

Appendix 5

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

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

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

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

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

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

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

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

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

S Clark
Service Manager – Environment

3 Sept 2009

CHORLEY COUNCIL

NEIGHBOURHOODS DIRECTORATE

STATEMENT OF WITNESS

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

STATEMENT OF: **Paul Lindon Carter**

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

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

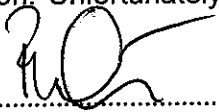
This statement consisting of 2 page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24th of August 2009

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

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

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

Signature:  Date: 24th August 2009

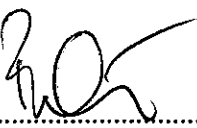
**CHORLEY COUNCIL
NEIGHBOURHOODS DIRECTORATE**

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

STATEMENT OF: Paul Lindon Carter

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

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

Signature:  Date: 24th August 2009

**CHORLEY COUNCIL
NEIGHBOURHOODS DIRECTORATE**

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