

Licensing Act 2003 Sub-Committee

Thursday, 13th May 2021, 2.00 pm

Call in (audio only) +44 20 3321 5257 Conference ID: 118 013 593#

Agenda

Apologies

1 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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.

2 **Procedure**

(Pages 3 - 4)

General procedure points and hearing procedure for the meeting.

3 **Hearing To Consider Summary Review and Relevant Representations for Bretherton Arms 252 Eaves Lane**

(Pages 5 - 60)

4 **Any urgent business previously agreed with the Chair**

Gary Hall
Chief Executive

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**Licensing Act 2003 Sub-Committee
Hearing Procedure
Review of Club Premises Certificate/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. Sub-Committee to decide whether to allow person specified on Regulation 8 Notice permission to speak**
 - Members should note that permission should not be unduly withheld

- 3. Licensing Officer outlines the application and relevant representations**

- 4. Questions to the Licensing Officer for clarification from:**
 - Sub-Committee
 - The Applicant and/or Legal Representative
 - Responsible Authorities/Other Persons
 - The Licence Holder

- 5. The Applicant for the review and/or legal representative makes representations regarding their application**

- 6. Questions to the Applicant for the Review and/or Legal Representative from:**
 - Sub-Committee
 - Responsible Authorities/Other Persons
 - The Licence Holder

- 6. Representations from Responsible Authorities**

- 7. Questions to Responsible Authorities from:**
 - Sub-Committee
 - The Applicant and/or Legal Representative
 - Other Persons
 - The Licence Holder

- 8. Representations from Other Persons**

9. Questions to Other Persons from:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities
- The Licence Holder

10. Representation from Licence Holder**11. Questions to Licence Holder from:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons

12. Applicant invited to briefly summarise (if they wish)**13. Responsible Authorities invited to briefly summarise (if they wish)****14. Other Persons invited to briefly summarise (if they wish)****15. Licence Holder invited to summarise (if they wish)****16. Decision Making**

All parties retire whilst Sub-Committee makes decision

17. Notice of Decision

Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Director Development and Planning	Licensing Act Sub Committee	13 May 2021

Confidential report	Yes	No
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HEARING TO CONSIDER APPLICATION FOR SUMMARY REVIEW AND ANY RELEVANT REPRESENTATIONS

Premises:	Bretherton Arms 252 Eaves Lane Chorley	Ward:	Chorley East
Premises Licence Holder:	Star Pubs and Bars Limited		
Designated Premises Supervisor:	Ms Nicola Steele		

REASON FOR REFERRAL

- To advise members that an application for summary review of a premises licence has been received.
- To request that members determine what steps (if any) are appropriate for the promotion of the licensing objectives.
- To request that members review the interim steps taken on 21st April 2021 and determine whether they remain appropriate for the promotion of the licensing objectives.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

LICENSING OBJECTIVES

- Members are reminded of the Licensing Objectives, as follows:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

6. Members are reminded that the duty of the licensing authority is to take steps appropriate to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

LEGAL CONSIDERATIONS

7. Members must have regard to the following:
 - The Guidance issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy effective from 2016.
 - The Licensing Act 2003.

INTRODUCTION

8. Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder or both. The summary review process allows for interim steps to be quickly taken and a “fast-track” licence review to be carried out
9. On application for a summary review, the Authority must determine, within 48 hours, whether it is necessary to take interim steps. Following this, the licence holder may make representations against these interim steps and, within 48 hours of receipt of these representations, the Authority must hold a hearing to consider whether to modify or withdraw the interim steps.
10. Further, the application and certificate are sent to the Responsible Authorities and a notice published at the premises and the principal offices of the Council, beginning the 10-working day consultation period. The application is also advertised on the Council's website.
11. Section 53C of the Licensing Act 2003, requires that the licensing authority hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
12. At the review under Section 53C, the authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives to remain in place, or if they should be modified or withdrawn.

CURRENT PREMISES LICENCE

13. A copy of the premises licence is appended at Appendix 1.
14. At the time the application for review was made, the premises licence holder is Star Pubs and Bars Limited.
15. The designated premises supervisor is Ms Nicola Steele, who has held the position since 25th September 2020.
16. The licence currently authorises the following licensable activities:

Licensable Activity	Days	Permitted Hours
Performance of Live Music	Wednesday Friday- Saturday Sunday	19:00-23:30 19:00-00:00 19:00-23:00
Playing of Recorded Music	Monday- Thursday Friday- Saturday Sunday	11:00-23:00 11:00-23:00 12:00-22:30
Performance of Dance	Monday- Thursday Friday- Saturday Sunday	11:00-23:00 11:00-23:00 12:00-22:30

Other entertainment	Monday- Thursday Friday- Saturday Sunday	11:00-23:00 11:00-23:00 12:00-22:30
Late Night Refreshment	Monday-Thursday	23:00-23:30
Sale by retail of Alcohol	Monday- Thursday Friday- Saturday Sunday	11:00-00:00 11:00-00:30 12:00-00:00

THE APPLICATION

17. On 19th April 2021, an application was made by Lancashire Police under Section 53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Bretherton Arms, 252 Eaves Lane, Chorley, in the Chorley East ward of Chorley. A location map of the premises is appended at [Appendix 2](#).
18. A copy of the application and certificate is appended at [Appendix 3](#). The grounds for the review are that, in the opinion of a senior police officer, the premises is associated with serious crime.

HISTORY OF BRETHERTON ARMS PREMISES

19. On Friday 16th September 2020 Lancashire Police under Section 53A of the Licensing Act 2003 submitted an Application for a Summary Review of the Premises Licence for the Bretherton Arms. The grounds being the premises is associated with serious crime.
20. An Interim Steps Hearing took place on the 18th September 2020, the decision was made to suspend the premises licence with immediate effect. Hearing Decision Notice is provided at [Appendix 4](#).
21. On the 24th September 2020 the premises licence holder made representations against the interim steps. [See Appendix 6](#).
22. On the 25th September 2020 a hearing was held and the committee decided to modify the interim steps taken. See Decision Notice at [Appendix 7](#).
23. On the 13th October 2020 a Review Hearing was held, committee modified the conditions of the premises licence and added additional conditions. See Premises Licence at [Appendix 1](#).

INTERIM STEPS PENDING THE REVIEW

24. On 21st April 2021, a hearing was held to consider whether to take interim steps. The decision was made to suspend the premises licence with immediate effect.
25. On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

RELEVANT REPRESENTATIONS

26. Representations may be made by any person or responsible authority during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
28. On 28th May 2021, a representation was received on behalf of the Licensing Authority from Nathan Howson, an Enforcement Team Leader, relating to The Prevention of Crime and Disorder objective. A copy of the representation is appended at [Appendix 8 and 8a](#).

29. On 29th May 2021, a representation was received from Paul Lee, an Environmental Health Officer, relating to the Prevention of Crime and Disorder objectives. A copy of the representation is appended at [Appendix 9](#)

IMPLICATIONS OF REPORT

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

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

31. No comments

COMMENTS OF THE MONITORING OFFICER

32. The premises licence holder may appeal to the magistrates' court within 21 days of notice of the decision against any adverse decision. The police and responsible authorities who have made representations may also appeal. The effect of the decision is stayed for 21 days and also if an appeal is lodged until the magistrates' court determines the appeal.

Paragraph 11.24 of the section 182 national Guidance states that the licensing authority's role in a review when considering allegations of crime is not to establish guilt or innocence but to promote the licensing objectives. Paragraph 11.25 states that there is no reason why representations giving rise to a review need be delayed pending the outcome of any criminal proceedings (in relation for example to any breach of the coronavirus regulations).

Members must consider the Human Rights Act 1998, in particular the right to a fair hearing and protection of property.

Members may take into account the summary review conducted by the Council of these premises in 2020.

CONCLUSIONS

33. A licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives.
34. In considering the matter, the sub-committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's Statement of Licensing Policy.
35. The Committee must:
- Take such steps (if any) as mentioned in paragraph 36 as are appropriate for the promotion of the licensing objectives, taking into account any change in circumstance since any interim steps were imposed, any relevant representations, and
 - Review the interim steps taken and determine whether they remain appropriate for the promotion of the licensing objectives.
36. Those steps are:
- Modify the conditions of the premises licence,
 - Exclude a licensable activity from the scope of the licence,
 - Remove the designated premises supervisor from the licence,
 - Suspend the licence for a period not exceeding three months, or
 - Revoke the licence

- 37. The conditions of the licence, with the exception of the mandatory conditions in Annex 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities are authorised to be carried on. Modification of conditions or exclusion of a licensable activity can be indefinite or for a limited period.
- 38. It is important that a licensing authority give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could, in itself, give rise to grounds for an appeal.

Review of the Interim Steps

- 39. The Committee’s determination of the review does not have effect until the end of the 21-day period during which an appeal might be lodged or until the disposal of any appeal which is lodged.
- 40. To ensure that there are appropriate safeguards in place at all times, the licensing authority is required to review any interim steps which have been taken that are in place at the hearing. This is to be done immediately after the determination of the review under Section 53C. In reaching its decision, members must consider whether the interim steps are appropriate for the promotion of the licensing objectives, consider any relevant representations and determine whether to withdraw or modify the interim steps taken.
- 41. If the Committee is minded to modify the steps taken, it may:
 - Modify the conditions of the premises licence
 - Exclude the sale of alcohol by retail from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the premises licence.

Conditions are modified if any of them are altered or omitted or any new condition is added or the times during which alcohol is permitted to be sold is restricted.

Jonathon Noad
DIRECTOR OF DEVELOPMENT AND PLANNING

APPENDICES

Appendix	Description
Appendix 1	Copy of current Premises Licence
Appendix 2	Location Map
Appendix 3	Application and Certificate for Summary Review
Appendix 4	Representation against Interim Step 2020
Appendix 5	Decision notice following hearing to consider representations against interim step
Appendix 6	Representation against Interim Steps
Appendix 7	Decision Notice Reps Against Interim Steps
Appendix 8	Relevant Representation- Nathan Howson Enforcement Team Leader
Appendix 8a	Representation Summary of CCTV Nathan Howson
Appendix 9	Relevant Representation – Paul Lee Environmental Health Officer

BACKGROUND PAPERS

Document	Date	Place of Inspection
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The Council's Statement of Licensing Policy Secretary of State Section 182 Guidance	2016 - 2021 April 2018	The Council's Statement of Licensing Policy Secretary of State Section 182 Guidance
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Report Author	Ext	Date
Carl Gore	5726	26 th April 2021

Licensing Act 2003
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Part 1 – Premises Details

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

Bretherton Arms
 252 Eaves Lane Chorley PR6 0ET

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Other entertainment
- Entertainment Facilities - Making Music
- Entertainment Facilities - Dancing
- Entertainment Facilities - Similar Description
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Performance of Live Music (Indoors)	Wednesday 19:00 - 23:30 Sunday 19:00 - 23:00 Friday to Saturday 19:00 - 00:00
Performance of Recorded Music (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Performance of Dance (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00



Licensing Act 2003
Premises Licence PLA0289

	Friday to Saturday 11:00 - 23:00
Other entertainment (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00 Entertainment of a similar description to that falling within E, F, or G
Entertainment Facilities - Making Music (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Entertainment Facilities - Dancing (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Entertainment Facilities - Similar Description (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00 Provision of facilities for entertainment of a similar description to that falling within I or J
Late Night Refreshment (Indoors)	Monday to Thursday 23:00 - 23:30 Permitted New Year's Eve from 23.00 until 05.00 New Year's Day.
The sale by Retail of Alcohol (On and off the premises)	Sunday 12:00 - 00:00 Monday to Thursday 11:00 - 00:00 Friday to Saturday 11:00 - 00:30 11.00 to 01.00 on all bank or public holidays (including Christmas Eve, Boxing Day, Easter Monday and on any Sunday or Monday forming part of a Bank or Public holiday weekend. The sale of alcohol permitted on New Year's Eve from commencement of permitted hours until the commencement of the permitted hours on New Year's Day.

THE OPENING HOURS OF THE PREMISES

Sunday 12:00-01:00	
Monday to Thursday 11:00-01:00	
Friday to Saturday 11:00-02:00	

Licensing Act 2003
Premises Licence

PLA0289

Christmas Eve, Boxing day, Easter Monday and on Sunday and Monday forming part of a bank holiday and closing times for premises on these occasions will be 11.00 to 02.00. The opening hours permitted on New Year's Eve from commencement of permitted hours until the commencement of the permitted hours on New Year's Day.

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

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

Part 2

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

Star Pubs & Bars Limited

3-4 Broadway Park Edinburgh EH12 9JZ
Email address: nikki.rennie@flintbishop.co.uk
Telephone number: 01332226151

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

Star Pubs & Bars Limited

SC250925

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

Nicola Steele

83 Grasshopper Drive Warton Preston PR4 1ES

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 Number: 120595

Issuing Authority: Bolton Metropolitan Borough

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

MANDATORY DRINKS CODE

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



Licensing Act 2003 Premises Licence

PLA0289

does not hold a personal licence or his personal licence is suspended.

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

ALCOHOL PROMOTIONS

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective ;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

DISPENSING ALCOHOL

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

FREE TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either;

- (a) a holographic mark, or .
- (b) an ultraviolet feature. .



Licensing Act 2003
Premises Licence

PLA0289

ALCOHOL MEASURES

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

EXHIBITION OF FILMS

1a) The Premises licence holder shall ensure that the admission of children to the exhibition of any film shall be restricted in accordance with section 20 of the Licensing Act 2003(the Act)

1b) Unless section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification board specified in this licence

1c) Where section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the licensing authority

1d) Where no film classification board is specified in this licence admission of children to the exhibition of any film shall be restricted in accordance with any recommendation made by the licensing authority.

1e) For the purposes of this condition:-

"children" means persons aged under 18; and

"film classification board" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984

(authority to determine suitability of video works for classification)

DOOR SUPERVISORS

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

SCHEDULE Mandatory Licensing Condition

MINIMUM DRINKS PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a)"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a); .

(b)"permitted price" is the price found by applying the formula $P = D + (D \times V)$

where-

(i) P is the permitted price,



Licensing Act 2003
Premises Licence

PLA0289

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Note – Some conditions may apply to one or more of the objectives

General

NONE

Prevention of Crime and Disorder

No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises is open to the public.

A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.

Public Safety

All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices.



Licensing Act 2003 Premises Licence

PLA0289

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.

Prevention of Public Nuisance

A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

Protection of Children From Harm

No one under the age of 16 will be allowed to enter or remain on the premise after 21.00 save on Christmas Eve and New Year's Eve.

Persons who appear to be under the age of (18/21) years shall be required to produce proof of age by way of one of the following:

A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)

Photo driving licence

Passport

Citizen card supported by the Home Office

Official ID card issued by HM Forces or European Union bearing a photograph and birth of the holder.

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

Following a hearing of the Licensing Act 2003 Sub Committee on 13th October 2020, the following conditions were imposed:

Graham Moss shall have no involvement in the management of the premises, nor the carrying on of any licensable activities, nor be employed by the premises.

At least two SIA door staff shall be employed on a Friday and Saturday from 22:00, until the premises are cleared of customers or 01:00 (whichever is the later).

The premises shall operate and maintain a CCTV system covering the interior of the premises, the outside area, the bar, the rear car park and the smoking shelter which shall be in use at all times that licensable activities are taking place. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.

The CCTV system shall correctly time and date stamp recordings and retain said recordings for at least 28 days.

The Data Controller shall make footage available to a police officer or authorised officer of the Council, where such a request is made in accordance with the principles of the Data Protection Act 2018 or any subsequent legislation.

Appropriate signage shall be displayed advertising that CCTV is in operation.

Appropriate signage notifying customers that the rear area is not to be used after 10:30 pm shall be displayed in appropriately prominent positions in the premises.



Licensing Act 2003
Premises Licence

PLA0289

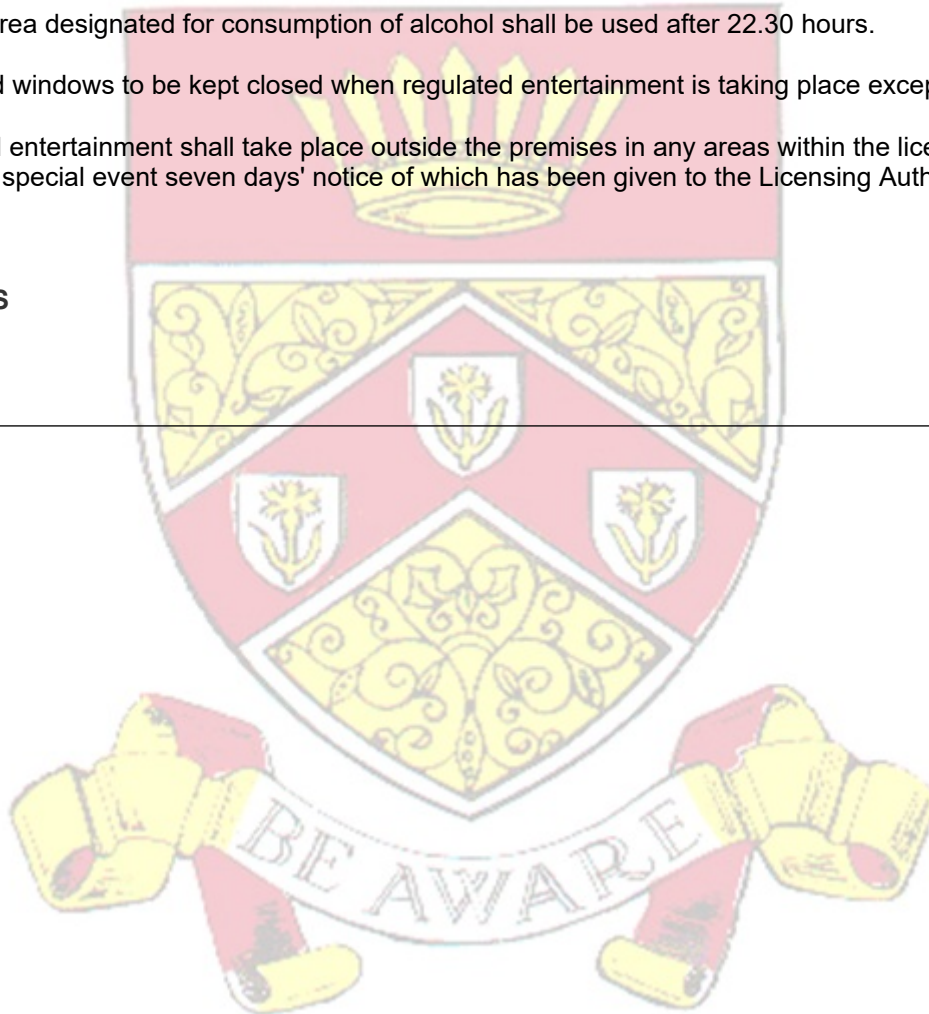
Following a hearing of the Statutory Licensing Sub Committee B on 17th October 2005, the following conditions were imposed:

No outside area designated for consumption of alcohol shall be used after 22.30 hours.

All doors and windows to be kept closed when regulated entertainment is taking place except in emergencies.

No regulated entertainment shall take place outside the premises in any areas within the licence holders control save for any special event seven days' notice of which has been given to the Licensing Authority and the Police.

ANNEX 4 – PLANS



Licensing Act 2003
Premises Licence PLA0289

Summary of Licence

Premises Details

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

Bretherton Arms
 252 Eaves Lane Chorley PR6 0ET

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Other entertainment
- Entertainment Facilities - Making Music
- Entertainment Facilities - Dancing
- Entertainment Facilities - Similar Desc
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Performance of Live Music (Indoors)	Wednesday 19:00 - 23:30
	Sunday 19:00 - 23:00
	Friday to Saturday 19:00 - 00:00
Performance of Recorded Music (Indoors)	Sunday 12:00 - 22:30
	Monday to Thursday 11:00 - 23:00
	Friday to Saturday 11:00 - 23:00

Licensing Act 2003
Premises Licence PLA0289

Performance of Dance (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Other entertainment (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00 Entertainment of a similar description to that falling within E, F, or G
Entertainment Facilities - Making Music (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Entertainment Facilities - Dancing (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00
Entertainment Facilities - Similar Description (Indoors)	Sunday 12:00 - 22:30 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 23:00 Provision of facilities for entertainment of a similar description to that falling within I or J
Late Night Refreshment (Indoors)	Monday to Thursday 23:00 - 23:30 Permitted New Year's Eve from 23.00 until 05.00 New Year's Day.
The sale by Retail of Alcohol (On and off the premises)	Sunday 12:00 - 00:00 Monday to Thursday 11:00 - 00:00 Friday to Saturday 11:00 - 00:30 11.00 to 01.00 on all bank or public holidays (including Christmas Eve, Boxing Day, Easter Monday and on any Sunday or Monday forming part of a Bank or Public holiday weekend. The sale of alcohol permitted on New Year's Eve from commencement of permitted hours until the commencement of the permitted hours on New Year's Day.



Licensing Act 2003
Premises Licence **PLA0289**

THE OPENING HOURS OF THE PREMISES

Sunday 12:00-01:00
Monday to Thursday 11:00-01:00
Friday to Saturday 11:00-02:00

Christmas Eve, Boxing day, Easter Monday and on Sunday and Monday forming part of a bank holiday and closing times for premises on these occasions will be 11.00 to 02.00. The opening hours permitted on New Year's Eve from commencement of permitted hours until the commencement of the permitted hours on New Year's Day.

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

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

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Star Pubs & Bars Limited 3-4 Broadway Park Edinburgh EH12 9JZ

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

Star Pubs & Bars Limited SC250925

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

Nicola Steele

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



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Statutory Form For Applying For A Summary Licence Review Annex B

To Chorley Borough Council Licensing Dept

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

1. Premises Details:
PLA0289 BREHERTON ARMS, 252 EAVES LANE CHORLEY LANCASHIRE PR60ET

2. Premises licence details
Name of Premises Licence Holder NICHOLAS YATES
Number of Premises Licence Holder

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

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

3. Details of association of the above premises with serious crime and serious disorder
The Bretherton Arms is a public house situated on Eaves Lane, Chorley.
The Premises Licence Holder is Nicholas Yates who has held this licence since July 2019
The Designated Premises Supervisor is Nicola Steele who has been in post since 24 th September 2020 when she was appointed following a summary review of the premises licence.
It is licenced for the sale of alcohol by retail as follows Monday to Thursday 1100 – Midnight Friday and Saturday 1100 - 0030 Sunday Middyay to Midnight
It has opening hours as follows Monday to Thursday 1100 – 0100 Friday to Saturday 1100 – 0200 Sunday Middyay to 0100
As a result of a summary review completed on the 13 th October 2020 the following modified conditions (and others) were placed on the licence following the review.
<ol style="list-style-type: none"> 1. Reduction of hours for sale of alcohol by retail to 0030 from 0100 2. At least 2 SIA door staff on Friday and Saturday from 2200 until the premises were clear of customers or 0100 hrs (whichever is the later)

The 2020 summary review was brought by Lancashire Constabulary in relation to the operation of the open rear yard of the Bretherton Arms and an incident of serious violent crime where an assault victim had lost an eye.

The premises has an open rear yard that is used as a combination car park, smoking area and beer garden with a number of picnic type wooden bench / tables provided for customers. Following the COVID staged reopening on 12th April 2021, this area has been used to provide seated table service to customers.

Since the last review application there were no further incidents notified to police at the Bretherton Arms until Saturday 17th April 2021. The venue has largely been closed during this period due to Covid restrictions.

On that date there were two logs received by police

LC-20210417-1205 5.36 pm 17th April 2021 - A report from North West Ambulance Service of a male being assaulted at the Bretherton Arms
and

LC-20210417-1448 7.29 pm 17th April 2021 - A report from a member of the public that there were too many people in the outside courtyard area with no social distancing.

At 4.10pm There was also a phone call between PS Richard Horton, the Police Licensing Officer for South Lancashire and Nathan Howson the Licensing Manager for Chorley Borough Council. Mr. Howson had attended the venue and noted that there was a male there who was drunk to the point of incapability and that he had advised the DPS to get him to leave the venue due to his state of intoxication.

Police attended both incidents.

The first log, an assault, which took place by the side of the pub was on the drunk customer identified by Mr. Howson and was committed by another customer. At first the information on the assault victim from hospital was that he was very drunk but not seriously hurt. Later in the day, police learned from hospital that the injuries were serious and included skull fractures and bleeding on the brain. A CID led investigation is in place and a suspect has been identified. It is believed that the injuries were caused by a single punch causing the victim to fall and crack his head on the pavement. The police investigation is not yet complete. The partner of the DPS has provided a statement to police.

When police attended on the second log, they were accompanied by PS 777 Horton, the Police Licensing Officer for South Lancashire. At that point the earlier assault was still believed to be minor in nature and although PS Horton was considering applying for a review of the licence, a summary review did not appear to be justified. PS Horton spoke with the DPS and she agreed to voluntarily close the Bretherton Arms for the rest of the night. In further conversation with the DPS she admitted to PS Horton that door staff had not been present on the previous evening at the Bretherton and she had only just started to try and get SIA door staff for the current evening as none had been booked in advance.

CCTV has been downloaded showing the minutes leading up to the assault. It clearly shows the victim. He is largely stood up as are many others in the area. He is clearly unsteady on his feet and

appears drunk. He is with a table of friends. There is evidence that he had been drinking heavily all day, having shots with every pint.

His assailant is part of a group that was sitting and largely standing at a nearby table. Due to their behaviour they are asked to leave by the DPS and her partner. In the process, her partner is assaulted by one of the group. The victim follows them out of the rear garden and is assaulted on the street immediately next to the venue.

The expedited summary review is sought because the incident involves serious violent crime.

The grounds for review are as follows

Prevention of Crime and Disorder

The operation of the rear yard of The Bretherton is a known flashpoint that has been the cause of a recent Summary Review. The CCTV shows that it was not being well managed

The DPS admits that despite there being a condition to use SIA doorstaff on Friday and Saturday nights, no door staff were employed on Friday night and none had been booked for Saturday night.

Public Safety

Despite a specific request from the council Licensing Manager that a customer was too drunk to be served, the same customer was still present over an hour later and ended up being the victim of a serious assault. This reflects badly on the management at the venue in terms of protecting those who are vulnerable due to alcohol consumption.

Signature of Applicant



Date 19/04/2021

Capacity Police Licensing Sgt, South Division, Lancashire Constabulary

Contact details for matters concerning this application :

Address Preston Police Station, Lancaster Rd North, Preston PR12SA

Telephone number 01772 209794

Email 777@lancashire.police.uk

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

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

Premises

BRETHERTON ARMS,

252 EAVES LANE,

CHORLEY

PR60ET

Premises Licence Number PLA0289

Designated Premises Supervisor Nicola STEELE

I am a Superintendent in the Lancashire Police Force

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate in this case because the degree of seriousness of the crime and disorder is not suitable for the timescale of a standard review and the premises has a recent history of lack of compliance with interventions by Police Licensing and Chorley Borough Council Licensing and breach of licence conditions imposed by a previous recent summary review.

Signed

 Supt. 3246 KHAN

**Licensing Act 2003 Sub-Committee
Friday, 18 September**

**Interim Steps Hearing Following Summary Review Application under Licensing
Act 2003 – Bretherton Arms, 252 Eaves Lane**

The Licensing Act 2003 Sub-Committee considered whether it was necessary to take interim steps following an application for a summary review of the premises licence under Section 53B of the Licensing Act 2003.

The Police representative, Sergeant Richard Horton attended the meeting via Microsoft Teams, as did the Premises Licence Holder, Nick Yates and his representative, Duncan Craig of Counsel to make their representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that the Premises Licence Holder had held the licence at the premises since 24 October 2019 and the Designated Premises Supervisor (DPS), Mr Moss had held that position since 27 November 2015.

On 16th September 2020, an application was made by Lancashire Police under Section 53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Bretherton Arms, 252 Eaves Lane, Chorley, in the Chorley East ward of Chorley. The grounds for the review were that, in the opinion of a senior police officer, the premises were associated with serious crime. The council, as licensing authority, is required under Section 53B of the Act to consider whether it is necessary to take interim steps, pending the summary review of the premises licence, for the promotion of the licensing objectives within 48 hours of receiving a summary review application. This would be followed by a full review hearing within 28 days.

The Enforcement Team Leader for Licensing advised that supplemental information had been received via email in advance of the meeting. The email had been received following discussions between the Police and the Premises Licence Holder which confirmed the following agreed position in respect of necessary and appropriate interim steps for Members to consider;

- 1) Removal of the current DPS
- 2) Reduction in hours for the sale of alcohol by retail to 00:30 (presently 01:00) on a Friday and Saturday (presently only midnight for the rest of the week) with the premises to be closed by 01:00 (presently 02:00)
- 3) Condition on the premises licence requiring at least two SIA registered door staff on a Friday and Saturday from 22:00, until the premises are cleared of customers or 01:00 (whichever is the later).

The email also confirmed that the repair of the external CCTV camera was being addressed. All Members had sight of the email.

In response to a Member query, the Enforcement Team Leader for Licensing advised that he had attended the premises since the letter, as appended to the report, had been sent at the end of August and confirmed that efforts had been made to secure the rear area of the premises.

Sergeant Richard Horton provided his representations on behalf of the police which informed members that an application to review the premises licence was submitted following a serious incident involving a group of people at the rear of the premises at approximately 01:00 on 13 September 2020. It was understood that a fight had broken out which resulted in life changing injuries to an individual involving impaired vision or even loss of sight in the eye. Another person suffered serious head wounds. It was later confirmed that a broken baton was found at the scene. Members were advised that this was a live police investigation with one person under arrest.

It was understood complaints had been received from nearby residents with regards to noise and nuisance at the rear of the premises since the lockdown restrictions were loosened. Following these complaints, the police had attended the premises in August. On visiting, they observed a lack of regard to the condition on the licence which instructs that the use of the outside rear area must cease at 10:30pm.

The Police had provided CCTV footage from within the premises on the night of the incident which included the DPS not challenging the use of the rear outside area after 10:30pm, not challenging unruly behaviour or lack of social distancing and showed him drinking alcohol by the bar. Members had sight of this during their deliberations.

In response to a query, Sergeant Horton confirmed that the police were satisfied with the agreed interim conditions put before Members. He advised that the use of door staff was essential as was the removal of the DPS who he suggested was not suitable to continue working at any licensed premises.

Mr Craig made his representations and informed Members that Mr Yates was very experienced in the licensed trade. It was therefore proposed that he would step in as DPS himself if Members were minded to remove the current DPS. Mr Craig recognised that a serious crime had taken place at the premises and although they could not confirm whether the fight originated in the pub, they understood that the premises had some part to play.

With regards to the letter sent to the premises licence holder on 24 August, Members were advised that Mr Yates had not received sight of this and therefore he was not aware of the extent of the issues at the premises. He recognised the seriousness of this, which resulted in the suggestion to remove Mr Moss as the current DPS.

Members were informed that the CCTV camera in the rear outside area was not working, however this would be getting repaired on the following Monday. Mr Craig reminded Members, however, that the licence did not include a condition for CCTV and therefore no licence had been breached in relation to this. It was also advised that Mr Yates was happy with the suggested conditions in the interim and would look into the viable options for the longer term. Mr Craig expressed his gratefulness to the police in helping to reach the agreed interim conditions and asked Members to consider these in their deliberations.

In response to questions from Members, Duncan Craig highlighted that there was already a condition on the licence regarding supervision of the rear outside area and apologised that this had not been complied with. Assurances were given that this would be adhered to going forward.

With regards to installing motion sensor lighting at the rear of the premises, Mr Yates confirmed that there was permanent lighting in the car park but was also happy to investigate the option of installing motion sensor lighting. Mr Yates also confirmed that the rear fire exit door could be alarmed from 10:30pm. At present the door could not be locked due to fire safety regulations, however when shut, it physically looked locked. Mr Yates advised that he was also looking into ways to ensure that door would not be used as a thoroughfare after 10:30pm.

In relation to how the door staff will manage the premises to give the required level of security, Mr Yates confirmed that he had spoken to some companies who would subsequently have to attend the site and risk assess to put a plan in place. A visible security presence would act as a deterrent to ensure no one was in the rear area after 10:30pm and ensure that social distancing rules were being adhered to.

Mr Yates confirmed that he had been in regular contact with the current DPS before the serious incident had taken place, however he recognised that Mr Moss had shown weakness in not controlling the customers and Mr Yates was regretful that it had got to this. He assured Members Mr Moss had shown he was very experienced in running pubs and suggested that complacency had drifted in on this occasion.

Following questions from the council's Legal Officer, Mr Yates confirmed that the premises had continued trading since the incident on 13 September with the current DPS in position. He reiterated that he did not think that Mr Moss was not fit for the role and complacency had set in on this occasion therefore highlighting a training issue. Mr Craig advised that Mr Yates had acted as quickly as he reasonably could, and it would have been unfair to remove Mr Moss without the clear picture. Mr Yates confirmed that he felt that Mr Moss was competent in his position and had acted so. The premises were incident free for the last 5 years. Mr Craig confirmed that Mr Moss did not have a particular standing on the proceedings, and it was not improper for him not to be in attendance at the meeting.

In response to questions from the police, Mr Yates confirmed that he intended to employ Mr Moss in an interim managerial role where on occasion he would be left in control of the premises. Mr Yates advised that he has never questioned Mr Moss' ability to manage before. Mr Moss would still report to Mr Yates as the premises licence holder and DPS.

In response to questions from the council's Legal Officer, Richard Horton confirmed that it came as a surprise that Mr Moss would be employed in a managerial position. He advised that he still agreed with the interim steps in regards to the reduced hours and appointment of doormen however felt that the removal of the DPS in this case was not as sophisticated as it should have been and therefore this condition did not meet the concerns of the police. The Council's Legal Officer asked if there was no longer a meeting of minds over the proposed interim steps between the police and the premises and Mr Horton replied that this was the case.

Mr Craig reiterated the agreed position and complained that question of Mr Moss and his complete removal were never asked. He reminded Members that responsibility would lie with Mr Yates as the premises licence holder and DPS, therefore Mr Moss would hold no responsibility for licensable activities in a managerial role. He advised that dismissing Mr Moss would have to be considered

under employment law and that members were straying into employment law territory outside their remit.

In summary, Sergeant Horton reiterated the representations he had made to Members on behalf of the police and invited them to view the CCTV footage as part of their deliberations.

Mr Craig summarised by inviting Members to support the agreed interim steps. He reiterated that Mr Yates agreed to do everything required over the next 28 days to ensure the premises were fully compliant with conditions and stated that the proposed position of Mr Moss was not relevant to the decision Members were making.

Mr Craig queried whether the police would welcome a further condition which would ensure that Mr Moss was not included in any licensable activities. Richard Horton confirmed that he held concerns leading to a lack of confidence in Mr Moss in a supervisory role or managerial position and therefore welcomed the additional condition. Mr Craig suggested that Mr Moss would be restricted to activities such as cashing up and ordering stock.

Having considered the application from the police and the relevant representations and on viewing the CCTV footage when they retired the Sub-Committee resolved to **take the following interim step pending the summary review:**

1. Premises Licence to be suspended with immediate effect

Members considered that the above interim step was necessary for the following reasons:

- 1. There had been an incident of serious crime at the premises around 01:00 am on 13 September involving a fight between several men resulting in life changing injuries to an individual involving impaired vision or even loss of an eye. Another person suffered serious head wounds.**
- 2. There was a lack of control of the premises by the DPS on 12-13 September. CCTV footage on 12-13 September shows him drinking in the bar area and not monitoring any activity in the rear yard outside. There was no report of him intervening with customers arguing with each other.**
- 3. The lack of control by the DPS on 13 September was despite a joint visit by the Licensing Unit and the police on 20 August followed up by a letter and assurances from the DPS that he would manage the premises more actively. Members noted that the Premises Licence Holder says he did not receive the letter but this would not excuse the DPS as the letter merely summarised the conversation between the Council's Licensing Enforcement Officer and the DPS.**
- 4. The incident on 13 September involved use of a weapon. There was no evidence of any searching of patrons before entry which might have prevented someone with a weapon being allowed on the premises.**
- 5. Not all of the CCTV cameras covering the rear yard were working.**
- 6. The DPS had not submitted anything to rebut the police application.**
- 7. The premises had not closed voluntarily after the violent incident which the Sub-Committee considered would have been responsible.**

8. **Members were alarmed that the premises licence holder intended to retain the DPS in another unspecified capacity at the premises. Members considered that the continued involvement of the DPS was not conducive to promoting the licensing objective of prevention of crime and disorder.**
9. **The sub-committee were confused by the position of the premises licence holder that Mr Moss was acceptable as a DPS but should be removed. This suggested that the premises licence holder was only agreeing to the removal of the DPS as an expedient for his own convenience.**
10. **Members were also concerned that the premises licence holder proposed a condition that the DPS should be prohibited from involvement in the carrying out of licensable activities when at the same time he considered Mr Moss to have potential as a DPS. Members considered that such a condition would be vague and very difficult to enforce.**
11. **Employment law matters between the premises licence holder and the DPS raised by Counsel for the premises licence holder were not of concern to the licensing sub-committee. If persons undesirable were still to be connected to the premises this was a legitimate area of concern for the licensing authority. The premises has the option of suspending an employee on a no prejudice basis if it wishes to take a cautious approach to employment matters. Alternatively, if the contract of employment of the DPS was not drafted to address disciplinary sanctions in the event of sanctions by the licensing authority this was not a concern for the licensing authority.**
12. **Members did not consider relevant the point made repeatedly by Counsel for the premises licence holder that the question about Mr Moss's involvement in some other capacity at the premises had not previously been raised. The position between the police agreed on the assumption by the police that Mr Moss would have no role whatsoever was not binding on the licensing authority. The question had been asked at Sub-Committee which was enough.**

The premises licence holder has the right to make representations against the interim steps taken by the licensing authority. The authority must, within 48 hours of receiving representations against the interim steps, hold a hearing to consider those representations.



Councillor Matthew Lynch
Chair of the Licensing Act 2003 Sub-Committee

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Licensing Act 2003 Sub Committee**Wednesday 21 April 2021****Interim Steps Hearing Following Summary Review Application under Licensing Act 2003 – Bretherton Arms, 252 Eaves Lane.**

The Licensing Act 2003 Sub-Committee considered whether it was necessary to take interim steps following an application for a summary review of the premises licence under Section 53B of the Licensing Act 2003.

The Police representative, Sergeant Richard Horton attended the meeting via Microsoft Teams, as did the Representative of the Licence Holder, Karen Cochrane to make their representations to the Sub Committee.

The Council's Enforcement Officer informed the Sub-Committee that the licence had a modification to the conditions of the premises licence, which occurred at the Licensing Act 2003 Sub Committee on 13 October 2020, these were,

- 1) The modification of the conditions of the premises licence:**
 - a. Reduction in hours for the sale of alcohol by retail to 00:30 (presently 01:00) on a Friday and Saturday (it is presently only midnight for the rest of the week) with the Hours the premises is open to the public to be reduced to 01:00 (presently 02:00).**

The licence also had additional conditions added:

- a. The addition of the following conditions of the licence:**
 - I. Graham Moss shall have no involvement in the management of the premises, nor the carrying on of any licensable activities, nor be employed by the premises.**
 - II. At least two SIA door staff shall be employed on a Friday and Saturday from 22:00, until the premises are cleared of customers or 01:00 (whichever is the later).**
 - III. The premises shall operate and maintain a CCTV system covering the interior of the premises, the outside area, the bar, the rear car park and the smoking shelter which shall be in use at all times that licensable activities are taking place. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.**
 - IV. The CCTV system shall correctly time and date stamp recordings and retain said recordings for at least 28 days.**
 - V. The Data Controller shall make footage available to a police officer or authorised officer of the Council, where such a request is made in accordance with the principles of the Data Protection Act 2018 or any subsequent legislation.**

- VI. Appropriate signage shall be displayed advertising that CCTV is in operation.**
- VII. Appropriate signage notifying customers that the rear area is not to be used after 10:30 pm shall be displayed inappropriately prominent positions in the premises.**

On 19 April 2021, an application was made by Lancashire Police under Section 53A of the Licensing Act for a Summary Review of the Premises Licence for Bretherton Arms, 252 Eaves Lane, Chorley, in the Chorley East ward of Chorley. The grounds for the review were that, in the opinion of a senior police officer, the premises were associated with a serious crime. The Council, as licensing authority, is required under Section 53B of the Act to consider whether it is necessary to take interim steps, pending the summary review of the premises licence, for the promotion of the licensing objectives within 48 hours of receiving a summary review application. This would be followed by a full review hearing within 28 days.

Sergeant Richard Horton provided his representation on behalf of the police which informed members that an application to review the premises licence was submitted 19 April 2021 based on events that occurred 17 April 2021. While on duty, at 16:10, he received a call from Chorley Council's Licensing Enforcement Team Leader, Mr. Nathan Howson raising concerns that at the Bretherton Arms, an individual was extremely intoxicated and despite alerting the DPS had remained at the premises. The individual was then a victim of an assault upon leaving the premises 90 minutes later.

Initial reports from the ambulance and police indicated minor injuries and his condition was due to intoxication. The police also received a call from a member of the public at 19:29 with concerns that there were too many people outside the premises and social distancing was not being enforced. It was felt that that issues at the premises were caused by lack of control at the venue, with advice provided by a Council Official not followed resulting in an assault to take place. An update provided on the condition of the victim on Monday 19 April, revealed more serious injuries had occurred, he suffered two skull fractures and had a bleed on the brain. His injuries were classed as grievous bodily harm and a suspect had been identified, arrested, interviewed and was currently on police bail.

Additional concerns were raised as there had been no attempt at booking door staff for the reopening after the Coronavirus restrictions, and it was believed that door staff had been hired in haste post incident. CCTV available highlighted customers standing around, which also featured an unpleasant scuffle as patrons were ejected.

Relating to public safety, the establishment allowed an individual vulnerable in drink to remain at the premises for 90 minutes, despite being alerted to their condition by an employee of the Licensing Team at Chorley Council to suffer serious injury.

It was clarified after a question from Members, that the opening hours of the establishment were in line with neighboring establishments, and that licensing conditions had not been altered due to the easing of Coronavirus restrictions.

Members expressed disappointment that after the last Committee, the establishment were underprepared for the first weekend open after the easing of restrictions. No consideration seemed to be given for door staff or additional staff. Questions were raised about the supervision of patrons as the CCTV showed half the guests were standing and walking around in contravention of the restrictions. Members were unhappy that advice given by a Licensing Officer was not followed and 90 minutes later an assault occurred.

In response to a question by the Chair, it was believed that the victim of the assault was intoxicated prior to attending the premises, and according to a witness statement, the victim was more intoxicated than his friends due to accompanying a shot with every pint of beer. It was uncertain how much he consumed at the Bretherton Arms.

Karen Cochrane made her representation and explained that she had been unable to see the full CCTV footage and did not have all of the information but said that the individual that was injured did not consume any alcohol at the premises. Door staff were not hired as the establishment was to close at 22:00. The premises were happy to continue to engage and cooperate.

In response to a question by the Chair, she had not seen a Risk Assessment document carried out by the DPS ahead of reopening but it was her understanding that one would have been completed, with signs in place, and hand sanitising stations erected. She acknowledged that it was hard to pinpoint staff on the CCTV as there was no uniform, but it was clear that the DPS and her partner were in the clip, and acted appropriately to remove those not following the rules in place.

Members were unconvinced that the victim had not been served in the establishment.

In summary Sergeant Richard Horton said that it was the second time in a short period that the establishment featured a serious violent crime with concerns for public safety.

Karen Cochrane reiterated that she had not seen all of the evidence and information, but it was her understanding that the victim of the assault was not served, the licence had not been breached, appropriate action had been taken when required, but acknowledged that the establishment underestimated potential issues that could arise that early in the day.

Having considered the application from the police and the relevant representations and on viewing the CCTV footage when they retired the Sub-Committee resolved to **take the following interim step pending the summary review:**

1. Premises Licence to be suspended with immediate effect


Members considered that the above interim step was necessary for the following reasons:

Members have serious concerns about the management of the premises. There does not appear to be adequate supervision of the outside yard area. From briefly considering the CCTV footage it appears that there was no supervision of the area until the point at which a table of customers were asked to leave. Whilst the DPS had tried to manage the situation by asking the customers to leave members consider that this should have been done earlier rather than allowing the situation to get to a flash point where violence has occurred. The CCTV footage shows that there is a scuffle with the patrons and the partner of the DPS when they are being escorted off the premises.

Members consider that it was predictable that the first weekend of opening after lockdown and given the restriction relating to sitting outside it would see a rise in day time drinking and this should have been planned for and managed by the Premises Licence holder accordingly.

Furthermore, members are deeply concerned that the recommendation of a Chorley Licensing Officer that a patron whom he identified as intoxicated and required removal from the premises was ignored by the DPS. The same patron then became a victim of a serious assault upon leaving the premises.

Members also have serious concerns about the relatively short amount of operating days which have passed between the last incident of serious crime and disorder at the premises and this incident. Whilst a new designated premises supervisor has been put in place there clearly remains issues with the premises. Members have serious concerns over the premises licence holder and the operation of the premises and have resolved to suspend the licence for the prevention of crime and disorder and the promotion of public safety.



Councillor Matthew Lynch

Chair of the Licensing Act 2003 Sub-Committee

Nathan Howson

From: Duncan Craig <Duncan.Craig@citadelchambers.com>
Sent: 24 September 2020 06:53
To: Nathan Howson
Cc: Horton, Richard; Nina Neisser; Carl Gore; Southern Licensing; Licensing
Subject: Nicholas Yates, Bretherton Arms; Premises Licence Number:PLA0289

Dear Sirs

As your licensing authority is aware, I act for the above premises licence holder, whose licence has been subject to a S53A Licensing Act 2003 application by Lancashire Constabulary, dated 16th September 2020..

I hereby inform Chorley Council's licensing authority that the licence holder makes representations against the interim step of suspension imposed upon the premises licence by the licensing authority on 18th September 2020, in accordance with section 53B(6) of the Licensing Act 2003.

Please could you arrange a hearing to consider those representations within 48 hours (excluding non-working days) of this notification.

The licence holder is still awaiting the written decision from last Friday and I would be grateful if this could be forwarded 2pm today.

As a matter of courtesy I have copied Lancashire Constabulary into this email.

Kind regards,

Duncan Craig
Barrister

E | duncan.craig@citadelchambers.com
W | www.licensingbarrister.co.uk
T | 07544 987300



Citadel Chambers | 190 Corporation Street | Birmingham | B4 6QD

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**Licensing Act 2003 Sub-Committee
Friday, 25 September**

**Hearing to Consider Representations against Interim Step Taken, Pending
Summary Review – Bretherton Arms, 252 Eaves Lane**

The Licensing Act 2003 Sub-Committee met to determine, under Section 53B of the Licensing Act 2003, whether the interim step was appropriate for the promotion of the licensing objectives and whether to withdraw or modify it following representations received against the interim step taken on Friday, 18 September.

The Premises Licence Holder, Nick Yates and his representative, Duncan Craig of Counsel attended the meeting via Microsoft Teams to make their representations, as did Sergeant Richard Horton to make representations to the Sub-Committee on behalf of the police.

The Council's Enforcement Team Leader reminded the Sub-Committee that a hearing was held on Friday, 18 September to consider whether to take interim steps following an application from the police. The decision was made to suspend the premises licence with immediate effect. At 06:53hrs on 24th September 2020, the premises licence holder made representations against this interim step. Section 53B of the Licensing Act 2003 required that the Authority hold a hearing within 48 hours of receiving such a representation to consider whether the interim steps were appropriate for the promotion of the licensing objectives.

The Enforcement Team Leader for Licensing informed Members that a supplemental email had been received in advance of the meeting. Members had received a copy of this email. The email advised that Mr Yates had subsequently dismissed Mr Moss from working at the premises and had found a replacement DPS, Nicola Steele whose CV had been attached to the email. A proposal was outlined which asked that the Licensing Act 2003 Sub-Committee exercise its powers to substitute the suspension of the premises licence with the removal of the DPS and the addition of the following condition as interim steps;

1. Graham Moss shall have no involvement in the management of the business, nor the carrying on of any licensable activities, nor be employed by the business and shall not be permitted onto the licensed premises at any time.

In response to a Member query, the Enforcement Team Leader for Licensing advised that he was not aware, nor had he been informed by Mr Yates whether any of the improvements requested at the last meeting had been made at the premises, however this did not mean that had not been undertaken.

Mr Craig made his representations on behalf of the premises licence holder. He began by clarifying that Mr Yates had handed in his notice as he felt it was best for him to step down and was currently serving a one month notice period. The premises owners Heineken/Star pubs were in agreement that this was the best course of action. Contrary to any confusion, the relationship between Mr Yates and the premises owners remained positive. Mr Craig gave thanks to officers and Members for accommodating a hearing at such short notice.

Mr Craig informed Members that since the meeting on 18 September, Mr Yates had addressed the concerns raised by Members as he felt he held responsibility to keep the pub open for the community. Following the publication of the Decision Notice, Mr Yates recognised that Mr Moss' position as DPS was untenable and had therefore dismissed him. Members were informed that Mr Moss lived in the flat above the premises, however, were reassured the proposed condition would ensure that he had no involvement or connection to the premises in the interim period.

Mr Yates had found a replacement DPS, Nicola Steele, who he felt was well suited to the role and would be ready to start immediately once the application to specify her as DPS had been completed. Mr Craig advised that Ms Steele currently held a personal licence with Bolton Council and had 20 years' experience of working in the licensing trade. She knew the area well, lived locally and was working behind the bar at the premises at present, after being a DJ at the pub for three years. For clarification, it was confirmed to Members that Ms Steele was not at the premises on 12/13 September when the serious incident took place.

Members were made aware that Ms Steele was currently manager at a care home and was therefore very aware of regulations required for Covid, she was a first aider and did not have a criminal record. It was understood that she was very enthusiastic about the potential DPS role and proposed that she would be working at the premises in the evenings after working at the care home during the day. Her husband would work at the pub in the day when she was at work.

Mr Craig ran through eleven of the twelve points on the Decision Notice (saying nothing about the twelfth point) recognising Members' concerns, the work undertaken by Mr Yates to tackle some of these issues and how the removal of Mr Moss from the premises addressed these concerns further. Mr Craig did, however, take issue with part of point 4 on the Decision Notice regarding the lack of searching a person on arrival at the premises, as he pointed out that this was not usual practice undertaken at community pubs.

Members had visited the site of the premises prior to the meeting in order to view the rear access and the upgraded CCTV. In response to Member queries, Mr Yates confirmed that the CCTV camera had broken recently, however it was not repaired immediately as the DVR equipment behind the camera needed to be fully replaced and not just the camera itself, therefore this was a big piece of work. He did, however, remind members that CCTV was not conditioned to the licence. Mr Yates advised that two new cameras had been installed. Staff are now able to monitor what is happening in all areas of the pub including the outside smoking shelter.

With regards to how the events unfolded in the serious incident that took place on 13 September, Mr Yates understood that the attacker had been in the pub before leaving, however remained waiting around the rear of the premises. The attacker and victims never met in the pub, but the incident occurred when the victims left via the rear of the premises towards the carpark. It was also confirmed that the female individual who took a patron out of the premises as viewed on the CCTV footage at the meeting on 18 September was not employed at the pub but was simply a patron herself. The CCTV footage was viewed again for clarification.

With regards to Mr Moss accessing his flat, it was confirmed that the flat above the premises had a separate entrance and therefore the proposed condition did not need altering.

Following further Member queries, Mr Yates confirmed that the change in demographic due to Covid was not immediately apparent. The premises became slightly busier but not to the point that it was deemed necessary to carry out a risk assessment as it was only as busy as it had been in the past pre-Covid. Following the changing demographic, Mr Yates asked that Mr Moss be vigilant in ensuring that social distancing was maintained. They discussed the use of door staff, from a Covid compliance point of view to control the numbers but this was not required to address violence. Members were reminded that there was no history of violence at the premises.

From a technical point of view, the Enforcement Team Leader for Licensing confirmed that once Mr Moss was removed from the position of DPS, an application to specify a new DPS was required in respect of Ms Steele. During this period of transition, alcohol could not be sold at the premises until the application was lodged. In response to a member query, it was confirmed that there was no requirement for the DPS to be present at the premises all the time however in the absence of the DPS other staff would need to receive authorisation from the DPS to sell alcohol.

In response to a query from the council's Legal Officer, Mr Craig confirmed that Mr Yates had handed his notice in in his capacity as tenant. The proposed conditions put forward were for the interim period and Mr Craig suggested that it was inconceivable to suggest that government would revoke the 10pm closing time under Covid-19 regulations before the full hearing on 13 October.

In response to a query from Sergeant Horton, Mr Yates confirmed that he was not aware that the police and Chorley Council licensing officers had attended the premises following the letter sent in August, which Mr Yates claimed to have not received.

Sergeant Horton made his representations on behalf of the police. He reminded Members that an application had been considered and a suspension made due to good reasons provided by the sub-committee. He agreed that Ms Steele had a good CV and presented a good character but questioned whether she would be able to satisfy the role of DPS when taking into consideration her full-time work commitments. He commended Ms Steele but reiterated the previous issues of the DPS not having control at the premises which led to the serious incident.

In response to a Member query, Sergeant Horton suggested that Mr Yates had taken steps to address issues following the scare of the incident however did not appear to monitor the DPS prior to this. He stated that a DPS was only as good as the premises licence holder and believed that the police would still hold the same concerns about the proposed DPS for as long as Mr Yates remained premises licence holder. As such, Sergeant Horton did not feel that the actions taken were sufficient from keeping the premises from being associated with serious crime.

In Summary, Sergeant Horton reiterated his concerns with Mr Yates as the premises licence holder and the proposed DPS being an individual who may not be able to give their full attention to control the premises against serious crime. He welcomed

the repairs to the CCTV but recognised that this was following a visit from the police and council and the incident which took place. Although this was not a condition on the licence it was still a responsibility for the premises licence holder to repair.

Mr Yates summarised by informing Members that he had been looking after the pub for longer than stated in the original report. He reapplied for his licence in 2019 following its expiration but made Members aware that he had been the licence holder of the premises for the three years prior and during this time there had been no incidents at the premises. He reassured Members that he acted as quickly as he could following the incident on 13 September.

Mr Craig reminded Members that Mr Yates had addressed their previous concerns and felt it was therefore appropriate for Members to modify the suspension and take the proposed steps on board. Mr Craig reiterated that Mr Yates would no longer be the premises licence holder in 3 weeks but had a responsibility to keep the community pub running in the interim.

Having considered all the relevant representation, the Sub-Committee resolved that: **the interim step taken was no longer appropriate for the promotion of the licensing objectives and determined to modify the interim steps taken. Members determined that the interim steps which were appropriate for the promotion of the objectives were:**

- 1. The removal of the designated premises supervisor (ie. Graham Moss) from the licence.**
- 2. The modification of the conditions of the premises licence, as follows:**
 - a. Reduction in hours for the sale of alcohol by retail to 00:30 (presently 01:00) on a Friday and Saturday (it is presently only midnight for the rest of the week) with the Hours the premises is open to the public to be reduced to 01:00 (presently 02:00).**
 - b. The addition of the following conditions of the licence:**
 - i. Graham Moss shall have no involvement in the management of the premises, nor the carrying on of any licensable activities, nor be employed by the premises.**
 - ii. At least two SIA door staff shall be employed on a Friday and Saturday from 22:00, until the premises is cleared of customers or 01:00 (whichever is the later).**
 - iii. The premises shall operate and maintain a CCTV system covering the interior of the premises, the outside area, the bar, the rear car park and the smoking shelter which shall be in use at all times that licensable activities are taking place. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.**
 - iv. The CCTV system shall correctly time and date stamp recordings and retain said recordings for at least 28 days.**

- v. **The Data Controller shall make footage available to a police officer or authorised officer of the Council, where such a request is made in accordance with the principles of the Data Protection Act 2018 or any subsequent legislation.**
- vi. **Appropriate signage shall be displayed advertising that CCTV is in operation.**
- vii. **Appropriate signage notifying customers that the rear area is not to be used after 10:30 pm shall be displayed in appropriately prominent positions in the premises.**

The above interim steps shall have immediate effect; thus, the suspension of the premises licence is no longer applicable. However, no licensable activities may take place until there is full compliance with the above measures. The premises may not sell alcohol until a new DPS is in place.

The above steps are subject to national Coronavirus restrictions.

Members came to the decision for the following reasons;

- The step regarding CCTV was imposed given the serious incident of violence and to promote the licensing objective of prevention of crime and disorder.
- The step at paragraph 9 was imposed due to use of the rear outside area in breach of the existing licence condition at Annex 3.
- Members did not consider that it was reasonable to prohibit Mr Moss from being allowed on the premises as a customer. If the premises choose to exclude Mr Moss as a customer or at other times to the extent permissible by law that is a matter for the premises.
- Members' gravest concern on 18 September had been that it was envisaged that Mr Moss would still be employed in some capacity at the premises. The removal of Mr Moss as DPS and in any other employed capacity and other steps addressed members' concerns.
- Members' concerns were also alleviated by the improvement at the premises including the upgrade to the CCTV.
- Members noted the concern raised by the police about the availability of the proposed new DPS to devote her full attention to the premises given her full-time job elsewhere. However, members directed themselves that they were considering interim steps and not determining an application to specify a new DPS.
- Members were not influenced by the fact that Mr Yates had handed in his notice as tenant as the licensing objectives must be promoted just as much during any short remaining period that Mr Yates might anticipate remaining premises licence holder as they would be for many years.



Councillor Matthew Lynch

Chair of the Licensing Act 2003 Sub-Committee

I am Nathan Howson, Enforcement Team Leader (Licensing), an authorised officer of Chorley Council under the Licensing Act 2003. I make these representations on behalf of the Licensing Authority, acting in the capacity of a responsible authority, following an application for a summary review of a premises licence, made by and on behalf of, the Chief Officer of Police for Lancashire Constabulary.

These representations relate to the premises known as The Bretherton Arms, 252 Eaves Lane, Chorley, Lancashire, PR6 0ET and are concerned with the following licensing objective being undermined at the premises:

- The Prevention of Crime and Disorder

On Saturday 17th April 2021, I was on duty in Chorley carrying out proactive visits to licensed premises to check on the level of compliance with Covid regulations. At approximately 17:00hrs, I attended the premises and made the following observations of the area to the rear of the premises:

1. A number of males were consuming alcohol whilst stood up,
2. There were groups that appeared to be larger than 6 persons, with individuals moving between groups,
3. There were members of staff who appeared to be taking orders and dispensing drinks but who did not seem to be taking any steps to encourage patrons to sit or break up these larger groups.

I identified myself to the designated premises supervisor, Nicola Steele, and pointed out the issues above. Nicola told me that they were trying their best but that some of the patrons did not listen to her. I told her that it was her responsibility to ensure compliance with the requirements and that, ultimately, if customers were not paying attention to her, she should refuse to continue selling alcohol to them. I asked Nicola whether there were any door supervisors currently at the premises and she advised there was not. She told me that she had contacted a company and was in the process of trying to arrange this. I told Nicola that, in light of the history of the premises, it seemed remiss of her to have not arranged to have door supervisors in advance.

As Nicola and I discussed the problems at the premises, I noticed a male walking over to us. The male was visibly very intoxicated; his eyes were glazed and he struggled to walk in a straight line towards us. As he arrived, Nicola told him to go and sit down and that she would speak to him shortly. He responded to Nicola and I noticed that his speech was very slurred and that he was having trouble standing in place. The male had dyed- green hair.

The male returned to his seat and I told Nicola that the male was obviously very drunk and pointed out it is an offence to serve a person who is drunk. I told Nicola that he must not be served any further alcohol and that he should be removed from the premises so that he could not cause or be involved with disorder. Shortly after this, I left the premises.

At approximately 1740hrs, I became aware that an assault had been reported to the Police at the Bretherton Arms and so I made to the premises. On arriving, I observed a number of police vehicles and an ambulance parked outside the premises. I was informed by one of the police officers that the male with green hair had been assaulted and was in the ambulance. I entered the premises. I was told that Nicola was speaking with the Police upstairs and so spoke to her partner, who I know as Craig.

During our conversation, Craig didn't take responsibility for the occurrences at the premises, telling me that he had been "swung at" by the group of lads. I told Craig that, as a result of the failure to manage the premises adequately, a male was now outside in an ambulance, when he should have been ejected from the premises almost an hour ago; when I gave this instruction to Nicola. Craig told me that the assault had happened at the side of the premises and that they could not be responsible for what happened once patrons left. I told Craig this was a wholly unacceptable attitude to have and that the safety of patrons to the pub was their responsibility. I explained it was likely that the altercation happened as a result of the severe intoxication of the male and that was directly linked to the premises.

During our conversation, I asked Craig to explain how track and trace was being managed at the premises. He told me they couldn't really control it as they didn't know when people were signing in or not. I told Craig this wasn't acceptable and that the regulations required that they do everything reasonable to ensure track and trace data was being collected. Craig asked whether this meant they had to barrier off the car park and have a managed entry system. I told Craig I had seen this in many of the premises I had visited that day and that the burden was on him and the DPS to carry on activities in a way that meant he complied with the regulations. Craig seemed disbelieving of the things I had said.

I spoke briefly with the door supervisor who had recently arrived and left the premises.

On the morning of Monday 19th April 2021, I attended the premises and recovered CCTV covering the incident which I exhibit as NH01. I produce a summary of some main events shown on the CCTV as NH02.

Relevant Legislation

Schedule 2, Paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 requires a person responsible for carrying on a restricted business which serves alcohol on the premises to only sell food or drink if the food or drink is ordered by and served to a person seated outdoors and to take all reasonable steps to ensure the customer remains seated whilst consuming that food or drink. Regulation 11 of the same regulations provides that a contravention of a Step 2 restriction without reasonable excuse is an offence.

Regulation 7 of The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 requires the relevant person who operates the premises to request Track and Trace details from a person who seeks to enter the premises, unless the person has already scanned the QR code made available. Regulation 17 of the same regulations provides that a contravention of Regulation 7 without reasonable excuse is an offence.

Regulation 1A(1) of The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 requires the manager of a premises to take all reasonable steps to ensure no person in a group of 6 (or other permitted group) joins another group. Regulation 3 of the same regulations provides that a contravention of Regulation 1A without reasonable excuse is an offence.

Appendix 2- Summary of CCTV Events relating to

<u>Time</u>	<u>Observation</u>
16:03	Barmaid serves drink and goes to talk to large group who are stood. Takes drinks order and makes no effort to have them sit.
16:06-16:08	Barmaid returns with drinks. No effort again to have them sit. DPS' partner returns with more drinks and no effort made to ask to sit.
16:14	Assault victim (Green-haired male) attends. Visibly unsteady on his feet and goes to table on the closest left.
16:15	Lots of people on their feet. No control of groups or management of entry at all.
16:16	Victim goes to furthest left table. Lots of people still stood. Victim embraces several people.
16:17	Victim walks to another bench.
16:20	Lots of persons standing- bar staff in attendance and still no effort made to have persons sit.
16:21	Pubwatch Chair (Barry Graham) arrives.
16:23- 16:24	Victim tries to sit on bench as drinks are being delivered to the table and falls to the floor where he remains sitting. DPS notices, appears to laugh and walk off.
16:25-16:26	Really bad for persons stood up, bar staff outside and able to observe but again no efforts made to require individuals to sit.
16:27	Victim goes to door of premises and DPS' partner pats him on the back.
16:29	Victim walks back over to the table and walks into the marquee pole.
16:32	Victim pushing and embracing other man by door to premises. Bar staff walks past and makes no effort to challenge.
16:34-16:35	Large group forms by door to premises, all stood up with drinks. Rest of beer garden stood up too. Bar staff simply walk past and make no efforts to require sitting.
16:35:51	Victim visibly drinks from bottle/ glass. Doesn't appear to have been served drink by staff, however.
16:37	Again, large groups of people stood around. Bar staff outside and able to

	observe and no efforts made to require sitting.
16:41	Glasses taken by bar staff from big group standing up. Again, no effort to require sitting.
16:43-16:46	Victim swaps tables and then goes back to original table. Stands all the way through this.
16:46	Victim swaps table again.
16:49	Licensing Officer and Police arrive and have discussion with DPS.
16:51	Victim again swaps tables.
16:52	Victim staggers over to licensing officer and DPS.
16:56	Victim swaps tables again
16:56	Licensing Officer and police leaves. DPS goes inside and at no stage speaks to Victim who was identified by both police and licensing officer as being too drunk to be on the premises.
16:59	First recording ends
17:15-17:16	Second recording begins. Large groups of people all stood up. DPS appears to be speaking to one group. Part of group sits and DPS walks away. Still lots of people stood up around.
17:17-17:18	Victim stood at end of table as bar staff appears to take order from table. Visibly staggers around+ then swaps tables. Then staggers to door of premises.
17:19	Bar staff taking order as many still stood up in beer garden.
17:20	Victim exits premises
17:22	Again, numerous standing and bar staff in beer garden.
17:23- 17:24	Bar staff makes "sit down" motions with hand to large group now stood up. None take any notice.
17:25	DPS' partner exits premises and begins removing glasses from table. Group begins to form around him and victim barges in to push group back.
17:25:48	DPS pushes group back and is punched to the face by one of group. Continues telling group to leave. Victim being encouraged to remain out of it

	by other patron to pub and then DPS' partner.
17:26	Victim leaves beer garden out of sight of camera. DPS watches him leave. Obvious commotion off screen as number of patrons leave beer garden, including DPS and partner.
17:26-17:29	Numerous patrons leave beer garden. DPS' partner continues collecting glasses as bar staff continue.
17:34	Recording ends

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LICENSING ACT 2003

REPRESENTATION BY ANY OTHER PERSON

This leaflet consists of two parts. The first part provides information and guidance on making a representation. The second part is the representation form, which on completion should be signed in ink and returned to the Licensing Authority. Before completing this form please read the guidance notes. 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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Part 1 – Introduction

The Licensing Act 2003 enables a “responsible authority” or “other person” to make a relevant representation to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

Responsible Authorities– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence.

Other Persons- this includes any individual, body or business regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

The four licensing objectives are:

- The prevention of public nuisance
- Public safety
- The prevention of crime and disorder
- The protection of children from harm

If a relevant representation is made, the Licensing Authority must hold a hearing to consider the representation(s), unless all parties agree by giving a notice in writing that they consider a hearing is unnecessary.

If a hearing is held, all relevant parties will be given the opportunity to attend that hearing and invited to comment at the hearing on their representation, but they may if they wish choose to rely on their written representation.

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee. Please note that for the purposes of effective administration of the licensing hearing, where there are a number of representations or where there are repetitive representations on a common theme, the Council may ask for a spokesperson to be selected from amongst those making representations to present the comments to the Committee. Your individual written representations will still be presented to the Committee. If you wish to withdraw any

representations you may do so confirming this in writing, providing you do so no later than 24 hours before any hearing, or otherwise orally at the hearing.

Appeals

Anyone who feels aggrieved by the decision of the Licensing Authority has a right of appeal to the Magistrates' Court.

PLEASE NOTE:

This is an advisory document. Chorley Council does not accept any responsibility whatsoever for loss sustained in reliance on anything contained within this document. Nothing in this document is intended to negate the responsibilities of any person in respect of relevant legislation and standard of care.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. Any statements on these pages do not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any other legislation made under it or statutory guidance issued in relation to it.

No responsibility is accepted by the Council for any errors, omissions or misleading statements on these pages. The Council has made every effort to ensure that the information in these pages is correct and accurate.

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AR

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual
- A body representing persons
- A person involved in a business

Contact details (of person completing form)

Name:	Paul Lee
Name of organisation/ body/ person you represent (if appropriate)	Chorley Council, Environmental Health Section
Your full postal address or that of organisation or body you represent	Civic Offices Union Street Chorley
Post Code	PR7 1AL
Daytime contact phone number	01257 515151
E-mail address (optional)	paul.lee@chorley.gov.uk

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	
Full postal address of the person/organisation or body making representation	
Post Code	
Daytime contact phone number	
E-mail address (optional)	

Premises / Club Details

Name of premises/club you are making representation about	Bretherton Arms
Name of applicant for Licence (if known)	
Postal address	252 Eaves Lane Chorley
Post Code	PR6 0ET

What are you making a representation about?

Please indicate which part of the licence / certificate application you are making a representation about
(i.e. crime, disorder, noise, disturbance) - Management of Coronavirus control measures

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation **must** relate to one or more of the four Licensing Objectives. Please indicate the objective(s) your representation relates to)

Licensing Objective	Tick for yes	Licensing Objective	Tick for yes
The prevention of crime and disorder	Yes	Public Safety	No
The prevention of Public nuisance	No	The protection of children from harm	No

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

MANAGEMENT OF CORONAVIRUS CONTROL MEASURES

I have viewed parts of the CCTV footage taken from the premises on 17th April 2021, which covers the rear car park area, in use as an outdoor drinking area at the time. I have also been provided with information relating to the management of Coronavirus control measures at the premises by Nathan Howson, Enforcement Team Leader (Licensing) based on his observations at the time of his visit and following discussions which took place with the management of the premises on 17th April.

Current legislation relating to Coronavirus control and restrictions, requires food businesses to ensure that the details of customers are recorded for the benefit of the NHS Track and Trace system, that customers remain seated when eating or drinking, other than to use toilet facilities and that customers are not seated in groups larger than 6 individuals or two households and do not interact with individuals outside of their own group.

The CCTV footage shows customers standing up from their own table and walking over to other tables to speak with customers who appear to be outside of their permitted group, along with frequent examples of customers standing away from their own tables. Although I appreciate that this can be difficult to manage, there appears to be very little supervision of the outdoor area by the premises management or staff, with management seen to be walking through groups of customers who are not seated at tables, with no attempt made to ask customers to return to their seats.

I understand that when members of the management team were asked about their Track and Trace procedures, that there was uncertainty about whether customers were "signing in" via the NHS app on their mobile phones. It appears from the information provided, that customers are not being required to leave Track and Trace details (either via the NHS app and QR code which should be on display at the premises, or on paper) and that insufficient efforts are being made to require customers to provide these details, either on entry to the premises or at the point of taking an order from a customer. In terms of entry to the premises, the lack of any barriers or door staff, combined with an apparent lack of management supervision, would, in my view, easily allow customers to enter the premises without being required to provide details for Track and Trace.

The Environmental Health team are in receipt of a report from Public Health England dated 27th April 2021, in which data from the most recent week available (16th to 22nd April) ranks Chorley at No 1 out of the 15 Lancashire Local Authorities, in terms of the Coronavirus case rate i.e. Chorley has the highest number of coronavirus cases of all Lancashire authorities for this period. With this in mind, it is vital that businesses adhere to Coronavirus restrictions, a key part of which for hospitality are the issues discussed above.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the Committee could add to the licence (if granted) that would remedy your concern. (continue on a separate sheet if necessary)

I would recommend that consideration be given to the addition of Heras fencing or similar to control customer access to the rear car park area, with a member of staff at the entrance point requesting that all customers “sign in” on the NHS Track and Trace app or leave their details on paper if they do not have access to the NHS app.

Signature:	Paul Lee
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Capacity:	Environmental Health Officer
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Date:	29/04/21
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LIQ 36