li> </ul>	<ul style="list-style-type: none"> <li>• See Above</li> </ul>

# The Crown Undermining Issues

	Issue	Evidence
1	<p>Prevention of Crime and Disorder</p> <ul style="list-style-type: none"> <li>• The permitting or suffering of drug use on the premises</li>               <li>• The undermining of Chorley Pubwatch and it's members by allowing banned persons namely steven Headley and Anthony Ryan to use the premises</li> </ul>	<ul style="list-style-type: none"> <li>• Evidenced by the finding of drug paraphernalia in the toilets prompting visit on 10<sup>th</sup> Feb 2009</li> <li>• Evidenced via arrest of targeted dealer who was using premises and subsequent issue of drugs warrant by Chorley Magistrates</li> <li>• Evidenced by open drug use on CCTV</li> <li>• Evidenced by Davies lack of support to staff member who nominated individual for drug use at Pubwatch</li>    <li>• Evidence of Headley via CCTV from 1<sup>st</sup> Jan 2009 and observations by PS Bushell</li> <li>• Evidence of Ryan via CCTV footage from 10<sup>th</sup> and 11<sup>th</sup> May 2009 and via footage from 14<sup>th</sup> May 2009</li> </ul>

**Exhibit**

**AJB 19**

Recommendations	Reasons	Alternative
<p><b><u>Amended Conditions</u></b>  <b><u>Annex 1</u></b>  <b><u>Mandatory Conditions</u></b>                      To be retained  <b><u>Public Entertainment Licence Conditions</u></b>                      To be removed in their entirety</p> <p><b><u>Annex 2</u></b></p> <p><b><u>a) General</u></b>                      To be removed</p> <p><b><u>b) The Prevention of Crime and Disorder</u></b>                      Conditions 1,2,3 to be retained.</p> <p><b>4. To be removed and replaced with – A minimum of 2 Door Supervisors will be used at the premises at any time when extended hours are in force and for the duration of the extended hours.</b></p> <p><b>5. To be removed and replaced with – The premises will have a CCTV system installed, maintained and operated on the premises to the satisfaction of Lancashire Constabulary.</b></p> <p><b>6. The premises will operate a day book to the satisfaction of Lancashire Constabulary. This will be made available for inspection on reasonable request by any responsible authority.</b></p> <p><b>7. The premises will operate a drugs policy and all staff will be regularly trained in the policy.</b></p> <p><b>8. Hourly toilet checks will be carried out and recorded in the day book</b></p>	<p>The conditions are onerous, and not relevant</p> <p>There should be no requirement for door supervisors during normal permitted hours.</p> <p>To allow a review of the CCTV system to be carried out</p> <p>To ensure all incidents and other issues at the premises are properly documented</p> <p>There is clearly a drugs issue at the premises and this will ensure there is activity to address this</p>	<p>None</p> <p>Any other conditions the committee feel are appropriate</p>

Recommendations	Reasons	Alternative
<p><b>9. All staff training will be documented and provided for inspection on reasonable request by any responsible authority.</b></p>	<p>To demonstrate staff are being trained</p>	
<p><b>10. No persons will be allowed to consume drinks outside the premises</b></p>	<p>It is clear that there are incidents of disorder occurring outside the premises that can be attributed to persons drinking outside</p>	
<p><b><u>c) Public Safety</u></b>                      Conditions 1,2 and 3 to be retained                       4 to be removed</p>	<p>Condition 4 is not relevant as there is legislation with the LA 2003 which creates an offence of allowing disorderly conduct on a licensed premises</p>	<p>Any other conditions the committee feel are appropriate</p>
<p><b><u>d) Prevention of Public Nuisance</u></b>                      Condition 1 to be removed                       Conditions 2,3 to be retained                       Conditions 4,5 and 6 to be removed</p>	<p>All activities are to be restricted to indoors only                       These are not relevant and are catered for by other existing conditions and regulations</p>	
<p><b><u>e) Protection of Children from Harm</u></b>                      This condition to be removed and replaced with   <b>1. The premises will operate a Challenge 21 Policy</b>   <b>2. All staff will be regularly trained with regards age related sales</b></p>	<p>To make the operation of the licence more effective.</p>	