

Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

**Wednesday, 20th October
2010**

In Committee Room 1, Town Hall, Chorley

At 2.30 pm



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11 October 2010

Dear Councillor

LICENSING ACT 2003 SUB-COMMITTEE - WEDNESDAY, 20TH OCTOBER 2010

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 Wednesday, 20th October 2010 commencing at 2.30 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 a review of a Premises Licence Under Section 52 of the Licensing Act 2003 in respect of T & S Convenience Store 76-78 Market Street, Chorley (Pages 1 - 36)**

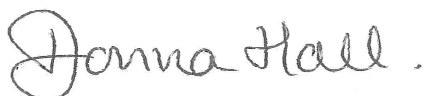
To receive and consider a report from the Director of People and Places (enclosed).

4. **Application for a review of a Premises Licence Under Section 52 of the Licensing Act 2003 in respect of the White Hart, Mealhouse Lane, Chorley (Pages 37 - 100)**

To receive and consider a report from the Director of People and Places (enclosed).

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

Yours sincerely



Donna Hall
Chief Executive

Cathryn Barrett
Democratic and Member Services Officer
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Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Keith Iddon (Chair) and Councillors Judith Boothman and Anthony Gee for attendance.
2. Agenda and reports to Cathryn Barrett (Democratic and Member Services Officer), Stephen Culleton (Public Protection Officer) and Legal Services 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. PUBLIC PROTECTION OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS**3. QUESTIONS TO PUBLIC PROTECTION 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 People and Places	Licensing Act 2003 Sub-Committee	20 October 2010

APPLICATION FOR A REVIEW OF A LICENCE IN RESPECT OF T & S CONVENIENCE STORE 76 – 78 MARKET STREET CHORLEY PR7 2SS MADE UNDER SECTION 52 OF THE LICENSING ACT 2003

PURPOSE OF REPORT

1. For Members to determine an application for a review of a licence in respect of the premises known as T & S Convenience Store 76 – 78 Market Street Chorley PR7 2SS

RECOMMENDATION(S)

2. Members are asked to consider the details contained in the report and any representations made by the applicant and/or his representative Lancashire Constabulary and Lancashire County Council Trading Standards Service.

EXECUTIVE SUMMARY OF REPORT

3. The Licensing Authority has received an application served under the Licensing Act 2003 Section 51 by Lancashire Constabulary to review the premises licence for T & S Convenience Store 76 – 78 Market Street Chorley PR7 2SS. The hearing is convened under Section 52 of the Licensing Act 2003.
4. 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.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. Not applicable.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. Not applicable.

CORPORATE PRIORITIES

7. 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	

BACKGROUND

8. On 26 August 2010 an application for a review of the premises licence was received from Lancashire Constabulary acting as a responsible authority. Lancashire County Council Trading Standards Services acting as a responsible authority have also made representations.
9. A brief outline of the grounds for that review are as follows and made under the headings of 'The prevention of Crime and Disorder' and 'The Protection of Children From Harm'.
10. The grounds for the review are that these premises have come to police attention as a result of incidents associated with staff at the premises and the sale of alcohol to town centre drunks who then cause problems for other businesses and shoppers in the town centre. There have been a number of test purchase failures at the premises which would indicate that young persons can access alcohol and cigarettes at these premises. The premises licence holder is Mehboob Patel who is the DPS for these premises. He is also listed as DPS at another premises in Blackburn which is in itself under police scrutiny in respect of failed test purchases. It is clear he is unable to effectively manage both premises. Despite Police and Local Authority intervention the advice given by the authorities does not seem to been acted on and there continues to be activity at the premises which undermines the licensing objectives. The police now have no confidence in the premises licence holders and as such would ask for revocation of the licence. A copy of the request for a review of the premises licence is attached to this report at Appendix (a).
11. A witness statement from Police Sergeant Anthony John Bushell detailing the incidents at the premises is attached to this report at Appendix (b).
12. A witness statement from Community Support Officer Fern Elizabeth Jones detailing an incident outside the premises on Saturday 31 July 2010 is attached to this report at Appendix (c) Town Centre CCTV footage indentified as police exhibit number FEJ 7449/01 is available for members to view.
13. A letter dated 13 September 2010 from David Johnnie of Lancashire County Council Trading Standards Service, detailing their representations is attached to this report at Appendix (d).
14. Officers are aware that on 8th September 2010, Lancashire Constabulary served an application for a review under the Licensing Act 2003 Section 51, on Blackburn with Darwen Borough Council. A review hearing has been scheduled for the 19 October 2010. The review is in respect of Mehboob Patel who is the designated premises supervisor for the premises in Blackburn; the reasons for the review are similar to these proceedings.
15. There are no representations from interested parties.

16. The premises licence holder is Mehboob Patel and Suhail Patel. A copy of the premises licence is attached to this report at Appendix (e).
17. Section 4 of The Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under Section 182 of the Act.
18. 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.
19. The Licensing Act 2003 Section 51 provides that where relevant representations are received the Licensing Authority must hold a hearing to consider them.
20. 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.
21. 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:
22. **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.
23. **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.
24. **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.
25. **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

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

27. **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.
28. **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

29. **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.
30. **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.
31. **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.

32. **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.

33. **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.

34. **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

35. 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.
36. 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

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

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

Jamie Carson
 Director of People and Places

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert William Beeston	5726	25/09/2010	***

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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.

APP
(A)

I Sergeant 1506 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

Postal address of premises or, if none, ordnance survey map reference or description T & S Convenience Store 76-78 Market Street	
Post town Chorley	Post code (if known) PR7 2SS

Name of premises licence holder or club holding club premises certificate (if known) Mr Mehboob Patel / Mr Sunhail Patel

Number of premises licence or club premises certificate (if known) PL(A) 0229
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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 Bushell Licensing Manager Lancashire Constabulary Southern Division Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional)

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 checked="" type="checkbox"/> |

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

These premises have come to police attention as a result of incidents associated with staff at the premises and the sale of alcohol to town centre drunks who then cause problems for other businesses and shoppers in the town centre.

There have also been a number of test purchase failures at the premises which would indicate that young persons can access alcohol and cigarettes at these premises.

The Premises Licence Holder is Mehoob Patel who is also the these premises. He is also listed as DPS at another premises in Blackburn which is in itself under police scrutiny in respect of failed test purchases, it is clear he is unable to effectively manage both premises.

Despite Police and Local Authority intervention the advice does not seem to have been acted on and there continues to be activity at the premises which undermines the licensing objectives.

The Police now have no confidence in the premises licence holders and as such would ask for revocation of the 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

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

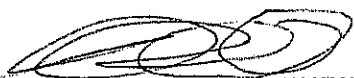
Please tick yes

- 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 26th August 2010

Capacity Southern Division Licensing Manager

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

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.

APP
(B)

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2

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**

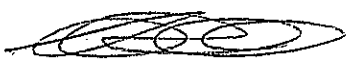
This statement (consisting of 10 page(s) each signed by me) is true to the best of my belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecute wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the 26th day of Aug 2010.

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. Best One (T&S Convenience Store) is located at 76-78 Market Street, Chorley, these premises were formally known as the Spar.
5. On 24th March 2010 we received two applications in respect of these premises, the first was to transfer the premises licence into the names of Mehboob Patel and Suhail Patel, there were no police representations made in respect of this application.

Signature 

Signature witnessed by

Continuation of Statement / Interview of Anthony John Bushell

6. The second application was to transfer the DPS at the premises into the name Mehboob Patel.
7. Upon speaking with Mehboob Patel it was discovered that he was already the DPS at another licensed premises in Blackburn so he was advised that we would be unhappy with his ability to manage two premises so far apart.
8. Mehboob stated he was only going on until his son Suhail Patel had passed the licensing course and was in a position to take over as DPS. Mehboob was advised that it might be better to put someone else on the licence in the meantime so no representation was made.
9. On 19th April 2010 we received an application nominating an Andrew Wharton to be the new DPS, the police had no representations to make re this, however as I understand the council rejected the application, this meant that Mehboob Patel remained on the licence as DPS.
10. Since taking over the premises I have been made aware of complaints from town centre officers re drunks congregating on the benches outside the premises.
11. I am aware that the town centre officers had been making attempts to remove these individuals however it was clear the reason for them hanging around the area was their ability to access alcohol from these premises

Signature

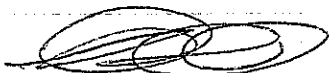


Signature witnessed by

Continuation of Statement / Interview of Anthony John Bushell

12. These individuals having bought the alcohol would then sit outside the premises drinking.
13. Once drunk they would then cause a nuisance to persons in the town as they were being disorderly when drunk and then being sick on the benches, this behaviour was also having a detrimental impact on neighbouring businesses.
14. In addition to this issue I had received information to suggest young persons were also accessing alcohol from these premises.
15. As a result of this information the premises was graded as Amber on the RAG document to ensure monitoring by police officers when on patrol.
16. Due to continued issues with the drunks outside the premises and the fact that one of the Premises Licence Holders, Suhail Patel had been arrested for assaulting a customer in the shop it was decided to carry out a joint visit with the Local Authority Licensing Officer to highlight our concerns and provide advice on improving the operation of the premises.
17. At 11.00 hrs on Tuesday 29th June 2010, in company with Stephen Culleton, Chorley Borough Council Licensing Officer I attended the premises for a pre arranged meeting with the management.
18. Present at this meeting were Mehboob Patel PLH and DPS, Suhail Patel PLH and proposed new DPS and Inayat Patel who was the brother of Mahoob.

Signature



Signature witnessed by

19. It was outlined at this meeting there were three areas of concern these being; sale of alcohol to underage persons, the town centre drunks and the assault on a customer by Suhail and that the object of the meeting was to look at the issues and offer support to ensure effective management.
20. It was stated that we were concerned that there was no DPS at the premises as he was at the other shop in Blackburn and that Suhail was the manager.
21. They were advised that they needed someone at the premises to ensure alcohol sales were carried out professionally – we were assured that when Suhail had his licence he would become the DPS, it was however pointed out that due to the assault charge this may prohibit him getting a licence.
22. There appeared to be no effective training procedures for staff and there was a new member of staff who they stated they would put on the course.
23. The premises had adopted the Challenge 25 policy and they had in place a book where customer ID's were kept and each customer was given a number they could quote when purchasing age restricted products.
24. A check was made of this document and it was found to contain 3 photocopies of passports that were out of date and that they were accepting any form of ID.
25. The premises were advised that this was not effective and needed to be amended.

Signature



Signature witnessed by

26. A check of the refusal register also found it to be ineffective and advice was given to alter the forms to show where ID had been refused and to include where ID is asked for and provided correctly.
27. We raised concerns re the opening hours of the premises and the number of staff employed – we were advised that they were looking for additional staff.
28. It was also pointed out the Suhail as the manager needed to portray himself in a more professional manner with regards the way he was dressed.
29. It was suggested he wore a shirt and tie to work as opposed to a football shirt and cut off jeans which portrayed a less than professional image.
30. The issue re sale of alcohol to the town centre alcoholics was raised and the premises was advised that it had to stop, and the premises needed to put measures in place to discourage them from hanging around the shop.
31. It was suggested that these people tended to buy Frosty Jack Cider and that a consideration may be not stocking it in future.
32. It was also highlighted that they knew the individuals involved and that they were alcoholics and in selling them alcohol they could be committing offences if they were drunk and should problems persist then we would consider a review of the premises licence.

Signature



Signature witnessed by

33. We were assured by those present that they would adopt all our recommendations and there would be no more sales to the drunks.

34. Some time later I was made aware that on 5th June 2010 Trading Standards officers had conducted a test purchase for cigarettes at the premises and that they had failed, selling to a 14 year old girl.

35. The seller on this occasion was Tariq Patel who is the son of Mehboob and younger brother of Suhail.


36. In response to this we carried out a test purchase for alcohol at the premises on 16th July 2010.

37. On this occasion the premises failed selling a bottle of wine to a 15 year old girl, the seller being Tariq Patel who elected to attend the ARAR Course.

38. As a result of this failure the premises were upgraded to RED in the RAG document which signifies formal action is being taken against the premises

39. In a follow up test purchase carried out on 23rd July 2010 the premises passed however when they challenged the test purchaser they asked if they were 18 to which they replied "No".

Signature



Signature witnessed by

Continuation of Statement / Interview of Anthony John Bushell

40. Due to the fact that our test purchasers are instructed to tell the truth if they are asked their age I did not feel this was an effective challenge so arranged to carry out a further test purchase.
41. On Wednesday 4th August 2010 I was contacted by PCSO Jones who wanted to raise a concern re the premises in that on the previous Saturday she had spoken to the staff at the shop as the drunks were hanging around outside.
42. She had informed the shop not to sell to these individuals and they had agreed.
43. Upon returning to the police station a short time later she observed a member of staff handing over a carrier bag to the drunks which contained what appeared to be cans of alcohol.
44. As a result of this I immediately attended the premises in company with PCSO Jones and asked to speak to the manager.
45. The manager appeared and I expected to see Suhail however Tariq presented himself as manager, when asked where Suhail was he stated he was having a break at the other store.
46. I pointed out why I was there and that I was disappointed that despite having been warned about selling to the drunks his staff had ignored the advice and sold them alcohol.

Signature



Signature witnessed by

47. The member of staff who handed over the alcohol was identified as Mohammed Sajid and upon checking the CCTV footage at the premises it was seen that Sajid had gone outside, taken money off the drunks returned to the shop and then delivered the alcohol to them in a bag.

48. Sajid confirmed that the bag contained 8 cans of Stella Artois and that he was instructed to do this by another member of staff Shamsoddin Patel.

49. Patel was identified by PCSO Jones as the person she had spoken to the previous Saturday.

50. At this point I informed Tariq that I was unhappy with the management of the premises and would be considering a review of the premises licence.

51. I handed him my card and requested he inform his father Mehboob Patel to contact me.

52. On 6th August 2010 I again conducted a test purchase at the premises which again passed but again they asked the age of the test purchaser who told the truth.

53. On 12th August 2010 I was on a test purchase operation in Chorley and decided to try the premises again, however on this occasion I told the test purchaser that if they were asked if they were 18 they should say "Yes".

Signature



Signature witnessed by

54. This action was in line with that outlined in the LACORS guidance for test purchase operations under Section 3.4 c).

55. The premises failed selling the 16 year old girl a bottle of wine again they asked if she was 18 when she replied "Yes" she was sold alcohol with no other checks being made.

56. The seller on this occasion was again Tariq Patel and arrangements were made for him to attend the police station for an interview under caution.

57. At 09.56 hrs on Wednesday 25th August 2010 Tariq attended Chorley Police Station where he was interviewed under caution.

58. During the interview he admitted the offence stating he thought the girl looked 18 or 19.

59. It was confirmed that he operated a 25 policy and when asked if she looked 25 he stated she didn't but could give no reason why he had failed to comply with his own policy.

60. At the end of the interview Tariq was given a police caution for the offence.

61. It is clear that these premises are badly managed and have now failed a total of 3 separate test purchases.

Signature



Signature witnessed by

62. They have been blatant in their disregard for advice given by the police and indeed have shown contempt by selling alcohol to drunks within 30 minutes of being warned not to do so.
63. There is no effective management of the premises the DPS is never there and the proposed manager Suhail would appear to have been removed and replaced with his younger brother.
64. I am aware that the other premises in Blackburn have also failed two test purchases and they are subject to review proceedings.
65. Taking into consideration all the issues at both these premises and the premises in Blackburn I would recommended a full revocation of the premises licence as I cannot see any of the lesser review sanctions being appropriate enough to ensure compliance.

Signature



Signature witnessed by

Witness Statement

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

Statement of **Fern Elizabeth Jones**

URN

--	--

Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **POLICE COMMUNITY OFFICER**

APP
(c).

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

Dated the **4th** day of **August 2010**

Tick if witness evidence
(supply witness details on separate page)

Signature



I am POLICE COMMUNITY SUPPORT OFFICER 7449 Fern Elizabeth Jones of the LANCASHIRE CONSTABULARY currently based at CHORLEY police station.


I am the town centre PCSO and have been in this role for over three and half years. On a daily basis I deal with anti social behaviour, damage and minor incidents in the area. Over the past three months I have received numerous complaints regarding a group of drinkers congregating on MARKET STREET on the benches outside of the BEST ONE store. The group are there on a daily basis and are often very intoxicated to the point of vomiting in the street and urinating themselves, at times their language is so bad that it causes offence to other members of the public. As a consequence of this each tour of duty I have to move the group on several times asking them to leave the area.

On Saturday 31st July 2010 at 14:05 hours I was on duty in full uniform on CHORLEY town centre when I was approached by a member of the public who was concerned about a small group who were intoxicated on the bench outside of BEST ONE on MARKET STREET. As I approached I saw two males who I know as Andy LORD and Paul CROOK and a female I know as Kelly JOHNSTON sat on the benches. I spoke with this group and advised them that they would not be served any more alcohol as they were obviously already intoxicated. I then entered the BEST ONE store and spoke to two members of staff who I now know as Shamsoddin PATEL born 20/01/79 and Mohammed SAJID born 19/06/88. I advised them that the group outside the store on the benches were intoxicated and should not be served any alcohol. PATEL then came from behind the counter and we went outside and I identified the members of the group to him. PATEL then said, "THANKS LOVE I WONT SERVE THEM".

I then attended CHORLEY police station. I made the cctv operator aware of the group on the benches outside BEST ONE and asked him to monitor them in case of further complaints from the community. Whilst identifying this group to the cctv operator I saw Mohammed SAJID approach LORD where something was exchanged between them. SAJID then returned to the store and came back out moments later with a carrier bag containing cans of Stella. This bag was then handed over to LORD. SAJID then returned into the store.

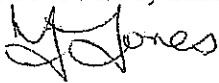
On Wednesday 3rd August 2010 I attended the BEST ONE store in company with PS1506 BUSHELL. I observed the stores cctv footage of the incident on the 31/07/10 which shows LORD enter the store and speaking to PATEL. PATEL is then seen to point to another member of staff. LORD then leaves the store followed by SAJID following instruction made by PATEL. SAJID then re-enters the store and leaves with eight cans of Stella passing it to LORD.

Signature

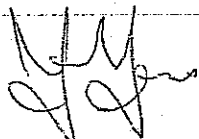


Signature witnessed by

I then returned to CHORLEY police station and seized the cctv and booked it into the ERP system. Reference number CA/34578/10, Exhibit number FEJ7449/01. I had no further involvement in this incident.



Signature



Signature witnessed by



Trading Standards Service

Lanc
Cot

APP
(D)

RECEIVED 20 SEP 2010

Licensing Manager
Chorley Borough Council
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

Phone: 0177
Fax: 0177
Email: David

Your ref:
Our ref: DJ/Tas Convenience Store
Date: 13 September 2010

Dear Sirs

Re: Application to review premises licence of T & S Convenience Store (Best One) 76-78 Market Street Chorley PR7 2SS.

I am writing with reference to the above premises and with specific reference to an application to review the premise license submitted by Sergeant 1506 Anthony Bushell on behalf of Lancashire Constabulary dated 26 August 2010. Lancashire Constabulary has articulated that they have concerns with regards to the management of the premises, concerns that we share.

The substance of this letter is to confirm full and unequivocal support for the submission to revoke the premises licence for the following reasons:-

- On 5 June 2010 a Trading Standards test purchase operation was conducted in the Borough of Chorley. T&S Convenience Store (Best One) located at 76-78 Market Street Chorley was targeted for a test purchase visit.
- A 14 year old girl volunteer was instructed to attempt to purchase tobacco. She was instructed to answer truthfully if challenged as to her age or whether she could provide acceptable proof of age.
- A sale of a packet of 10 Lambert and Butler Kingsize Cigarettes was made.
- At no point was the female volunteer asked her age nor was she asked to provide proof of age.
- Subsequent investigation revealed that the seller Tariq Patel is the son of Mehboo Patel the Designated Premises Supervisor for the premises.
- During the course of the investigation it transpires that the premises purport to operate a 25 policy for the sale of tobacco i.e. seeking proof of age from customers who do not look over 25.
- The refusals register was examined which revealed that there were no entries in it from the seller, Tariq Patel.
- There was no documentary evidence to demonstrate whether Tariq Patel had received training in the prevention of underage sales, although Mr Patel claimed that he had been trained by his brother and Premise Licence Holder Suhail Patel.
- The matter has been reported and the reporting officer's recommendations are currently being considered for further action.



We share Police concerns regarding the ability and willingness for the premise to comply with their legal duty in not selling age restricted products to young people who have not attained the specified age and adhering to the 4th licensing objective, the protection of children from harm.

This is further evidenced as I have become aware that the premises has allegedly subsequently failed two further test purchase attempts by Lancashire Constabulary for alcohol on 16 July 2010 and 12 August 2010. I understand the seller on both these occasions to be Tariq Patel.

I am further aware through the submission by Lancashire Constabulary of other issues relating to this premise that impinge on further Licensing Objectives.

This letter and the content therein are in full support and endorsement for the recommendation by Lancashire Constabulary to revoke the premise licence for the reasons previously stated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Johnnie', with a stylized flourish at the end.

David Johnnie
Lead Officer Community Support

APL
(F)

**Licensing Act 2003
Premises Licence**

Part 1 - Premises Details

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

T & S Convenience Store

76-78 Market Street, Chorley, Lancashire, PR7 2SS.

Telephone 01257 232922 or 07742247425

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	08:00	23:00
	Sunday	10:00	22:30
	Good Friday	08:00	22:30
	Christmas Day	12:00	15:00
	Christmas Day	19:00	22:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	08:00	23:00
Sunday	10:00	22:30
Good Friday	08:00	22:30
Christmas Day	12:00	15:00
	19:00	22:30

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

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

Part 2

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

Mehboob Patel 132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
Telephone 01254 260325 or 07742247425

Suhail Patel 132-134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
Telephone 01254 260325 or 07742247425

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



Licensing Act 2003
Premises Licence

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

Mehboob PATEL

132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
Telephone 01254 260325 or 07742247425

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. PT11154

Issued by Blackburn with Darwen

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 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.

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

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None.



Licensing Act 2003
Premises Licence

ANNEXES continued ...

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

None.



**Licensing Act 2003
Premises Licence Summary**

Premises Details

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

T & S Convenience Store

76-78 Market Street, Chorley, Lancashire, PR7 2SS.

Telephone 01257 232922 or 07742247425

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mehboob Patel 132/134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.
Suhail Patel 132-134 Lincoln Road, Blackburn, Lancashire, BB1 1TS.

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

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

Mehboob PATEL

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



Licensing Act 2003
Premises Licence Summary

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



DSU 12 (Amended 1/96)

Lancashire Constabulary

CERTIFICATE OF CAUTION



Ethnic Origin

- White
- Black
- Asian
- Other

Division Southern
 Section Licensing
 Officer in case S. 1306 B. 10000
 Section Crime No.
 (Custody record No. if not crime)
 Unique Ref. No.

I (full name) Tariq Ahmed Patel
 Date AND Place of birth 26-11-91 @ Blackburn
 of (Address) 132 Lincoln Rd, Blackburn BB1 1TS
 confirm that on 25th August 2010 at Chorley Police Station
 I was cautioned for the offence(s) of Section 14(1)(a) 20 Person under 18
Convey to Section 14(1)(a) Licensing Act 2003 which I admit.

INFORMATION TO A PERSON WHO IS TO BE FORMALLY CAUTIONED

Provided you agree, you are to be formally cautioned under a nationally agreed cautioning policy. The purpose of this advice is to inform you of its future effect. You will be required to sign this form to indicate that you understand this information and that you agree to be cautioned.

Although not a conviction for a criminal offence, this caution may be cited in certain circumstances and you should read the following carefully:-

- 1) A record of this caution will be retained by the Police and the fact that you have been previously cautioned may influence any decision made to prosecute you in the future, if you re-offend.
- 2) The fact that you have been cautioned may be brought to the attention of the Court if you are prosecuted for any offence in the future.
- 3) This force would normally destroy the record of this caution after five years provided that you do not re-offend. However, the presence of any aggravating factors such as indecency, violence or drugs related offences may effect this general rule.
- 4) In specific circumstances (such as applying for employment where the care of children is involved) this force will be obliged to disclose details of this caution to other agencies if requested to do so by an authorised officer.
- 5) Regardless of any time limits you will still be **OBLIGED** to disclose details of this caution if you apply for the type of employment previously mentioned.
- 6) The fingerprint section of this record will be retained for a minimum of 20 years for investigative purposes only.

ADDITIONAL INFORMATION TO THE PARENT OR GUARDIAN OF A PERSON UNDER 17 YEARS OF AGE

The information set out above is for the benefit of the person under 17 years of age. Please read it yourself and be satisfied that the person to be cautioned understands it. You also will be required to sign this form to indicate that you agree to the caution being administered and that you also understand what this means.

(signed) [Signature]
 (Cautioning Officer)

(signed) [Signature]
 (Person to be Cautioned)

A/Insp/Sgt Burton
 (printed name of Cautioning Officer with collar/stick no.)

(signed)
 (Parent/Guardian if under 17 yrs old)

(signed)
 (Witness to the Caution - if any)

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. PUBLIC PROTECTION OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS**3. QUESTIONS TO PUBLIC PROTECTION 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 People and Places	Licensing Act 2003 Sub - Committee	20 October 2010

THE LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 52 OF THE LICENSING ACT 2003 IN RESPECT OF THE WHITE HART, MEALHOUSE LANE, PR7 1DZ

PURPOSE OF REPORT

1. For Members to determine an application to review the premises licence in respect of the premises known as the White Hart , Mealhouse Lane Chorley PR7 1DZ

RECOMMENDATION(S)

2. Members are asked to consider the details contained in the report and any representations made by Mr P Mulhearn the premises licence holder of the White Hart and/or his representative and Lancashire Constabulary.

EXECUTIVE SUMMARY OF REPORT

3. On 7 September 2010 an application for a review of the premises licence under Section 52 of the Licensing Act 2003 was received from Lancashire Constabulary acting in their capacity as a responsible authority. The reason for this application is given under the Licensing Objective for The Prevention of Crime and Disorder, Members should have regard for sub- paragraphs 6.1- 6.8 below.
4. The hearing is convened under Licensing Act 2003 (Hearing) Regulations 2005

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. Not applicable.

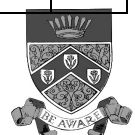
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. Not applicable.

CORPORATE PRIORITIES

7. 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 organisation	



BACKGROUND

8. Mr Mulhearn is the Premises Licence Holder and the Designated Premises Supervisor for the White Hart. Mr Mulhearn has held the Premises Licence since November 2005. The Justices licence and Special Hours Certificate in force prior to the implementation of the Licensing Act 2003 was converted and varied at the same time by Mr Mulhearn on the 11 July 2005. A further application was received by the Council on the 13 November 2006 to vary the Premises Licence in force at that time. A copy of the current Premises Licence is attached at Appendix 1.
9. Mr Mulhearn applied for his Personal Licence with this authority using the provisions of Grand Father rights in July 2005. A copy of Mr Mulhearns Personal Licence is attached at Appendix 2.
10. On the 7 September 2010 the Licensing Authority received an application served under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a responsible authority to review the premises licence for The White Hart, Chorley, PR7 1DZ. A copy of the application to review the Premises Licence for the White Hart is attached at Appendix 3.
11. 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 and responsible authorities the right to make representations regarding the application for review and advising that the application was available to view in full at the Council Offices. The premises licence holder has also received a copy of the review application.
12. A brief outline of the grounds for the review given by the Police states:

“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 and Local Authority have liaised with the premises licence holder and agreed to certain amendments to the conditions of the licence; however the terms of the agreement have not been maintained by the Premises Licence Holder. The Police therefore feel they have no alternative other than to apply for a review of the premises licence to have the agreed conditions placed onto the licence. The Police would also raise concerns re the ability of the DPS to manage the premises and would also ask for consideration of the removal of the current DPS”.
13. Officers from the Licensing Authority have in partnership with the Police engaged in a positive manner with the Premises Licence Holder on a number of occasions in an attempt to implement management improvements and address areas of concern regarding the operating schedule of the premises licence. A copy of the letter initiating that process is attached at Appendix 4.
14. The application is made under the licensing objective heading of The Prevention of Crime and Disorder.
15. A plan of the premises in relation to its surroundings is attached as appendix 5 to assist members.
16. There are no representations from interested parties.
17. There are no representations from any other responsible Authorities.

18. Mr Mulhearn and Lancashire Constabulary and/or their representatives have been invited to the hearing in accordance with Section 52 of the Licensing Act 2003 to make representation.

POLICY AND LEGAL CONSIDERATIONS

19. 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.

20. The Licensing Authority shall determine the application, having considered the representations that have been made, and having regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.
21. Section 52 of the Licensing Act 2003 is the authority the Licensing – Sub - Committee can rely upon with regards to this matter, which is reproduced below. The Hearing is conveyed under the Licensing Act 2003 (Hearing) Regulations 2005.

Section 52 Determination of application for review of a Premises Licence

(1) This section applies where—

- (a) the relevant licensing authority receives an application made in accordance with section 51,
- (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

(6) Where the authority takes a step mentioned in subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- (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—
 - (i) by the holder of the premises licence, a responsible authority or an interested party, and
 - (ii) within the period prescribed under section 51(3)(c),
 - (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 licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to:
- (a) the holder of the licence,
 - (b) the applicant,
 - (c) any person who made relevant representations, and
 - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the appeal is disposed of.
22. Members must have regard to the Statement of Licensing Policy when determining this application. (Particular reference to paragraph 41.1 - 41.13 below) member’s attention is drawn to the following paragraphs:
23. **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.
24. **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.
25. **Paragraph 1.5** This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.
26. **Paragraph 2.2** Each of the licensing objectives are of equal importance with these objectives.
27. **Paragraph 2.3** Each of the licensing objectives is of equal importance for the purposes of this policy.

28. **Paragraph 2.4** This policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that has on members of the public living, working or engaged in normal activity in the vicinity.
29. **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.
30. **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.
31. **Paragraph 5.3** The policy will not fix the hours during which alcohol can be sold. The Licensing Authority considers that stricter controls regarding noise nuisance may be necessary in more densely populated areas. The grant of a licence will be dependent on the impact of an activity on the licensing objectives.

CRIME AND DISORDER

32. **Paragraph 6.1** Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.
33. **Paragraph 6.2** The Council is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act 1998 and the Community Safety Strategy. Statistics from the Community Safety Partnership regarding Crime and Disorder in the Licensing Authority area are given in Appendix 4.
34. **Paragraph 6.3** The Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol and provide reports to the Licensing Authority where appropriate. The Licensing Authority will give due consideration to any submissions made concerning the impact on crime and disorder of alcohol related problems. The Council may review this Policy where it considers it appropriate to do so.
35. **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.
36. **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.
37. **Paragraph 6.6** Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list):

- Crime prevention measures.
- Physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
- Weapon detection and search facilities.
- procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
- Adoption of best practice guidance in relation to safer clubbing guide.
- measures to prevent the use or supply of illegal drugs including search and entry policies.
- Employment of licensed door supervisors.
- Participation in other appropriate schemes eg pub watch scheme.
- measures to be taken for the prevention of violence or disorder.

38. **Paragraph 6.7** The Licensing Authority where relevant representations are made will consider attaching conditions to deter and prevent crime and disorder, if appropriate and necessary and these may include conditions from the model pool of conditions at Appendix 3. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.
39. **Paragraph 6.8** The Council reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder objectives.

LICENSING HOURS

40. **Paragraph 7.1** The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks, private hire offices, fast food outlets etc.
41. **Paragraph 7.2** Individual applications will be considered on their merits and in general terms a flexible approach will be adopted. Fixed predetermined closing times for particular areas will not form part of the policy and restrictions on trading hours will be considered only where necessary to meet the licensing objectives.
42. **Paragraph 7.3** The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas, which have denser residential accommodation, but each premise will be considered on its individual merits.
43. **Paragraph 7.5** The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence will in all cases be dependent on the impact of an activity in relation to the licensing objectives.
44. **Paragraph 7.6** where relevant representations are received, the Licensing Authority may have regard to the following where relevant (though this is a non exhaustive list);

- the nature of the area where the premises are located (e.g. commercial, residential)
- Arrangements to ensure adequate availability of taxis and private hire vehicles, public transport.
- Whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents.
- whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact
- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives

In assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia:

- the type and scale of activity, the number and nature of clientele likely to attend
- the levels of noise from the premises, which may be acceptable later in the evening
- the proposed hours of operation
- the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxis
- the means of access to the premises e.g. whether on principal pedestrian routes
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic
- the cumulative impact of licensed premises in an area and scope for mitigation
- Frequency of the activity.

45. Operating Schedules to set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred to paragraph 6.6.

PROTECTION OF CHILDREN FROM HARM

46. **Paragraph 10.1** The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, May in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a 'child' is defined as any person who is under the age of 16.
47. **Paragraph 10.2** The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children:
- Where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
 - Where there is reputation of drug taking or dealing.
 - where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines).

- Where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information),
- Where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

48. **Paragraph 10.3** The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:

- Limitations on the hours when children may be present.
- age limitations for persons under 18
- limitations or exclusions when certain activities are taking place
- requirements for accompanying adults
- limitations of access to certain parts of the premises when particular licensable activities are taking place
- provision of suitable signage
- Such other conditions or restrictions as may be necessary to achieve the licensing objectives.

49. **Paragraph 10.4** Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:

- Passport
- Photo Card Driving licence issued in the European Union
- Proof of Age Scheme Card (i.e. Portman Group) and schemes which carry the Proof of Age Standard Scheme logo
- Citizen Card supported by the Home Office
- Official ID card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.

50. **Paragraph 10.5** The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:

- arrangements to prevent children acquiring of consuming alcohol
- arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
- arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
- steps to be taken to prevent children being exposed to violence or disorder
- arrangements for training staff in relation to the protection of children
- Steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).

51. **Paragraph 10.6** Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions.

52. **Paragraph 10.7** The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.
53. **Paragraph 10.8** where large numbers of unaccompanied children are to be present e.g. children's show or pantomime; conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.
54. **Paragraph 10.9.** The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

CHILDREN AND PUBLIC ENTERTAINMENT

55. **Paragraph 12.1** Where there is entertainment specifically provided for children (e.g. children's disco) the Licensing Authority would recommend as a minimum:
- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof
 - no standing to be permitted in any part of an auditorium during the performance
 - No child unless accompanied by an adult to be permitted in the front row of any balcony.
56. **Paragraph 12.2** where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children; these may include those drawn from the Model pool of conditions relating to the Protection of Children from Harm.

PREVENTION OF PUBLIC NUISANCE

57. **Paragraph 13.1** Licensed Premises have significant potential to adversely impact on communities through public nuisances arising from their operation.
58. **Paragraph 13.2** The Licensing Authority is aware of the importance of the licensed trade to the local economy as well as in cultural and social terms. The Licensing Authority is also concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. 'Vicinity' is not defined in the Act or Guidance issued by the Secretary of State. Whether or not incidents can be regarded, as 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.
59. **Paragraph 13.3** The Licensing Authority will interpret 'public nuisance' in its widest sense and include such matters as noise emanating from the premises, light, litter, odour and anti social behaviour where these matters impact on those living or working in an area.
60. **Paragraph 13.4** Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents

living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.

61. **Paragraph 13.5** The policy allows for later opening hours except where there will be an adverse impact on the licensing objectives. In general the Licensing Authority will expect more comprehensive measures to be proposed at late night venues and/or where there has been a history of public nuisance.
62. **Paragraph 13.6** On receipt of relevant representations, the Licensing Authority will assess the likelihood of it causing an adverse impact, by generally considering the following factors where relevant:
- the location of the premises (in particular proximity to residential and other noise sensitive premises, e.g. hospitals, nursing homes, hospices and places of worship)
 - the type of activities, the number and nature of clientele likely to attend at the time of the application
 - the proposed hours of operation
 - levels of public transport accessibility for customers either arriving or leaving the premises (including taxis and private hire)
 - means of access to premises (whether on principal pedestrian routes)
 - the level of car parking demand on any surrounding residential streets and its effect on local residents
 - the cumulative impact on licensed premises in an area
 - the scope for mitigating an impact i.e. CCTV, door supervisors
 - the frequency of an activity
 - the design and layout of the premises
 - measures taken or proposed to be taken to prevent noise or vibration escaping from the premises e.g. sound proofing, air conditioning and sound limitation devices
 - measures taken to prevent unreasonable disturbance by customers/staff arriving and leaving the premises, goods deliveries etc
 - measures taken to lessen the impact of parking in the vicinity
 - control of operating hours for all or parts of the premises (e.g. gardens, last admission times and 'wind down' periods)
 - measures to be taken to prevent drunkenness on the premises
 - measures to ensure collection and disposal of litter and waste outside their premises
63. **Paragraph 13.7** The Licensing Authority when considering an application will take into account previous substantiated nuisance complaints particularly when a statutory notice has been served. Applicants may wish to have regard to the Good Practice Guide on the Control of Noise from Pubs & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association.
64. **Paragraph 13.8** On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions - see Appendix 3. In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.
65. **Paragraph 13.9** The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.

66. **Paragraph 13.10** The Licensing Authority would also recommend applicants highlight local public transport links and taxi and private hire services within their premises, (including agreeing arrangements with nominated taxi and private hire firms for dropping off and collecting customers).
67. **Paragraph 13.11** The Licensing Authority, will in accordance with the Guidance, focus on matters within the control of the individual Licence holder. The Licensing Authority accepts that the difficulty that a licence holder has in preventing anti-social behaviour by individuals once they are behind the direct control of the Licence Holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from premises regularly conduct themselves in an anti-social manner to the detriment of local residents or businesses. In addition, the Council has a duty to do all it can to prevent crime and disorder in the Borough under the Crime & Disorder Act 1998.

PUBLIC SAFETY

68. **Paragraph 14.1** The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.
69. **Paragraph 14.2** The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.
70. **Paragraph 14.3** Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:
- the occupancy capacity of the premises
 - age, design and layout of the premises including means of escape
 - nature of the licensable activities to be provided, in particular the sale and supply of alcohol
 - hours of operation
 - customer profile (e.g. age)
 - Use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.
71. **Paragraph 14.4** The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.
72. The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.
73. **Paragraph 14.5** all licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.
74. **Paragraph 14.6** The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.
75. **Paragraph 14.7** On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at Appendix 3.

Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

REVIEWS

76. **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.
77. **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.
78. **Paragraph 41.3** A review of a premises licence will follow any action by Lancashire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
79. **Paragraph 41.4** The Licensing Authority does not have the power to initiate its own review. However, officers of the Council who are specified as responsible authorities under the Act such as Environmental Health Officers may request the Licensing Authority for a review on any matter which relates to the promotion of one or more of the licensing objectives. Any such representations will be treated in the same way as representations made by any other body or individual.
80. **Paragraph 41.5** In all cases, the representation must relate to a particular premises for which a premises licence is in force and must be relevant to the promotion of the licensing objectives.
81. **Paragraph 41.6** Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.
82. **Paragraph 41.7** Where the request for a review originates from an interested party e.g. a local resident, residents' association, the Licensing Authority has first to consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexatious and frivolous complaints were dealt with in paragraph 40.
83. **Paragraph 41.8** A repetitious complaint is one that is identical or substantially similar to:
 - a ground for review made in respect of the same premises licence which has already been determined; or
 - representations considered by the Licensing Authority when the premises licence was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
84. **Paragraph 41.9** The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one review originating from an interested party should not be permitted within a period of

12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.

85. **Paragraph 41.10** 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.
86. 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.
87. **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.
88. 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.
89. **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
90. **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

91. 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.
92. There is a right of appeal to the Magistrates' Court within 21 days from the date of receipt of notification of the decision, as detailed below.

Appeals. Licensing Act 2003 Schedule 5

Review of premises licence

- 8 (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
- (2) An appeal may be made against that decision by—
 - (a) the applicant for the review,
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

General provision about appeals under this Part

- 9 (1) An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- (4) On an appeal under paragraph 7(3), the person who gave the interim authority notice is to be the respondent

Jamie Carson
 Director of People and Places

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	8/10/2010	***

Licensing Act 2003
Premises Licence

Part 1 - Premises Details

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

White Hart

Mealhouse Lane, Chorley, Lancashire, PR7 1DZ.

Telephone 01257 234559

WHERE THE LICENCE IS TIME LIMITED, THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	20:00	01:00
F. Playing of recorded music (Indoors)	Sunday to Thursday	20:00	01:00
	Friday and Saturday	20:00	02:00
J. Provision of facilities for dancing (Indoors)	Thursday	20:00	01:00
	Friday and Saturday	20:00	02:00
	Sunday	20:00	01:00
L. Late night refreshment (Indoors)	Thursday	23:00	01:00
	Friday and Saturday	23:00	02:00
	Sunday	23:00	01:00
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00	02:00
	Sunday	12:00	02:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	11:00	02:30
Sunday	12:00	02:30

WHERE THE LICENCE AUTHORIZES 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



Licensing Act 2003
Premises Licence

Part 2

NAME (REGISTERED), ADDRESS, TELEPHONE NUMBER AND E-MAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Paul Francis Mulhearn
40 Southport Road, Chorley, Lancashire, PR7 1LE.
Telephone 01257 271847

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

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

Paul Francis MULHEARN
40 Southport Road, Chorley, Lancashire, PR7 1LE.
Telephone 01257 271847

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

Licence No. PA0271 Issued by Chorley

ANNEXES

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;



Licensing Act 2003

Premises Licence

- (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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

a) General

None.

b) The prevention of crime and disorder

The applicant has adopted the Club/Pub/Night Safe initiative.

There is CCTV inside the premises and outside overlooking the car park.

Door supervisors are employed.

Drinks promotions only midweek.

c) Public safety

Door staff regularly employed.

d) The prevention of public nuisance

There is CCTV.

Customers are not allowed to leave the premises with glasses or bottles.

e) The protection of children from harm



Licensing Act 2003

Premises Licence

ANNEXES contained

Children not to have access to cigarette or gaming machines.

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

None.



Licensing Act 2003

Premises Licence Summary

Premises Details

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

White Hart

Mealhouse Lane, Chorley, Lancashire, PR7 1DZ.

Telephone 01257 234559

WHERE THE LICENCE IS PROVIDED BY THE POLICE

Not applicable

THE ACTIVITIES AUTHORIZED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	20:00	01:00
F. Playing of recorded music (Indoors)	Sunday to Thursday	20:00	01:00
	Friday and Saturday	20:00	02:00
J. Provision of facilities for dancing (Indoors)	Thursday	20:00	01:00
	Friday and Saturday	20:00	02:00
	Sunday	20:00	01:00
L. Late night refreshment (Indoors)	Thursday	23:00	01:00
	Friday and Saturday	23:00	02:00
	Sunday	23:00	01:00
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00	02:00
	Sunday	12:00	02:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	11:00	02:30
Sunday	12:00	02:30

WHERE THE LICENCE AUTHORIZES 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



Licensing Act 2003

Premises Licence Summary

NAME (REGISTERED ADDRESS OF HOLDER OF PREMISES LICENCE)	
Paul Francis Mulhearn	40 Southport Road, Chorley, Lancashire, PR7 1LE.

REGISTERED NUMBER OF HOLDER (FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER, OR NUMBER OF LICENCE)
--

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Paul Francis MULHEARN

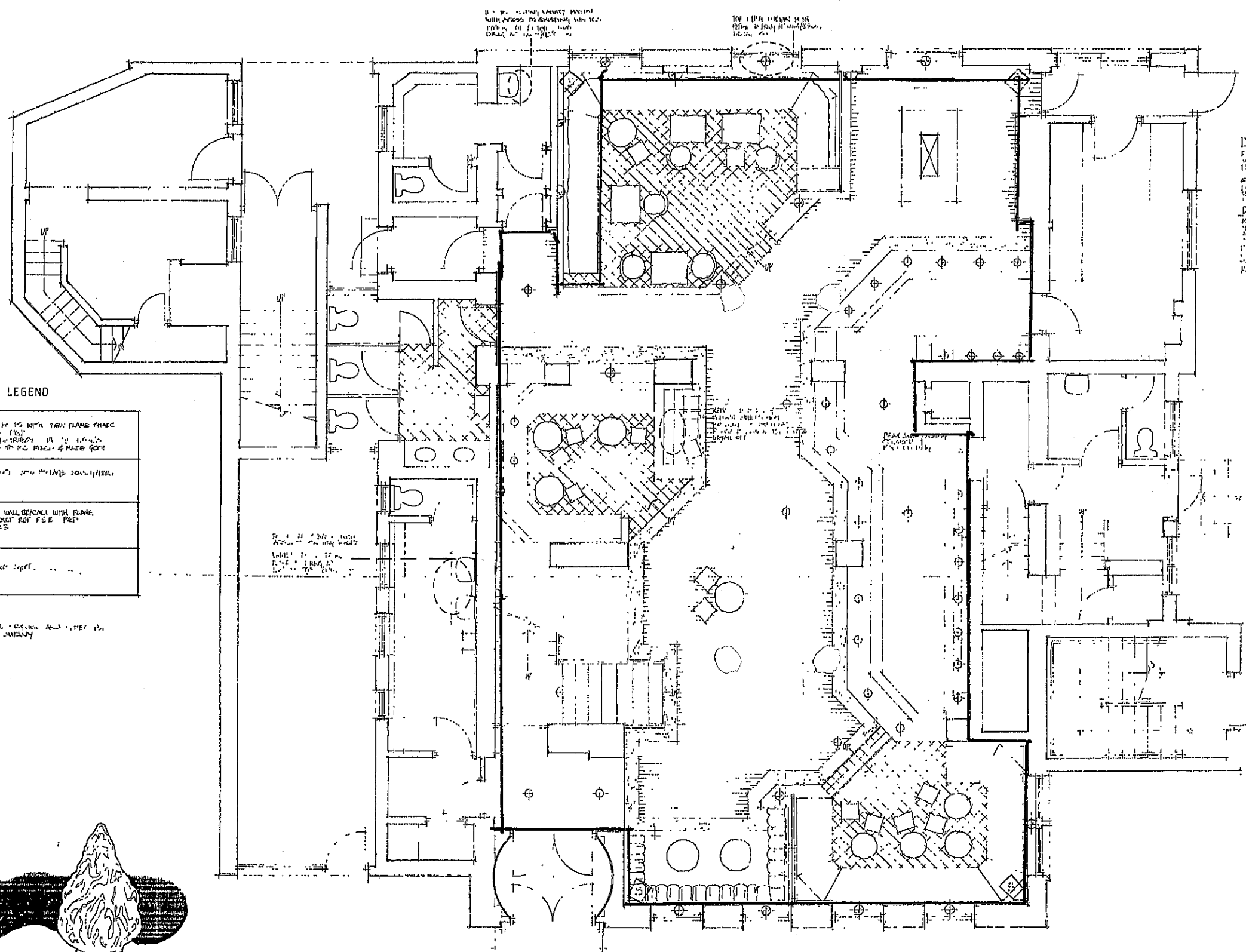
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
None.



Appendix 1.




ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE ANY WORK COMMENCES. ANY DISCREPANCIES TO BE REPORTED TO THE SUPERVISOR OFFICE.

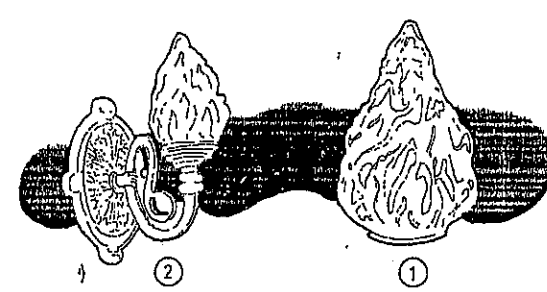
1. GENERAL
 - 1. All work to be carried out in strict accordance with the Building Regulations 1991 - Part A (Structures) and to the complete satisfaction of the Building Surveyor.
 - 2. Contractors are responsible for complying with all rules and control building Regulations, Part 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
 - 3. Walls, roof spaces etc., to be protected with any necessary fire stops, and cavity barriers to BS 476 Appendix D.
 - 4. All fire doors to be accurately fixed by the Contractor unless otherwise stated and agreed in writing.
 - 5. All contractors must be thorough in their responsibility for ensuring that and including for all work, ensuring that the Contractor and Site Director are their full responsibility.
 - 6. Drawings are not to be used as part or substitute for a "Certificate of Compliance" or a "Structural Survey".
7. BUILDING
 - 1. Structural elements to conform to BS 5950 and to be erected to afford 1 hour fire protection in accordance with schedule 4, 11B.
 - 2. Roof spaces to be built to BS 446:1992 13 unless noted otherwise.
 - 3. Members bearing for structural steel to be 100 mm.
 - 4. Reinforced concrete to be in accordance with BS 8110.
 - 5. Joists to be in accordance with BS 5268 Part 2.
 - 6. Check that all ceilings comply with the fire resistance requirements and undertake a check, allowing fully for all work and finishing required.
8. FIRE
 - 1. Means of escape in Case of Fire to be in accordance with the provisions of the Local Authority and the Fire Prevention Officer.
 - 2. Fire alarm system to be installed to BS 5839 Part 1.
 - 3. Fire Alarm System to be installed to BS 5839 Part 1 unless stated otherwise.
 - 4. Fire alarm system to be installed to BS 5839 Part 1 unless stated otherwise.
 - 5. Fire alarm system to be installed to BS 5839 Part 1 unless stated otherwise.
9. PLUMBING AND DRAINAGE
 - 1. The Drainage System to be installed to BS 5500 Part 1 unless stated otherwise.
 - 2. The Drainage System to be installed to BS 5500 Part 1 unless stated otherwise.
 - 3. The Drainage System to be installed to BS 5500 Part 1 unless stated otherwise.
 - 4. The Drainage System to be installed to BS 5500 Part 1 unless stated otherwise.
 - 5. The Drainage System to be installed to BS 5500 Part 1 unless stated otherwise.
10. DOWNLIGHTERS
 - 1. Downlighters to be installed to BS 5500 Part 1 unless stated otherwise.
 - 2. Downlighters to be installed to BS 5500 Part 1 unless stated otherwise.
 - 3. Downlighters to be installed to BS 5500 Part 1 unless stated otherwise.
 - 4. Downlighters to be installed to BS 5500 Part 1 unless stated otherwise.
 - 5. Downlighters to be installed to BS 5500 Part 1 unless stated otherwise.
11. ELECTRICAL
 - 1. Electrical work to be installed to BS 7671 Part 1 unless stated otherwise.
 - 2. Electrical work to be installed to BS 7671 Part 1 unless stated otherwise.
 - 3. Electrical work to be installed to BS 7671 Part 1 unless stated otherwise.
 - 4. Electrical work to be installed to BS 7671 Part 1 unless stated otherwise.
 - 5. Electrical work to be installed to BS 7671 Part 1 unless stated otherwise.
12. VENTILATION
 - 1. Ventilation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 2. Ventilation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 3. Ventilation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 4. Ventilation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 5. Ventilation to be installed to BS 5500 Part 1 unless stated otherwise.
13. SOUND INSULATION
 - 1. Sound insulation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 2. Sound insulation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 3. Sound insulation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 4. Sound insulation to be installed to BS 5500 Part 1 unless stated otherwise.
 - 5. Sound insulation to be installed to BS 5500 Part 1 unless stated otherwise.





PLUMBING AND DRAINAGE
 THE DRAINAGE SYSTEM TO BE INSTALLED TO BS 5500 PART 1 UNLESS STATED OTHERWISE.
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ITEM	LIGHTING LEGEND
1	 ON WALL, EXPOSED TO ROOM WITH DOWN PLUMB BRACKET FOR 100mm CLEARANCE FROM WALL. THIS CALLING TO ATTENTION TO THE LOCATION OF THE LIGHTING FIXTURE IN THE ROOM & PLUMBING WORK.
2	 REPLACE EXISTING WALL BRACKET WITH PLUMB BRACKET WALL BRACKET FOR 100mm CLEARANCE FROM WALL.
	 DOWNLIGHTER, DOWN LIGHT.



 Carpet (as indicated on drawings). NOTE: WHERE CARPET IS INDICATED, ALLOW TO RUN UNLESS PIXEL CLADDING ETC.

 TIMBER FLOORING: (as indicated on drawings). NOTE: WHERE TIMBER FLOORING IS INDICATED, ALLOW TO RUN UNLESS PIXEL CLADDING ETC.

 BATH TILED BORDER: TO BE WITH 50mm AND CLEANLINESS. NOTE: WHERE BATH TILED BORDER IS INDICATED, ALLOW TO RUN UNLESS PIXEL CLADDING ETC.

ISSUE	REVISION	DATE

BLUEPRINT
 INTERIOR DESIGN ASSOCIATES LIMITED

post office chambers
 21 nicholas street
 newcastle upon tyne
 ne1 1re

TEL 091 232 3289 FAX 091 232 3339

project
THE WHITE HART

title
GROUND FLOOR PLAN

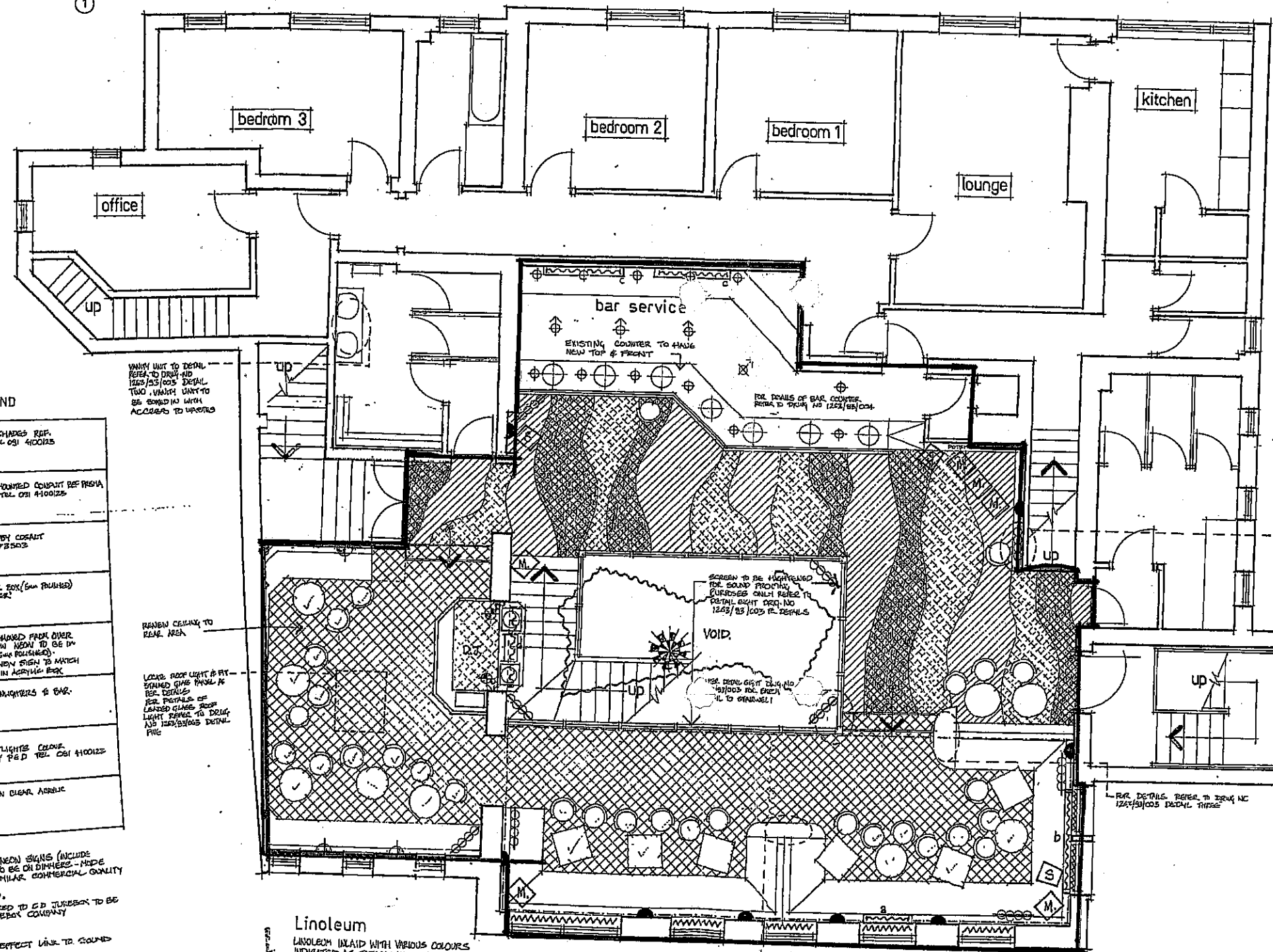
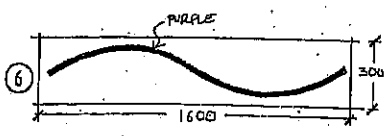
client
VAUX INNS

date Feb 93 scale 1:100 drawn by p.f.h.
 drawing no 1263/93/001 rev

Budweiser

zirks

800



LIGHTING LEGEND

1		HANGING METAL COOLER CHARGES REF. CS PENDANT BY PFD TEL 031 410025
2		WALL LIGHTS ON SURFACE, HOUSED CONDUIT REF PASHA TARTANOKA 200 BY PFD TEL 031 410025
3		WALL LIGHT REF WEMPA BY COSALT LIGHTING TEL 0253 875803
4		NEON IN CLEAR ACRYLIC BOX (SEE FINISHES) SIGN TO READ "BUDWEISER"
5		EXISTING NEON SIGN REMOVED FROM OVER BAR & PHASED OVER WINDOW NEON TO BE IN CLEAR ACRYLIC BOX (SEE FINISHES). NOTE: (d) INDICATES NEON SIGN TO MATCH EXISTING BUT NOT IN ACRYLIC BOX
		RETAIN EXISTING L.V. DOWNLIGHTERS @ BAR.
		L.V. DIRECTIONAL DOWNLIGHTS ABOVE OF TRIM TYPE ETC BY PFD TEL 031 410025
6		CURVED NEON STRIP IN CLEAR ACRYLIC BOX (SEE FINISHES)

WALL LIGHT TO DETAIL REFER TO DRAWING 12/23/03 DETAIL TWO. WALL LIGHT TO BE SUPPLIED WITH ACCESS TO WIPERS

REMAIN CEILING TO REAR AREA

LOCAL ROOF LIGHT & FIT STAINED GLASS PANEL RE REF DETAILS FOR DETAILS OF LEADED GLASS REEF LIGHT REFER TO DRAWING 12/23/03 DETAIL FIVE

NOTE: ALL NEW LIGHTS AND NEON SIGNS (INCLUDE EXISTING NEON SIGN) TO BE ON DIMMERS - MADE PAK DIMMERS OR SIMILAR COMMERCIAL QUALITY

SOUND TO LIGHT LEGEND
TV MONITORS LINKED TO C.B. JURKON TO BE INSTALLED BY JURKON COMPANY

SPECIAL PROJECT EFFECT LINK TO SOUND

DIMMABLE NEON IN GRAPHIC FORM OVER VOID.

FOUR CHANNEL PANSPTS IN BANKS OF FOUR

SOUND TO LIGHT C TO INSTALL LIGHTING TO D.J. CONSOLE.

NOTE: ALL NEW NEON SIGNS INDICATED IN BOTH LEGENDS TO BE SUPPLIED AND INSTALLED BY SOUND TO LIGHT C, ALSO TO RE-POSITION EXISTING.

SPEAKERS TO BE INSTALLED BY SOUND TO LIGHT COMPANY

Linoleum
LINOLEUM INLAID WITH VARIOUS COLOURS INDICATED AS "BELOW" BY DALESCOPLE TEL 0275 564-926
REF. PASHA
REF. IRUS
REF. FLEU MARINE

Carpet
80/20 CONTRACT CARPET, QUALITY TO BE CONTRACT CATHEDRAL.
CARPET BY FIFTH CARPETIC REF 031 634-32
TEL NO 0484 71571

DOTTED LINE INDICATES AREA TO STANDARD SUSPENDED CEILING FOR FINISHES REFER TO DECOR. SPECIFICATIONS

1/2" METAL VENETIAN BLINDS REFER TO DECORATIVE SPECIFICATIONS

PLUMBING AND DRAINAGE
REFER TO MAIN NOTES 23-27. TAKE PARTICULAR NOTE. ALL EXISTING PLUMBING & DRAINAGE MUST BE CHECKED FOR SOUNDNESS & EFFICIENCY. IF ANY DEFECTS ARE DISCOVERED INCLUDE FULLY FOR RECTIFYING AND LEAVING IN FULL WORKING ORDER.

DOWNLIGHTERS
PAY PARTICULAR ATTENTION TO MAIN NOTES 23-27. INCLUSIVE AND ALLOW FOR TAKING DOWN, CLEANING AND RE-FITTING IN FULL WORKING ORDER. ANY EXISTING LIGHT FITTINGS PROVIDE SCHEDULE OF ANY FITTINGS REQUIRING REPLACEMENT.

PLUMBING AND DRAINAGE
ALL WORK TO COMPLY WITH LATEST LEGISLATION RELATING TO PLUMBING TO BE CHECKED AND ALL WORK TO BE INSTALLED FOR AND CHECK THE ADEQUACY OF GAS AND WATER SUPPLIES TO MEET ALL PRESENT REQUIREMENTS.

ELECTRICAL WORK
ALL NEW AND EXISTING INSTALLATIONS TO COMPLY TO FULL WITH LATEST IEE REGULATIONS AND ANY OTHER P.E.E. OR LOCAL AUTHORITY REQUIREMENTS. CONTRACTOR MUST CHECK ALL EXISTING AND PROVIDE FULLY FOR BRINGING ALL WORK TO REQUIRED STANDARD.

VENTILATION
Natural ventilation is to be mechanically tested to allow 3 air changes per hour.

SOUND INSULATION
To be provided to Reg 11.

- GENERAL
- Contractor responsible for complying with all relevant current Building Regulations, C of P, BS etc, and check that Building Control and Environment Health Departments are satisfied with the work and content of all work completed and obtain any necessary certificates.
- Walls, roof spaces etc., to be protected with any necessary fire stops, and cavity barriers to D.P.G. Appendix C.
- All false-work items to be securely fixed by main Contractor unless otherwise stated and signed to writing.
- All Contractors direct or through Contract to be fully responsible for visiting Sites to check for all work during the work and check that all work is done in accordance with the contract and the contract documents and the contract documents and the contract documents.
- Drawings are not to be used as part or substitute for a "Schedule of Conditions" or a "Statement of Work".
- BUILDING
- Structural Work to conform to BS 5950 and to be agreed to at least 1 hour fire protection in accordance with schedule B112.
- Flat Slabs to be 150mm thick (400/100/215 unless noted otherwise).
- Minimum bearing for Structural Steel to be 100mm.
- Reinforced Concrete to be in accordance with BS 8110.
- Timber to be in accordance with BS 5268 Part 2.
- Check that all ceilings / floors comply with Fire Resistance requirements and undertake / provide adequate fire for all work and finishing required.
- FIRE
- Means of Escape in Case of Fire to Reg 11 and to the satisfaction of the Local Authority and the Fire Prevention Officer.
- Emergency Light System to be installed to CP 5259 Part 1.
- Fire Alarm System to be installed to CP 5259 Part 1. Latest Edition, with Audible Alarm throughout the premises.
- Unprotected firework should satisfy as a minimum standard Ignition Source 0 (Ignition test) and Ignition Source 2 (under test) of BS 5833 1996.
- All doors, frames, glazing and blinds to be fitted with BS 5311 (FSF) fire rated method in accordance with BS 5770 1959 and in conjunction with BS 1378 1976 and BS 1378 Part 2 1980 Type II test. D.D.S. P.S.A. specification 7 using source 5.
- M.S. Suppliers/Contractor to check and be responsible for meeting any Local or Particular requirements in cases of these standards.
- All doors (unless specified differently on Drawings) to be fitted with fire resisting type (D17) with frames of metal and glazing. Door frames to have 25mm fire check strips to BS 476. Comply with BS 476 and BS 476 Part 2.
- All Fire Exit signs with directional arrows to have green background with white lettering 12mm high to BS 5221.
- Fire Doors to be marked "FIRE DOOR KEEP SHUT".
- Fire safety related signs and notices are to conform to British Standard BS 5499, Part 1.
- Wall and Ceiling finishes to Drying Areas to be Class 1. Wall and Ceiling finishes to Entrance Halls, Staircases to be Class 0. Wall finishes to small rooms (max 20sqm) to be Class 2. M.S. Main Contractor to be responsible for ensuring that any specialist finishes meet the requirements with using required and obtain written evidence of compliance.
- PLUMBING AND DRAINAGE
- All work to comply with latest legislation relating to plumbing to be checked and all work to be installed for and check the adequacy of gas and water supplies to meet all present requirements.
- Prior to proceeding with drainage work, check invert levels and position of existing drains, sewers and inspection chambers with site and drawings.
- Sanitary fixtures to conform to BS 6461.
- All traps to comply, lav basins to have 75mm trap and trap siphon for overflow water to be supplied in all sinks and lav basins.
- All changes of plumbing to be checked and fully tested and left in position for 48 hours.
- ELECTRICAL WORK
- All new and existing installations to comply to full with latest IEE Regulations and any other P.E.E. or Local Authority requirements. Contractor must check all existing and provide fully for bringing all work to required standard.
- All new circuits to be drawn and agreed with Design.
- All wires to be hidden (trunk or similar non doorwork).
- All wires to be protected / guarded as required by legislation by Design.
- All lighting signs, special effects lighting etc., to comply to full with IEE Regulations and any specified Local Authority, P.E.E. requirements and together to comply with work.
- VENTILATION
- Natural ventilation is to be mechanically tested to allow 3 air changes per hour.
- Ventilation to comply to full with BS 5499 AD F1 in all areas, check that all windows, doors and doors have the required fire/ventilation even if they are existing rooms.
- SOUND INSULATION
- To be provided to Reg 11.

A.	ADD DJ BATH, SOUND TO LIGHT AND MONITORS	1/6/03
Issue	revision	date

BLUEPRINT
INTERIOR DESIGN ASSOCIATES LIMITED

post office chamber
st nicholas street
newcastle upon tyne
ne1 6 6b

TEL: 091 232 3289 FAX: 091 232 3325

project **THE WHITE HART**

title **FIRST FLOOR PLAN**

client **VAUX INNS**

date Feb 93 scale 1:100 drawn by P.H.

drawing no 1982 103 1000

Agenda page 66

a item 4

Legal Services

Please ask for: Elizabeth Riley
Direct Dial: 01257 515164
E-mail address: elizabeth.riley@chorley.gov.uk

Your ref:

Our ref:

Date: 4 October, 2005

Chorley
Borough Council

Civic Offices
Union Street
Chorley
PR7 1AL
DX: 18411 Chorley
Facsimile: 01257 515197
www.chorley.gov.uk

Mr P F Mulhearn
40 Southport Road
Chorley
Lancashire
PR7 1LE

Dear Mr P F Mulhearn

Personal Alcohol Licence**PA0271**

Commences: 4 October, 2005

Expires: 3 October, 2015

Thank you for your recent application for a Personal Licence under s117 of the 2003 Act made by the holder of a Justices' Licence during the transitional period.

The Council has determined to grant the application and your certificate and a badge will be sent out in due course.

Please note if you provided us with your original licence this is hereby returned.

If you need any further information please do not hesitate to contact me.

Yours sincerely

Elizabeth Riley
Administrative Assistant

Licence Printed

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Application for the review of a premises licence 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

Postal address of premises or, if none, ordnance survey map reference or description The White Hart Mealhouse Lane	
Post town Chorley	Post code (if known) PR7 1DZ

Name of premises licence holder or club holding club premises certificate (if known) Paul Francis Mulhearn

Number of premises licence or club premises certificate (if known) PL(A) 0268
--

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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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 and Local Authority have liased with the premises licence holder and agreed to certain amendments to the conditions of the licence, however the terms of the agreement have not been maintained by the Premises Licence Holder.
 The police therefore feel they have no alternative other than to apply for a review of the premises licence to have the agreed conditions placed onto the licence.
 the police would also raside concerns re the ability of the DPS to manage the premises and would also ask for consideration of the removal of the current DPS.

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

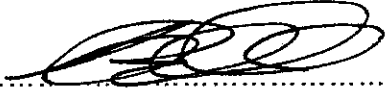
Please tick yes

- 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 6th September 2010

Capacity

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

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.

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

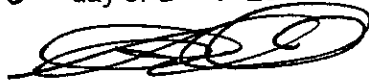
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Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of **9** 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 **6th** day of **Sept 2010**.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 White Hart are licensed premises situated on Mealhouse Lane, Chorley, the Premises Licence Holder is a Paul Mulhearn who is also the Designated Premises Supervisor.
5. These premises are authorised for a number of licensable activities and are authorised for the provision of alcohol, both on and off the premises till 02.00 hrs Monday to Sunday.

Signature



Signature witnessed by

6. The premises opening times are till 02.30 hrs Monday to Sunday.
7. These premises have always been a busy premises especially with regards the screening of football matches, which when shown attract a large number of customers.
8. One of the main attractions for customers is the large outside area to the front of the premises where customers will tend to congregate at all times of day and night, this is therefore always an area for potential disorder due to the close proximity of persons in the area.
9. Due to the open nature of this area it is easy for persons passing by to interact with customers drinking in this area which can result in fights and disorder.
10. The premises utilises security staff provided by National Security which are usually used on a Friday and Saturday nights.
11. Since the beginning of the year the premises has been coming to notice with regards information that certain individuals who are suspected of using/supplying drugs are frequenting the premises.
12. There have also been reports of disorder and assaults taking place at the premises many of these incidents involve drunken customers and it is the belief that staff are serving persons who are drunk and not exercising their responsibilities in this regard.

Signature



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13. In April this year, in anticipation of the World Cup, I sent a letter to all licensed premises within Southern Division outlining the recommendations and provisions that they should consider implementing at their premises to prevent crime and disorder.
14. A copy of this letter would have been sent to the White Hart and a copy is attached Exhibit Ref AJB 1506/1.
15. On Saturday 12th June 2010, the day of the first England Game versus USA there appeared to be no real problems in the town however at 22.50 hrs there was a call from CCTV to say there was a problem at the White Hart.
16. I attended this incident in company with other officers where one male was arrested for being drunk and disorderly.
17. I have obtained CCTV footage of this incident which is produced Exhibit Ref AJB1506/2
18. On Friday 18th June 2010, the second England game versus Algeria, there were again no real problems, however I was later informed by Sergeant Ginn who was on duty that evening that he had visited the White Hart and was concerned by what he perceived was the apparent lack of management and failure to put in place the measures recommended by the letter.

Signature



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19. I was also made aware of an incident in the early hours of Saturday 19th June where there was a report of a large scale disturbance outside the premises.

20. I have obtained a copy of the CCTV footage which is produced Exhibit Ref AJB1506/3

21. On Wednesday 23rd June 2010, the final England game versus Slovenia, the White Hart was very busy with customers drinking outside prior to the 3pm kick off time.

22. Checks were made at all licensed premises in the town and at 17.05 hrs there was estimated a reported around 100 people outside the White Hart a further call some 3 minutes later highlighted rowdy and inconsiderate behaviour outside the premises with an estimated number of 150 persons outside.

23. I attended the premises at this time and had to speak to an individual outside the premises who tried to throw his beer over me, he was given words of advice, however it later transpired that this male was someone banned by Chorley Pubwatch and was clearly drunk.

24. At 1805 hrs the same date there was a report from a concerned female that there were drunks in the middle of the road outside the pub jumping in front of traffic, this was closely followed by a report of five males fighting outside.

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25. This was resolved by the police and was found to be an argument between a group of friends which resulted in a 16 yr old with a bloody nose, this lad was drunk and eventually taken to hospital.

26. At 20.24 hrs, due to the large number of drunken persons at the premises the Police approached Paul Mulhearn and requested that he stop serving any more alcohol to give the customers time to disperse which he did, this resolved the problems at the premises.

27. I have obtained CCTV footage of this incident which is produced Exhibit Ref AJB1506/4.

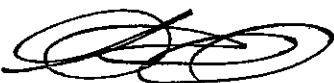
28. Due to these issues it was my intention to speak with Paul Mulhearn, however the following day he contacted me and attended the police station where I spoke to him with PS Ginn.

29. At this meeting we initially discussed the concerns raised by PS Ginn with regards the fact that Paul was not on the premises when they were visited before kick off and that members of staff did not seem to know who was in charge, whether any doorstaff were coming on or even whether they were showing the football.

30. The Sergeant was informed that Paul had just nipped out.

31. The sergeant returned an hour later whilst the match was in progress and again Paul wasn't there however his daughter Hayley was identified as being in charge.

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32. There was concern that the pub was full of customers but there were no doorstaff on duty and Hayley was not aware if any were coming on, as a result Paul was contacted and attended and spoke to the Sergeant who raised concerns re the management of the premises.

33. I also raised concerns that there was information indicating both customers and staff were using drugs, and that Pubwatch Banned Persons were drinking on the premises, lack of control over how much customers were drinking, lack of glass collecting and the fact that we had to request he close his premises to regain control.

34. Paul apologised for the situation and admitted that it had been a bad judgement call on the day.

35. I informed him that this was of major concern and as such the premises would be graded to RED on the Rag system and that I would look for a multi agency meeting to see what support we could offer to improve the management of the premises.

36. It was also highlighted that the CCTV system at the premises did not seem fit for purpose and I requested the Architectural Liaison officer conduct a visit to the premises to review the system and suggest upgrades to the system.

37. On Wednesday 30th June 2010 I attended the White Hart for a pre arranged meeting with Paul Mulhearn, also present was Steve Culleton from Chorley Borough Council and Mark Waywell the manager of National Security.

Signature



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38. It was pointed out that this meeting was necessary as the current licence and conditions was not fit for purpose and we needed to agree some conditions to assist in managing the premises.

39. It was also highlighted that the main focus of problems seemed to be the filling of customers full of alcohol and lack of control of the outside area and that we would consider the restriction of persons taking drinks outside if necessary.

40. It was recommended that he should install a barrier to cordon off the area and fill the area with seating to discourage customers standing in this area.

41. It was also highlighted that the premises was basically operating as a nightclub but there were no such conditions in place to demonstrate this.

42. At the conclusion it was pointed out that there needed to be an amendment to the licence with a new set of conditions being proposed, this was agreed by Paul and he was given the option of volunteering the variation or we would do it under review.

43. Paul agreed to do this by variation, adopt the recommendations re the CCTV and look at a substantial barrier to put around the outside area of the pub to make management of the area easier.

44. It was agreed that I would draft some conditions for him and we would look at a further meeting on 14th July to discuss them, in the meantime Paul agreed to seek advice and costings for cordoning off the area.

Signature



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45. On Wednesday 14th July we met again with the same persons present, where I presented Paul with the list of conditions, he agreed with most of them and we agreed to amend a couple, I then stated I would send him a final copy for his application.

46. Paul at this time had sought some quotes for the cordon but had not made any further moves to progress this.

47. It was agreed by Paul that we would, at his request, give him 4 weeks to submit a draft variation application, and that would be followed by a full variation application by mid September.

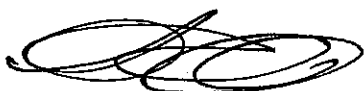
48. Paul was advised that if this didn't happen we would view this as him failing to engage so we would then seek to have the conditions imposed on the licence by the Licensing Committee at a review hearing.

49. A copy of the final draft conditions is attached Exhibit ref AJB1506/5 and the recommendations re the CCTV are attached Exhibit Ref AJB1506/6.

50. At 23.50 hrs on Saturday 7th August 2010 I was on duty in Chorley Town Centre when I attended the White Hart re a disturbance, as a result I had to speak to a drunken male and advise him to leave.

51. I remained outside the premises and observed this male return a short time later and throw a punch at another male stood outside the premises, I detained this male

Signature



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and it was evident that having no barrier around the drinking area made it easy for this incident to occur.

52. I obtained CCTV footage of this incident which is produced Exhibit Ref AJB1506/7.

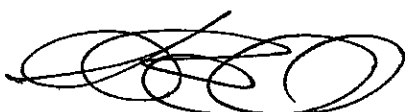
53. From the evidence gained it is clear that there is no formal control of the outside area of the premises and although we have requested a substantial barrier to cordon off the area it is questionable as to whether this will achieve the desired effect.

54. As of Monday 6th September 2010 I have had no contact from Paul Mulhearn and have not had sight of any application as agreed.

55. I therefore have no other option but to submit a review of the premises licence requesting that the conditions as outlined are attached to the licence as well as any additional conditions the committee may feel necessary.

56. I would also ask for consideration of the removal of Paul Mulhearn as DPS as it appears he is unable to manage the premises and has failed to engage with the authorities as discussed.

Signature



Signature witnessed by

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Exhibit Ref

AJB1506/1



**Lancashire
Constabulary**

police and communities together

Licensing Unit, Chorley Police Station, St Thomas Road, Chorley, PR7 1DR
Tel no 01257 246215
Fax No 01257 246217
E Mail southern-licensing@lancashire.pnn.police.uk

April 2010

Dear Designated Premises Supervisor

Re: WORLD CUP 2010

As you will no doubt be aware the World Cup kicks off on Friday 11th June 2010, in South Africa attracting great interest across the UK.

We anticipate that many premises will be showing the World Cup games and will be having significant promotional activity based round the event. The matches that will be the highlight of this will of course be the England matches scheduled to be played on:

- **Saturday 12th June versus USA, (kick off 19:30 BST)**
- **Friday 18th June versus Algeria, (kick off 19:30 BST)**
- **Wednesday 23rd June versus Slovenia, (kick off 15:00 BST)**

We also expect large numbers to want to view the England matches should they progress to the knockout phase of the competition.

Experience has shown that these occasions, unless very carefully managed can get out of hand quickly, with large-scale drunkenness, disorder, violence, and damage to property ensuing. This risk is likely to increase with the possibility of good weather, and the timings of some of the matches.

In order to ensure that the Southern Division of Lancashire Constabulary does not experience any problems of this nature, I would urge you act upon the contents of this letter and work together with Lancashire Constabulary and Southern Division Licensing Unit so that this period passes off peacefully and successfully with the minimum of disruption to the population of the division.

I have written to you as you run a business concerned with the supply of alcohol and, as such, it is likely that you will be visited by football supporters during the period of the world cup and may be thinking of having events and promotions to support it.

Please read and consider the points below, review your security arrangements, and then do not hesitate to contact the Licensing Unit office at Chorley Police Station for help and advice at any time. The telephone number can be found both at the top and at the end of this letter.

Please consider the following issues prior to the 12th June 2010;

1. Review the security procedures of your venue to ensure that you have sufficient staff present to maintain order within your premises at all times. If you do use or are thinking of using Door Supervisors, carefully consider the starting times for them to ensure that they are on duty for the duration of high profile matches or any support events your premises are planning.
2. Restrict the availability of glass by decanting all drinks at point of sale into plastic containers.
3. We would ask you actively prevent ANY drink from being taken outside even for consumption within the boundary of your premises or allow the highway outside to become obstructed by customers.
4. Ensure that you have strict policies in place to prevent alcohol being sold or consumed by under 18s
5. If used please ensure that your radio link system is in operation and working correctly to ensure a prompt response to any problems, which may develop.
6. Ensure that the internal C.C.T.V. system is **fully operative** and is **recording** throughout the day.
7. If you use any street furniture outside the front door of your venue on these days ensure that they are constantly supervised, no glass is allowed, numbers strictly monitored and no drunkenness permitted.
8. Employ a strict policy with regard to entry and the carrying alcohol into or from your premises. Ensure the numbers of persons inside your venue is monitored to prevent overcrowding.
10. Consider employing extra numbers of bar staff and glass collectors. Utilise these staff to ensure that levels of alcohol consumption remains below the level of drunkenness.
11. Carry out an internal 'risk assessment' and consider removing any items of internal furniture, fittings and ornaments which may be misused or damaged in the event of disorder.
12. Do NOT engage in any inappropriate promotional activity, which may be considered to promote drunkenness or give away free or excessively cheap alcoholic drinks. As you will be aware as of 6th April 2010 this is now a mandatory condition on your licence and as such breach of this would make your provision of licensable activities unlawful. Officers will be monitoring this.

We would like to reassure you that a uniformed Police operation will be employed in each area of the division throughout the World Cup and will be conducting formal visits to licensed premises during the same period.

In order for the police to enhance support for licensed premises we will be monitoring all sources of intelligence to try and identify any potential problem groups or activity. If any of this activity is targeted towards any licensed premises we will endeavour to give early warning to the premises concerned.

Likewise should you or any of your staff become aware of such information it is imperative that this be passed to the any police officer or failing that to the licensing unit so action can be taken to prevent disorder. Examples of the type of information that would be of interest are;

- Where known troublemakers may be meeting to watch the games
- Any potential conflict between rival supporters of English clubs
- Any information to identify if there is to be arranged disorder and who where and when it is to occur
- Any immediate problems that may be identified as taking place in your premises

Although we will endeavour to provide you with all the support and assistance we can, I must remind you that the management of licensed premises remains the responsibility of the Designated Premises Supervisor.

Therefore, if it is considered that you have not done all that might reasonably be expected to prevent problems occurring, the Police Commander on the day will give serious consideration to issuing closure orders under Section 161 of the Licensing Act 2003 and taking any further action that is thought necessary.

I would also remind you to be aware of any conditions attached to your licence and ensure that they are all complied with as failure to do this could render the provision of licensable activities unlawful and leave you liable to further action.

Could I also ask you to make contact with the licensing unit to inform them if you are planning any special activity around the World Cup to we can ensure we have a comprehensive picture of what is occurring in licensed premises.

Your co-operation and professionalism will be integral to this being a profitable period for your business and a peaceful period for the Southern Division of Lancashire Constabulary.

We look forward to working with you in partnership during this event and I would like to thank you in advance for your assistance.

If you require any further information or advice please contact the **Licensing Unit** On **01257 246215** or **01257 246227**. Thank you for your co-operation.

Yours faithfully,



PS Tony Bushell
Licensing Manager
Southern Division

Exhibit Ref

AJB1506/5

**The White Hart
Premises Licence Recommended Conditions**

This document provides a comprehensive review of the conditions attached to the Premises Licence of The White Hart Pub, Meathouse Lane, Chorley. These recommendations result from a meeting with the Premises Licence Holder where issues surrounding the management of the premises were discussed. The police feel that the current licence conditions are not fit for purpose and do not demonstrate the effective promotion of the licensing objectives. The recommended conditions will be addressed under the licensing objectives in a table format below, which will outline the condition and the rationale behind it.

Annex 1 – Mandatory Conditions

These will remain as per the licence.

Annex 2 – Conditions Consistent with the Operating Schedule

All the existing conditions should be removed and replaced with conditions as outlined below.

A) General

None

B) Prevention of Crime and Disorder

CD	Condition	Reason	Comment
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.	There has been an issue raised regarding the CCTV system by the police and although there is a system in place it's management and operation is not catered for in the licence.	

CD	Condition	Reason	Comment
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 of evidence	
3	The use of door supervisors at the premises shall be determined by a written risk assessment agreed between the DPS and security provider which will use the ratio of 1 door supervisor per 75 customers.	Door supervisors are required to ensure order is kept at the premises	
4	Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request.		
5	Any outside area used for the consumption of alcohol shall have a substantial barrier around it, the design and construction of which shall be to the satisfaction of the relevant responsible authorities	The outside area has been identified as a problem and difficult to manage. This area tends to be the focus of rowdy activity due to congregation of persons in the area	

CD	Condition	Reason	Comment
6	Customers using the outside area will be prohibited from taking glasses and bottles out of the premises and any drink consumed in this area will be in plastic/polycarbonate glasses	There is an issue with broken glass and bottles in the area this will also make identification of bottles and glasses being brought from other premises easier	
7	Door supervisors, when used, will prevent customers leaving the premises with glasses and bottles	This will prevent these items being left in the town where they could be used as weapons	
8	The premises will have a written drugs policy to the satisfaction of the police that will include a search policy and all staff will have a working knowledge of it.	There is intelligence that indicates drug use is occurring in the premises	
9	All staff will receive ongoing training in Drugs Awareness, 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	
10	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 And that a search policy as condition of entrance operates at the premises	As above	

CD	Condition	Reason	Comment
11	The premises will be an active member of the local Pubwatch scheme, where one exists, and shall abide by its rules and constitution	Membership of such a scheme will assist in the preventing of crime and disorder.	
12	The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority	Best practice	
13	The DPS will have a written policy in relation to drunkenness to the satisfaction of the police and all staff will be subjected to ongoing training in respect of its contents. This training will be recorded and copies of these records will be made available on request to any responsible authority.	It is evident that on occasions customers have been allowed to consume excess alcohol which has resulted in disorderly behaviour.	

PPN	Condition	Reason	Comment
14	All rear exit doors at the premises shall be fitted with an alarm attached to a panel which will indicate if any of these doors are opened and will be in operation at any time licensable activities are provided at the premises		

C) Prevention of Public Nuisance

PPN	Condition	Reason	Comment
1	All music played in any outside area shall be at background level	Prevent the congregation of persons outside	

D) Protection of Children from Harm

PCH	Condition	Reason	Comment
1	The Premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport.	Ensure staff are confident and vigilant with regards under aged persons attempting to purchase alcohol	

PCH	Condition	Reason	Comment
2	Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.	As Above	

PCH	Condition	Reason	Comment
3	All staff will be subject to ongoing training in relation to age related sales. This training will be recorded and made available, on request to any responsible authority.	As Above	

D) Public Safety

PS	Condition	Reason	Comment
1	All fire doors will be effectively self-closing and shall not be held open other than by approved devices.	Best Practice	
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.	Best Practice	

Exhibit Ref

AJB1506/6

Bushell, Anthony

From: Burke, Terry
Sent: 01 July 2010 13:58
To: Bushell, Anthony
Cc: McMiken, Alistair; 'stephen.cullerton@chorley.gov.uk'
Subject: CCTV White Hart
Importance: High

Dear PS Bushell,

I attended the White Hart Public House at 0930 hrs Wednesday 30th June 2010, to evaluate if the cctv system was fit for purpose. The licensee Mr Paul Mulhearn, took me to an upstairs locked room and showed me the cctv hard drive and black and white monitor.

Mr Mulhearn informed me that it was a digital system, five years old, with seven black and white cameras all located at different points within the building.

The system is capable of accommodating a total of nine cameras. Having viewed the images of all seven cameras I am satisfied that the system is not fit for purpose due to cameras being badly focused (not target specific), cameras affected by sunlight and night time images on the upper floor almost non existent.

Mr Mulhearn was of the opinion that the local authority cctv camera located on a pole was sufficient for the outside security of the public house. It was pointed out to him that it was not for the exclusive use of the public house area. In any event I visited the cctv control room in Chorley police station and saw that the camera in question is not capable of viewing the front door of the public house due to a blind spot caused by the angle of the building line.

Recommendations:

- **Additional** colour day/night capability camera fitted to the outside of the building coving the front entrance to give clear head and shoulder images.
- Camera One, to be re-focused to give clear head and shoulder shots of persons entering via the main entrance door.
- Camera Two to be refocused to deal with sunlight affecting the images, if not possible be replaced with a day/night capability colour camera. An **additional** colour camera with day night capability fitted to give clear head and shoulder images of persons entering the premises via the rear entrance.
- Cameras Three and Four affected by bright light if possible to be re focused and again if not possible to be replaced with cameras as specified above.
- Camera five to be refocused images very dark, if not possible to be replaced as previously described.
- Camera Six is OK.
- Camera Seven is not fit for purpose as night time images are next to non existent, the camera to be replaced with a low light night/day capability camera.

I informed Mr Mulhearn that you would forward to him details of my recommendations that you would require him to implement.

I trust this report is of assistance should you wish to discuss any of the content in more detail do not hesitate to contact me.

Regards

01/07/2010

Terry Burke

Architectural Design and Crime Reduction Advisor
Chorley Police
Tel: 01257 515333

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Council

Rated "Excellent" - aiming higher

Our Ref SACJIV/WHITEHAR
Your Ref:

Date: 16th June 2010

Mr P Mulhearn
The White ~~Heart~~ *Hart*.
Mealhouse lane
Chorley
PR6 1DZ



Dear Mr Mulhearn

LICENSING ACT 2003

The Councils Public Protection Team in partnership with Lancashire Police, are endeavouring to meet with all the Town Centre Licensees with a view to discussing their role in ensuring that Chorley Town Centre is a safe place to Work and Visit particularly within the night time economy.

We would like to meet with you at your premises on Wednesday 30th June 2010 at 10.00pm. The purpose of the meeting is to take a proactive look at your Premises License operating schedule and any conditions attached to it, any regulated entertainment you provide and control measures employed, with a view to share best practice with you and other licensed premises throughout the borough.

In order that the meeting can progress in a meaningful manner would you please provide any supporting documents that may or may not be linked to your premises licence, or that would otherwise indicate and promote best practice. This may include; A refusals register, search register, door staff register, incident book, day book, Admissions / Drugs policy, or any other documents or processes you think may be useful, you may also consider inviting your head doorman and senior members of staff (where appropriate) to the meeting.

Would you please confirm this appointment with me by calling 01257 515151, alternatively you may e-mail me on, stephen.culleton@chorley.gov.uk

Yours sincerely

Stephen Culleton

email: stephen.culleton@chorley.gov.uk
Tel: (01257) 515151



2008-2009
*Transforming Services:
Citizen Engagement
and Empowerment*



2009-2010
Cohesive and resilient communities



2009-2010
Better outcomes for people and places

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White Hart



Date: 06/10/2010

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