

# **Licensing Act 2003 Sub-Committee**

**Thursday, 17 September 2009**

**Present:** Councillor Pat Haughton (Chair) and Councillors Debra Platt and Ralph Snape

## **09.LAS.10 WELCOME**

The Chair, Councillor Pat Haughton, welcomed everyone present to the meeting.

## **09.LAS.11 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **09.LAS.12 DECLARATIONS OF ANY INTERESTS**

None of the Sub-Committee members declared an interest in the principal item under consideration.

## **09.LAS.13 REVIEW OF PREMISES LICENCE UNDER SECTION 53C OF THE LICENSING ACT 2003 FOR THE CLAYTON BROOK, GREAT GREENS LANE, BAMBER BRIDGE, CHORLEY, PR5 8HL FOLLOWING A SUMMARY REVIEW HELD UNDER SECTION 53A OF THE LICENSING ACT 2003**

The Sub-Committee considered a report from the Corporate Director (Neighbourhoods) on an application to review the Premises License for the Clayton Brook, Great Greens Lane, Bamber Bridge, Chorley in light of an application made under Section 53A of the Licensing Act 2003 for a Summary Review of the Premises Licence, the interim steps applied at the hearing and representations made by the responsible authorities, Interested Parties and the Premises Licence Holder.

Following a serious incident which took place on 23 August 2009, the Council's Licensing Section received an application and a certificate on 24 August 2009 served by the Chief Officers of the Police in accordance with Section 53A(1)(b) of the Licensing Act 2003, as amended by the Violent Crime Reduction Act 2006 for the Summary Review of the Premises Licence for the Clayton Brook Premises.

The application had been made on the grounds that the premises had been associated with serious crime and disorder, and had been made by an officer of the Police of Superintendent or above.

On 25 August 2009, the Council's Licensing Act 2003 Sub-Committee convened in accordance with the requirements of Section 53A and 53B of the Licensing Act 2003 pending the determination of the full review of the licence. At its meeting the Sub-Committee considered representations from the Premises Licence Holder, Lancashire Constabulary, and representations from Trust Inns. The Sub-Committee resolved to suspend the Premises Licence for a period no longer than 28 days as an interim measure pending a full review of the licence.

The Sub-Committee had considered the relevant legislation and the relevant guidance in relation to the Violent Crime Reduction Act 2006 and Licensing Act 2003 Section 53C and the Councils statement of Licensing Policy.

The Sub-Committee had agreed to a short adjournment while all interested parties discussed the proposed conditions put forward by the responsible authorities.

After a short recess the Sub-Committee members returned to the meeting.

Members of the Sub-Committee had been informed that through negotiation, all the proposed conditions suggested had been accepted by Trust Inns.

The Sub-Committee considered carefully the representations from the Public Protection Officer, Police, Fire Authority, Environmental Officer and Trust Inns.

After taking all due consideration of representation the Sub-Committee **RESOLVED -**

**Removal of the DPS as members felt the DPS did not have day to day control of the premises and the lack of management led to serious crime and disorder at the premises and not a responsible person for the position and his past experience with the premises was unacceptable.**

**In accordance with Section 53C(2)(c) the interim step of suspension of the premises licence decided at the hearing on 25 August 2009 will cease to have effect.**

**To accept the changes to the Premises Licence conditions as recommended by the Police in their report and as modified at the Sub-Committee hearing which are as follows:**

**Annex 1 – Mandatory Conditions**

**Mandatory Conditions**

**Conditions to be retained.**

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

**a) General – no change as none stated**

**b) Prevention of Crime and Disorder**

**Conditions 1, 2 and 3 to be removed at they duplicate the mandatory condition in relation to door supervisors**

**Condition 4 to be retained**

**Condition 5 to be removed and replaced with new conditions detailed below**

**Conditions 6 to be retained**

**Additional Conditions**

- 1) A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system to record for 24 hours each and every day.**
- 2) There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.**
- 3) The premises will have a written drugs policy in place and all staff will have a working knowledge of it.**
- 4) All staff will be trained in Drugs Awareness and this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority on reasonable request.**
- 5) The premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises.**

- 6) Staff will conduct hourly toilet checks for drug use and record these visits and results. These records will be made available for inspection by any reasonable authority on reasonable request.
- 7) The premises will be an active member of the local Pubwatch scheme, where one exists, and shall abide by its rules and constitution.

c) **Public Safety**

Condition 1 and 2 to be retained.

**Additional Condition**

- 1) All parts of the premises including fixtures and fittings, furniture, upholstery and decorations shall be kept free from defects and maintained in good order.

d) **The Prevention of Public Nuisance**

Condition 1 and 2 to be retained

e) **The Protection of Children from Harm**

Condition 1 to be retained

- 1) The premises will operate a Challenge 21 policy.
- 2) All staff to be trained with regards to the sale of age restricted products. Refresher training will be carried out on a regular basis and all training shall be recorded and retained by the premises. These records will be made available for inspection on reasonable request by any responsible authority.

The report dated 11 September 2009 by Lancashire Fire and Rescue Services the Fire Safety Department will be complied to the reasonable satisfaction of the Authority.

To ensure that conditions proposed which had been uncontested are implemented to the satisfaction of the responsible authorities who had made representations prior to the opening of the premises for any of the licensable activities contained within the licence.

Chair