

Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

**Thursday, 17th September
2009**

In the Council Chamber, Town Hall, Chorley

At 10.00 am



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9 September 2009

Dear Councillor

**LICENSING ACT 2003 SUB-COMMITTEE - THURSDAY, 17TH
SEPTEMBER 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 Thursday, 17th September 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.

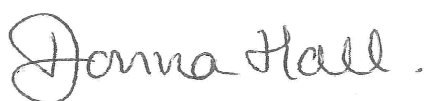
If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right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

3. **Review of Premises Licence Under Section 53c of the Licensing Act 2003 for the Clayton Brook, Great Greens Lane, Bamber Bridge, Chorley following a Summary Review held under Section 53a of The Licensing Act 2003 (Pages 1 - 38)**

To receive and consider a report from the Corporate Director (Neighbourhood) (enclosed).

4. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

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Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Pat Haughton (Chair) and Councillors Debra Platt and Ralph Snape 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), Cathryn Barrett (Democratic and Member Services Officer) and Zeynab Patel 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:

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

EXTRACT FROM THE**VIOLENT CRIME REDUCTION ACT 2006****CHARTER 3**

OTHER PROVISIONS

*Licence reviews***21 Power of police to require review of premises licence**

After section 53 of the Licensing Act 2003 (c. 17), insert—

“Summary reviews in serious cases of crime or disorder

53A Summary reviews on application of senior police officer

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
- (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
 - (b) senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;
- and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—
- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
 - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
 - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
 - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
 - (d) prescribe the period after the making of the application within which the advertisement must be published;
 - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
 - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).

- (4) In this section—
‘senior member’, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
‘serious crime’ has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

53B Interim steps pending review

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
(a) the modification of the conditions of the premises licence;
(b) the exclusion of the sale of alcohol by retail from the scope of the licence;
(c) the removal of the designated premises supervisor from the licence;
(d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
(a) its decision takes effect immediately or as soon after that as that authority directs; but
(b) it must give immediate notice of its decision and of its reasons for making it to—
(i) the holder of the premises licence; and
(ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
(a) the holder of the premises licence;
(b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
(a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and

- (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
 - (a) the certificate that accompanied the application;
 - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
 - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

53C Review of premises licence following review notice

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- (3) Those steps are—
 - (a) the modification of the conditions of the premises licence,
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months, or
 - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section ‘relevant representations’ means representations which—
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).

- (8) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the premises licence,
 - (b) any person who made relevant representations, and
 - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
- (a) the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, the time the appeal is disposed of.”

22 Provisions supplemental to s. 21

- (1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—
- (a) in paragraph (a), after sub-paragraph (vi) insert—
“(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),”;
 - (b) after paragraph (b), insert—
“(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,”.
- (2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—
- “Summary review of premises licence*
- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
 - (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) ‘relevant representations’ has the meaning given in section 53C(7).”

Report of	Meeting	Date
Corporate Director of Neighbourhoods	Licensing Act 2003 Sub Committee	17/09/09

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.

PURPOSE OF REPORT

1. To enable Members to review the Premises License for the Clayton Brook, Great Greens Lane, Bamber Bridge, Chorley, PR5 8HL, 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 that hearing and any representations made by Responsible Authorities, Interested Parties and the Premises Licence Holder (Trust Inns).

RECOMMENDATION(S)

2. Members are recommended to consider the details contained in the report and any representations made by the Responsible Authorities, Interested Parties and the Premises Licence Holder and determine the application in accordance with Section 53C (3) of the Licensing Act 2003.

EXECUTIVE SUMMARY OF REPORT

Background

3. The premises known as the Clayton Brook public house is a community pub and is situated centrally in the Clayton Brook Housing Estate, to the north of Chorley Town Centre.
4. The Premises Licence Holder applied in August 2005 in accordance with the provisions at that time to convert and vary its Justices Licence to a premises licence, representations were received from Lancashire Constabulary towards that application, the matter was concluded through mediation, and this resulted in a reduction in the operating hours for the sale by retail of alcohol and regulated entertainment. The current Premises Licence is attached as Appendix 1 (page 15-22) for Members information.
5. A further three applications have been made on behalf of the Premises Licence Holder, Trust Inns, to the Council to vary the Designated Premises Supervisor (DPS) for the Premises Licence, the applications were submitted on:
 - 16/08/2006
 - 18/12/2006
 - and on the 16/03/2007 to Mr Mark Taylor, who is the present DPS

The Violent Crime Reduction Act 2006,

6. Introduced new provisions into the Licensing Act 2003 by permitting the Licensing Authority to consider taking 'interim steps' where an application to review a licence was made in accordance with Section 53A of the Licensing Act 2003 (a section added by the Violent Crime Reduction Act 2006). An application under Section 53A must include a 'Certificate' from a Senior Police Officer which confirms that, in the opinion of the Senior Police Officer, the premises in question are associated with serious crime, serious disorder or both.
7. Section 53A enables the Licensing Authority to deal with the matter quickly and an application made under the provisions of the section must be brought to a hearing of the Licensing Authority within 48 hours.

The Summary Review Application.

8. On Monday 24 August 2009, the Councils Licensing Section received an application and a certificate served by the Chief Officer 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 a Summary Review of the Premises Licence for the Clayton Brook Premises.
9. The application was made on the grounds that the premises were associated with serious crime and disorder, and was made by an officer of the Police of superintendent or above.
10. The Application and Certificate served under Section 53 A is attached as Appendix 2 (page 23-26).
11. On Tuesday 25 August 2009, the Councils Licensing 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.
12. The Sub-Committee considered representations from Lancashire Constabulary and representatives of Trust Inns. The Sub-Committee resolved to suspend the Premises Licence for a period no longer than 28 days as an interim measure pending the full review of the licence. The decision notice giving that decision is attached as Appendix 3 (page 27-28).

Representations

13. Following the Summary Review, the Council has complied with the legislative process and the Council's Public Protection Officer displayed the required notices on the premises and advertised the application on the Council's web site and notice has been properly served on all the Responsible Authorities of the application to review the premises licence within the prescribed time scales.
14. Relevant representations have been received from the following authorities:
 - Lancashire Police, as attached at Appendix 4 (page 29-32).
 - The Councils Environmental Health Department (Health & Safety), as attached at Appendix 5 (page 33-38).
 - Lancashire Fire and Rescue Services have raised representations pursuant to the Licensing Act 2003 in regard to this matter, insofar as they have at the time of writing this report been unable to gain access to the premises to undertake any inspection. It is understood that arrangements have been made with Trust Inns for an inspection of the premises week commencing 7 September 2009 and a report will follow where appropriate. The representation is attached at Appendix 6 (page 39-40).

15. The representations received relate to the following Licensing Objectives:
 - The Prevention of Crime and Disorder;
 - Public Safety; and
 - The Prevention of Public Nuisance.
16. The Responsible Authorities and Trust Inns have been given notice of this hearing.
17. There have been no representations received from interested parties.

The Full Review Hearing

18. Section 53 C of the Licensing Act 2003 requires the licensing Authority to hold a review hearing to consider the review application and any other relevant representations.
19. The Sub-Committee is to take such steps as it considers necessary to secure the promotion of the four licensing objectives.
20. Sub-Committee is to ensure that any 'interim steps' (detailed in appendix 3) which were put in place pending the determination of this review, cease (except where those steps are continued as a result of the decision of the full review hearing)
21. Section 53 C (3) Licensing Act 2003, states:

The steps which the Sub-Committee should consider taking (if any) are:

- (a) The modification of the conditions of the premises licence;
 - (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) The removal of the Designated Premises Supervisor from the licence;
 - (d) The suspension of the licence for a period not exceeding three months, or
 - (e) The revocation of the licence
22. The Sub-Committee may decide to take no action against the Premises Licence.
 - (i) For the purposes of paragraph 4(a) above the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
 - (ii) Members are reminded that the Licensing Act requires that certain conditions should be included on premises licenses and cannot be modified.
 - (iii) Where the Sub-Committee takes a step included in paragraph 4(a) or 4(b) above it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
 - (iv) The decision of the Sub-Committee does not have effect until the end of the period during which an appeal against it can be lodged or, where an appeal is lodged, until it has been disposed of.
 23. Where a Application and Certificate is given under section 53 A, *from the Chief Officer of Police* the authority must – (a) hold a hearing within 48 hours to consider it and where necessary impose any interim measures as it sees fit giving its reasons for doing so, and (b) hold a full review of the premises licence within 28 days within receipt of the Chief Officers Application.

- 24. Section 4 of Licensing Act 2003 provides that a licensing authority must have regard to its Statement of Licensing Policy and also the guidance issued by the Secretary of State under Section 182 of the Act.
- 25. As Members will be aware, the licensing objectives are as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 26. The report has Human Rights Act Implications.
- 27. 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.
- 28. The Sub-Committee must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

CORPORATE PRIORITIES

- 29. 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	X
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

IMPLICATIONS OF REPORT

- 30. 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	X	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

- 31. Pursuant to section 53C (3), the Sub-Committee must take such steps as it considers necessary for the promotion of the licensing objectives.

32. Notification of determination under section 53C (10) must state the licensing authority's reasons for the decision.
33. An appeal may be made within 21 days of the licence holder being notified of the licensing authorities decision to a Magistrates' Court. An appeal may be made by the premises licence holder, the Chief Officer of police and/or any other person who made relevant representation.

COMMENTS OF THE CORPORATE DIRECTOR OF NEIGHBOURHOODS

24. Comments are contained within the Report.

ISHBEL MURRAY
CORPORATE DIRECTOR OF NEIGHBOURHOODS

Background papers to this report.

Violent Crime and Reduction ACT 2006 CH 3(21&22)

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	8 Sept 2009	

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Appendix 1

Chorley Council

Licensing Act 2003 Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE

Clayton Brook

Great Greens Lane, Bamber Bridge, Preston, Lancashire, PR5 8HL.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
C. Indoor sporting event	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
E. Performance of live music (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00



Licensing Act 2003 Premises Licence

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00	00:00
	Monday to Sunday	00:00	01:00
	To be played as background music only.		
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
G. Performance of dance (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
I. Provision of facilities for making music (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
L. Late night refreshment (Indoors)	Monday to Sunday	23:00	00:00
	Non Standard Timings: 23.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00	00:00
	Friday and Saturday	10:00	00:30
	Non Standard Timings: 10.00 on New Year's Eve until 00.00 New Year's Day (if Sun-Thur or 00.30 if Fri-Sat) continuous.		
	12 special occasions permitted per year with prior agreement from Police and Licensing Authority times to be confirmed on application.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00	00:30
Friday and Saturday	10:00	01:00
Non Standard Timings: 10.00 on New Year's Eve until 00.30 New Year's Day (if Sun-Thur or 01.00 if Fri-Sat) continuous.		



Licensing Act 2003
Premises Licence

PL(A)0073

THE OPENING HOURS OF THE PREMISES continued...

Description	Time From	Time To
12 special occasions permitted per year with prior agreement from Police and Licensing Authority times to be confirmed on application.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

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

Part 2

NAME (REGISTERED) ADDRESS TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Trust Inns Limited	Blenheim House, Foxhole Road, Ackhurst Park, Chorley, Lancashire, PR7 1NY. Telephone 01257 238800
--------------------	--

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Trust Inns Limited	03011034
--------------------	----------

NAME ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mark TAYLOR	73 Apple Tree Court, Salford, Manchester, Greater Manchester, M5 4AE. Telephone 07999586130
-------------	--

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 036852	Issued by Salford
--------------------	-------------------

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Regulatory Reform (Special Occasions Licensing) Order 2002

The premises may remain open for the sale of alcohol from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day (or if there are no permitted hours on the following day, Midnight on 31 December)

MANDATORY CONDITIONS 2003 LICENSING ACT

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,



Licensing Act 2003

Premises Licence

PL(A)0073

ANNEXES continued

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.

Exhibition of films

- 1 Where the film classification body is specified in the licence, unless (2) applies, admission of children must be restricted in accordance with any recommendations made by that body

- 2 Where -

- a) The film classification body is not specified in the licence,

or

- b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Where Relevant;

1. The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of the Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

a) General

None

b) The prevention of crime and disorder

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Any such a person as defined in condition 1 above will be employed at the premises at the discretion of the designated premises supervisor / holder of the premises licence.
3. Any person as defined in condition 1 will clearly display his name badge at all times whilst on duty.
4. No customer apparently carrying open bottles upon entry shall be admitted to the premises at any time



Licensing Act 2003

Premises Licence

PL(A)0073

ANNEXES continued

the premises are open to the public.

5. CCTV recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.

6. Alcoholic and other drinks shall not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

c) Public Safety

1. To comply with the reasonable requirements of the fire officer from time to time.
2. To comply with the reasonable requirements of the building control officer.

d) The prevention of public nuisance

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

e) The protection of children from harm

- 1) Children under the age of 16 shall not be permitted to enter the premises after 21.00.

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



Licensing Act 2003
Premises Licence Summary

PL(A)0073

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Clayton Brook

Great Greens Lane, Bamber Bridge, Preston, Lancashire, PR5 8HL.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
C. Indoor sporting event	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00
E. Performance of live music (Indoors)	Monday to Sunday Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.	10:00	00:00



Licensing Act 2003

Premises Licence Summary

PL(A)0073

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES - continued

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00	00:00
	Monday to Sunday	00:00	01:00
To be played as background music only. Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.			
G. Performance of dance (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
I. Provision of facilities for making music (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00	00:00
	Non Standard Timings: 10.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
L. Late night refreshment (Indoors)	Monday to Sunday	23:00	00:00
	Non Standard Timings: 23.00 - 01.00 on New Year's Eve and up to 12 special occasions with prior agreement from Police and Licensing Authority.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00	00:00
	Friday and Saturday	10:00	00:30
	Non Standard Timings: 10.00 on New Year's Eve until 00.00 New Year's Day (if Sun-Thur or 00.30 if Fri-Sat) continuous. 12 special occasions permitted per year with prior agreement from Police and Licensing Authority times to be confirmed on application.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00	00:30
Friday and Saturday	10:00	01:00
Non Standard Timings: 10.00 on New Year's Eve until 00.30 New Year's Day (if Sun-Thur or 01.00 if Fri-Sat) continuous.		



Licensing Act 2003

Premises Licence Summary

PL/A/0073

THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
12 special occasions permitted per year with prior agreement from Police and Licensing Authority times to be confirmed on application.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

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

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Trust Inns Limited Blenheim House, Foxhole Road, Ackhurst Park, Chorley, Lancashire, PR7 1NY.

REGISTERED NUMBER OF HOLDER FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Trust Inns Limited '03011034

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mark TAYLOR

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Children under the age of 16 shall not be permitted to enter the premises after 21.00



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)

LICENSING ACT 2003 SUB-COMMITTEE

Tuesday, 25 August 2009

Application for the review of a premises licence under Section 53A of the Licensing Act 2003 (premises associates with serious crime or disorder)**Decision Notice**

This is an application under Section 53A of the Licensing Act 2003 for a summary review by Lancashire Police in relation to the premises known as The Clayton Brook.

The Sub-Committee have considered the relevant legislation and the Guidance issued by the Department for Culture, Media and Sport in relation to Expedited/Summary Licence Reviews.

The Sub-Committee note the seriousness of the incident on 23 August 2009. The Sub-Committee are satisfied that the premises are associated with both serious crime or serious disorder.

The Sub-Committee heard from the Premises Licence Holder's solicitor that this was an opportunistic attack. However the Sub-Committee noted the use of weapons which suggests an element of pre-meditation.

The Sub-Committee noted with concern the repeated absences of the Designated Premises Supervisor (DPS). The Sub-Committee sympathised with the DPS's personal circumstances and his bereavement but considered personal factors could not be allowed to seriously prejudice the licensing objectives.

The Sub-Committee were also concerned about the police evidence of lack of co-operation from members of staff at the premises regarding the incident.

The Sub-Committee considered the police evidence that there was a risk of reprisals if the premises remain open. The Sub-Committee note that the parties involved in the incident are local to the area and conclude that there is a real risk of a recurrence of serious crime and disorder at the premises.

The Sub-Committee do not consider that the imposition of conditions is a practical way of preventing the recurrence of serious crime and disorder at the premises in the immediate future.

Given the weaknesses in the management of the premises the Sub-Committee are not confident that a recurrence of serious crime and disorder could be prevented by an undertaking by the DPS to bar the families concerned.

The decision is that the premises licence will be suspended with immediate effect pending a review of the licence within 28 days.

The premises licence holder may make representations against these interim steps.

On receipt of representations the Council must hold a hearing within 48 hours of receipt to consider whether the interim steps should continue.



Chair

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**Clayton Brook
Premises Licence Recommended Conditions**

This document provides a comprehensive review of the conditions attached to the Premises Licence of the Clayton Brook Pub.

As part of the review application the police would be looking for an amendment of the current licence conditions as well as the addition of new conditions to ensure the premises start to promote the licensing objectives.

The conditions will be addressed as per the order in the licence with any new recommendations being included in a table format as well as the justification for the additions.

Additional conditions will be categorised under the relative licensing objective as per the key below

Key: **CD** – Crime and Disorder, **PS** – Public Safety, **PPN** – Prevention of Public Nuisance, **PCH** – Protection of Children from Harm

Annex 1 – Mandatory Conditions

These will remain as per the licence

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 can be removed as they duplicate the mandatory condition in relation to door supervisors

Condition 4 can be retained

Condition 5 to be removed and replaced with new conditions below

Condition 6 can be retained

Additional Conditions

CD	Condition	Reason
1	A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hrs each and every day.	CCTV currently in operation at the premises is not fit for purpose and valuable evidence has been lost due to this. The system is on a VHS recorder that are now becoming obsolete. There has also been a burglary at the premises where the gaming machines were broken into during the night again no CCTV footage was available which would have helped detect this crime

CD	Condition	Reason
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.	A delay in obtaining footage can hinder investigations and in some cases could lead to the loss if evidence
3	The premises will have a written drugs policy in place and all staff will have a working knowledge of it	On inspection there is clear evidence that drug use is occurring in the premises and it appears that this is not being addressed.
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	As above
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	As above
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 responsible authority on reasonable request	As above
7	The premises will be an active member of the local Pubwatch scheme, where one exists, and shall abide by its rules and constitution	There is a Pubwatch scheme in operation for the area however the police can evidence that the current management do not attend despite their position at the hearing that they do.

C) Public Safety

Condition 1 and 2 can be retained

Additional Conditions

PS	Condition	Reason
1	All parts of the premises including fixtures, fittings, furniture, upholstery and decorations shall be kept free from defects and maintained in good order	The premises are in a state of disrepair with holes and damage to the seating. These areas can provide hiding places for weapons and drugs and is also a fire hazard

D) The Prevention of Public Nuisance

Condition 1 and 2 can be retained

There are no other conditions that are thought to be relevant for this objective

E) The Protection of Children From Harm

Condition 1 can be retained

PCH	Condition	Reason
1	The premises will operate a Challenge 21 policy	See below
2	All staff will be trained with regards 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	It appears one of the aggrieved in the violent incident who had been drinking in the pub was 17 years old.

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Clayton Brook Hotel – Great Greens Lane Clayton le Woods Chorley.

This document provides representation to Chorley Council as Licensing Authority under the Licensing Act 2003 in relation to the operation of the above premises as a licensed premises.

Following a visit to the premises on 24 August 2009 under the terms of the Food Safety Act 1990, Health and Safety at Work etc. Act 1974 and the Health Act 2006 by officers of the Council's Public Protection Team it was apparent that there was a complete lack of management controls within the premises.

The attached officer statement indicates the conditions that were observed and action is currently being pursued under the appropriate legislation.

In summary the lack of management controls related to the apparent disregard for:

- smoke free legislative requirements
- general cleanliness of the premises
- proper storage and management of waste

In my opinion the current standard of premises management does not meet the public safety licensing objective and could give rise to harm to human health and the following management controls are recommended:

- premises to be managed in accordance with the Health Act 2006 smoke free legislation with management enforcing the use of complaint smoking shelters outside the premises in order to protect staff and members of the public from the effects of smoke inhalation
- premises to be managed in a manner that ensures the premises are regularly and thoroughly cleaned to prevent accumulations of dirt and debris which might give rise to insect and rodent infestation and subsequent harm to human health
- premises to be provided with an appropriate waste management system that ensures the proper storage and regular legitimate disposal of waste.

All the above management controls should be implemented and maintained to the satisfaction of the local authority Environmental Health Officer.

S Clark
Service Manager – Environment

3 Sept 2009

STATEMENT OF: Paul Lindon Carter

CHORLEY COUNCIL

NEIGHBOURHOODS DIRECTORATE

STATEMENT OF WITNESS

**CRIMINAL JUSTICE ACT 1967, SECTION 9
MAGISTRATES COURTS ACT 1980, SECTIONS 5B
CRIMINAL PROCEDURE RULES r27.1(1)**

STATEMENT OF: **Paul Lindon Carter**

AGE OF WITNESS: Over 21
(if over 21, enter "over 21")

ADDRESS: Civic Offices, Union Street, Chorley, PR7 1AL

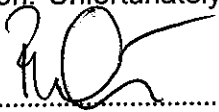
This statement consisting of 2 page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24th of August 2009

I am the Public Protection Co-ordinator, working in the Neighbourhoods Directorate for Chorley Council. I hold a B.Sc. (Honours) Degree in Environmental Health. I have been an Environmental Health Officer at Chorley Council since June 1999.

At 11:00 hours on 24th August 2009, I visited the Clayton Brook Hotel, Great Greens Lane, Clayton Le Woods, Chorley accompanied by Police Sergeant Bushell and Bob Beeston- Licensing Enforcement Officer of Chorley Council. I was requested to assess the public health risks and possible breaches of the Smokfree England legislation following an incident that occurred at the pub on the previous day.

There was clear evidence that smoking had been carried out within the premises as there were extinguished cigarettes on the floor throughout the pub. There was an ashtray on a table just inside the main entrance with several extinguished cigarettes in and also a pile of extinguished cigarettes that had been swept together in the pool room. The DPS Mr Mark Taylor has been warned about smoking related offences in March 2009 and a letter was sent outlining his responsibilities under the legislation. Unfortunately as we haven't observed anyone smoking within the pub we cannot

Signature:  Date: 24th August 2009

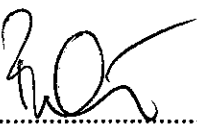
**CHORLEY COUNCIL
NEIGHBOURHOODS DIRECTORATE**

CJ Act 1967, s9; M.C. Act 1980, 5B; C.P. Rules r27.1(1)

STATEMENT OF: Paul Lindon Carter

consider legal action relating to this offence. However the pub will be subjected to further unannounced visits to assess compliance in the future.

The pub is a "wet bar" only and doesn't serve food. However, the pub is still required to be kept clean and in a good state of repair, especially behind the bar area. The floor and shelving behind the bar required a thorough clean. The kitchen floor was covered with boxes of empty beer bottles (see Photo PC/1) which would indicate that there are insufficient waste collection arrangements in place. There were two large pans with filthy water in that had obviously been in that state for a while as there was a substantial amount of mould on the top (see Photo PC/2). I intend to write to the DPS to ensure that all these matters are addressed prior to the pub reopening.

Signature: 

Date: 24th August 2009

**CHORLEY COUNCIL
NEIGHBOURHOODS DIRECTORATE**

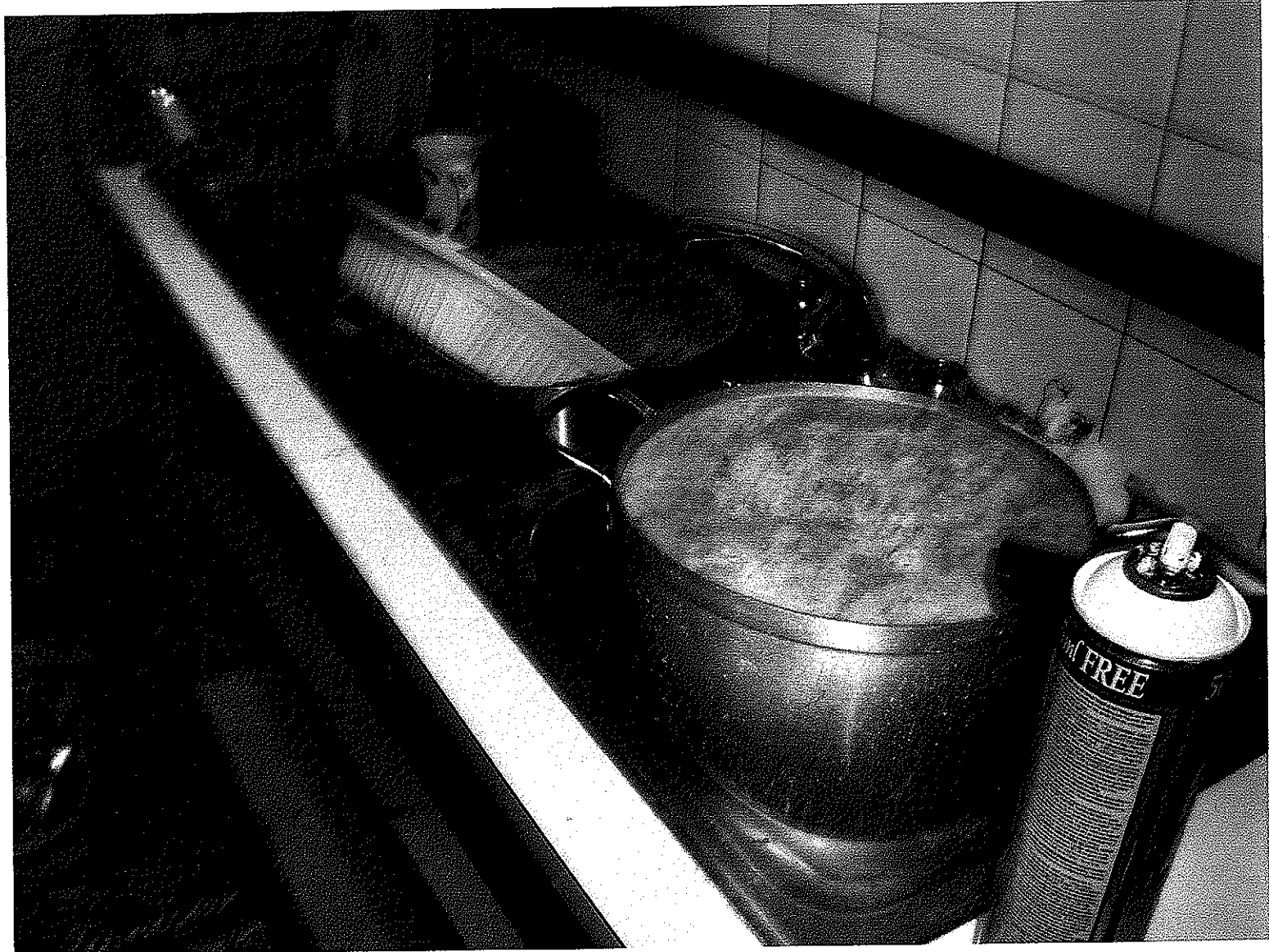
CJ Act 1967, s9; M.C. Act 1980, 5B; C.P. Rules r27.1(1)

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(PC 11)



(PC/2)



Stephen Culleton

From: S54 - Holding, Karen [KarenHolding@lancsfire.org.uk]
Sent: 03 September 2009 11:45
To: Stephen Culleton
Subject: FW: Review of Premises licence, Clayton Brook

From: S54 - Holding, Karen
Sent: 03 September 2009 11:43
To: 'stephen.culleton@chorley.gov.uk'
Cc: S54 - Clements, Tony
Subject: Review of Premises licence, Clayton Brook

With regard to review of the Premises Licence for Clayton Brook, Great Greens Lane, Clayton Brook, PR5 8HL, Lancashire Fire and Rescue Service would like to raise representation with regard to the Premises Licence and a detailed report will follow.

If you would like to discuss this matter further please contact Tony Clements, Technical Fire Safety Team Leader on 01257 262919.

This e-mail contains information intended for the addressee only.

It may be confidential and may be the subject of legal and/or professional privilege.

If you are not the addressee you are not authorised to disseminate, distribute, copy or use this e-mail or any attachment to it

The content may be personal or contain personal opinions and unless specifically stated or followed up in writing, the content cannot be taken to form a contract or to be an expression of Lancashire Fire and Rescue Service's position. Lancashire Fire and Rescue Service reserves the right to monitor all incoming and outgoing email

Lancashire Fire and Rescue Service has taken reasonable steps to ensure that outgoing communications do not contain malicious software and it is your responsibility to carry out any checks on this email before accepting the email and opening attachments.

GET OUT - STAY OUT - CALL THE FIRE SERVICE OUT

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