



Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

Tuesday, 25th August 2009

In the Council Chamber Town Hall, Chorley

At 2.00 pm



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24 August 2009

Dear Councillor

LICENSING ACT 2003 SUB-COMMITTEE - TUESDAY, 25TH AUGUST 2009

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 25th August 2009 commencing at 2.00 pm.

AGENDA

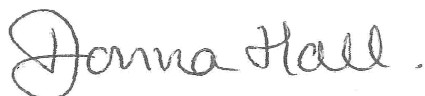
1. **Apologies for absence**
2. **Declarations of Any Interests**

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 the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder) (Pages 1 - 4)**
4. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

Cathryn Barrett
Democratic and Member Services Officer
E-mail: cathryn.barrett@chorley.gov.uk
Tel: (01257) 515123

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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 John Walker and Stella Walsh for attendance.
2. Agenda and reports to Legal Services, Janet Brereton (Legal Assistant (Licensing and Registration)), Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer) and Cathryn Barrett (Democratic and Member Services 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 آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Chorley Borough Council
 Civic offices,
 Union Street,
 Chorley
 PR7 1AL

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I PS 1506 Bushell [on behalf of] the chief officer of police for the Lancashire Constabulary Southern Division police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
**The Clayton Brook
 Great Greens Lane
 Bamber Bridge**

Post town: Preston

Post code (if known): **PR5 8HL**

2. Premises licence details:

Name of premises licence holder (if known): Trust inns Ltd

Number of premises licence holder (if known): PL(A) 0073

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:


[Please read guidance note 2]

At 21:58 hours on Sunday 23rd August 2009 police were called to a report of a group of males attacking customers in the Clayton Brook Pub. The informant stated that people were being hit with an axe and people were defending themselves with furniture. On police arrival the scene has been described as one of total chaos with broken chairs and glass scattered across the floor both inside and outside the premises. It was established there were three injured males at the premises with what appeared to be serious injuries. From speaking to several witnesses at the scene it appears three or four males have entered the premises armed with a knife and started attacking people. It also transpired that a female had also been assaulted with the leg of a barstool. The police have also had an indication that there will be repercussions and people will be made to pay for what has happened. This is clearly a serious disorder situation and there are concerns that there may be repercussions and should these occur in the premises innocent members of the public could be injured. On further investigation after the incident it has been found that drug use is taking place on the premises with traces of cocaine found in both male and female toilets as well as in the public areas of the premises. Drug use is a serious crime issue and it is clear that drug use is associated with the premises.

There is also evidence of smoking taking place inside the premises and this is reinforced as the DPS was caught smoking inside the premises a few months ago.

It is believed that the current DPS is not at the premises regularly and is not exercising day to day control of the premises. Having said this the police have no confidence in the current management of the premises even if he was there on a daily basis.

The police apply for this expedited review and would ask that the licence be suspended until the full review hearing is convened so as to prevent any further incidents of disorder and further mis-management of the premises.

Signature of applicant: 

Date: 24/8/09.

Capacity: Police Licensing Officer,

Contact details for matters concerning this application:

Address:

**Police Licensing Unit
Chorley Police Station
St Thomas Road
Chorley
PR7 1DR**

Telephone number(s): 01772 312114

Email: anthony.bushell@lancashire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Lancashire Constabulary
 Police Headquarters
 PO Box 77
 Saunders Lane
 Hutton
 Preston PR4 5SB



**Lancashire
 Constabulary**
 police and communities together

CERTIFICATE UNDER SECTION 53A(1) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

Premises:

The Clayton Brook
 Great Greens Lane,
 Bamber Bridge,
 Preston,
 Lancashire PR5 8HL

Premises Licence Number: PL(A) 0073

Name of Premises Supervisor: Mr Mark Taylor

I am a Superintendent in the Lancashire Constabulary.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

On the evening of Sunday 23rd August 2009 there was a large-scale disturbance at the premises involving customers where reports of axes and other weapons were being used. As a result of this disorder 3 people were taken to hospital and the premises has suffered damage inside. There are indications that repercussions may arise and therefore in the interests of public safety the premises need to be closed as soon as possible. This cannot be achieved via the standard review procedure due to the timescales involved.

Further investigation at the premises has indicated widespread drug use not only in the toilets but also in public areas.

There is a history of disorder with these premises and the police have no faith in the current management. It is strongly believed that the current Designated Premises Supervisor does not have day-to-day control as required by the Licensing Act 2003.

SNL SUP? 786 NOBLE

 (Signed)

29/08/09.

 (Date)