

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 both serious crime and serious disorder

Premises

BRETHERTON ARMS,

252 EAVES LANE,

CHORLEY



PR60ET

Premises Licence Number PLA0289

Designated Premises Supervisor Graham MOSS

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 are inappropriate in this case because the degree of seriousness of the crime and disorder are 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.

 Supt 2391


Signed

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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 BRETHERTON 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 Graham Moss who has been in post since November 2015 It is licenced for the sale of alcohol by retail as follows Monday to Thursday 1100 – Midnight Friday and Saturday 1100 - 0100 Sunday Middyay to Midnight It has opening hours as follows Monday to Thursday 1100 – 0100 Friday to Saturday 1100 – 0200 Sunday Middyay to 0100 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. The Premises Licence has the usual mandatory conditions and conditions attached by the Licensing Authority following a previous review hearing that include <i>No outside area designated for the consumption of alcohol shall be used after 2230 hours</i> This specifically applies to the rear yard area There is a smoking area provided to the front of the pub as well as one in the rear yard.

Since lockdown lifted, there have been a steady stream of complaints to Police and Council from local residents regarding noise and disorder late at night from this rear yard area. This culminated in a visit from Chorley Council Licensing Team and Lancashire Constabulary Licensing on 20th August 2020 where the situation was discussed with the DPS Graham Moss. Subsequently on 24th August 2020 a letter was sent to the PLH Nicholas Yates by Chorley Council reiterating the Annexe 3 condition regarding use of the yard area ceasing at 2230 hrs and urging the adoption of various measures designed to prevent use of the yard after that time and to exercise some control over the customers. (Exhibit RICH777/01)

Around 1am Sunday 13th September 2020, an incident took place in the rear yard area of the Bertherton Arms. On the night of the incident, Graham Moss was present throughout and acting as DPS.

Police attended and found that four men had been assaulted by another group of men in the rear yard area. The initial information was that five men were fighting and one had been knocked unconscious. Police were also told that one man was armed with a baton. At Royal Preston Hospital it was confirmed that one of the injured had a fractured eye socket and a ruptured eyeball and would likely suffer permanent sight damage or lose his eye. One of the other injured men suffered significant head wounds

There is camera phone footage of the initial stages of confrontation with punches being thrown and threatening posturing between a group of around 8 men There is camera phone footage of one victim being tripped onto the floor and then attacked by three other men.

A broken police style baton was found at the scene.

This is still a live police investigation but it is clear from the level of violence used and the injuries inflicted that serious crime and disorder took place there.

CCTV was recovered from inside the Bretherton Arms covering the period 9pm Saturday 12th September 2020 to 1.30am Sunday 13th September 2020. I note that of the available cameras only one, the one covering the rear yard, was not working.


Examination of the CCTV shows that the DPS Graham Moss was not in any sort of control over the premises or the use of the rear yard area and a compilation has been produced to demonstrate the effective free-for-all at the Bretherton Arms despite the presence of the DPS Moss in the hours leading up to the assault and the serious public order incident (Exhibit RICH777/2).

Moss appears to take up position at the end of the bar with his back to the public area for most of the night, drinking pints, going outside for a smoke occasionally and apparently oblivious to customers standing around tables, generally standing throughout the venue, using a vape, arguing with each other and standing 2 deep at the bar.

It is clear from the available CCTV that the outside yard area was in full use at 12.30am with loud conversations clearly recorded and figures visible moving around in the area from then until the assault / affray.

For the reasons detailed above, I am applying for a summary review of this premises licence

Signature of Applicant

 P5777

Date

16/09/2020

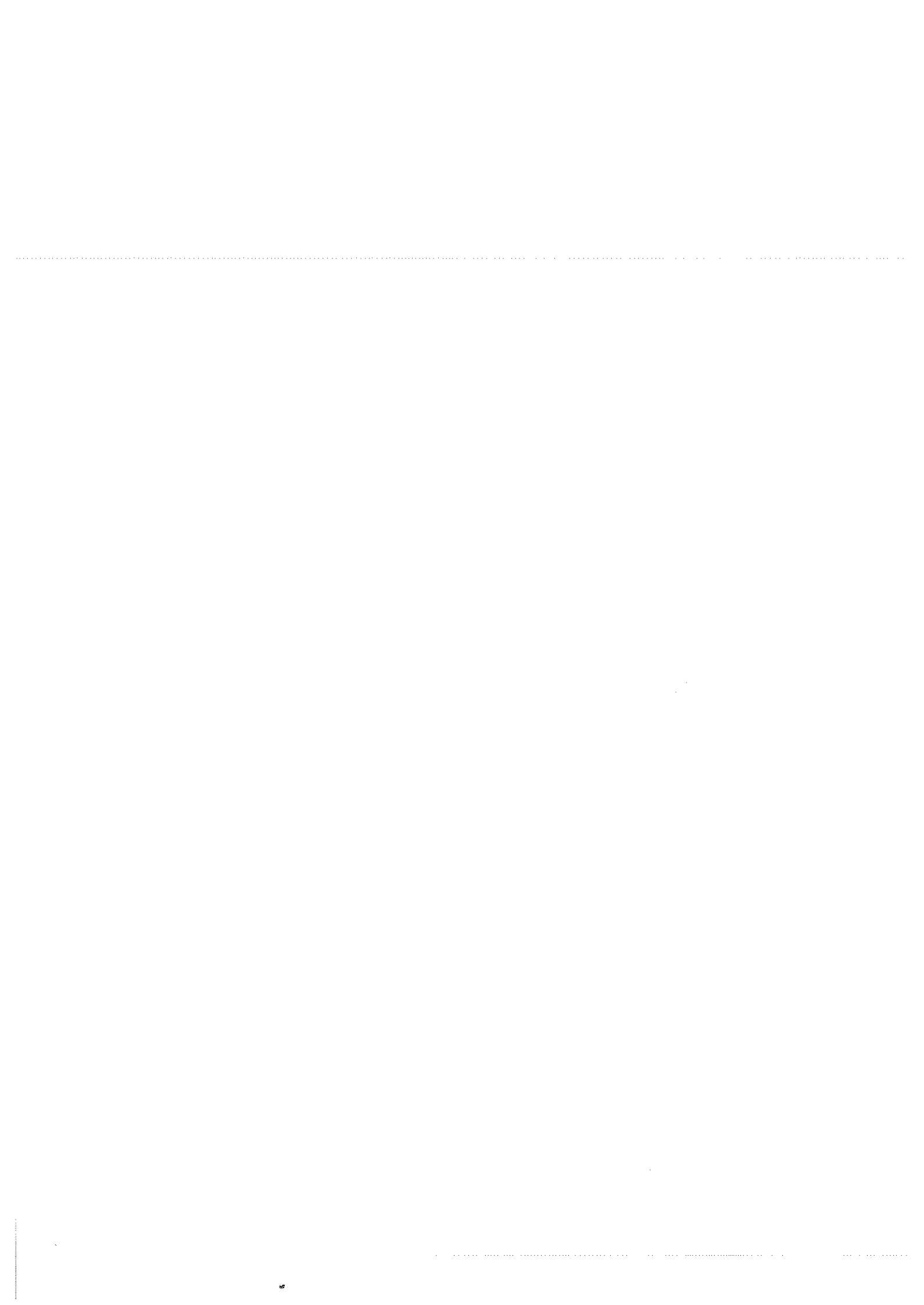
Capacity Police Licensing Sgt, South Division, Lancashire Constabulary

Contact details for matters concerning this application :

Address Preston Police Station, Lancaster Rd North, Preston PR12SA

Telephone number 01772 209794

Email 777@lancashire.pnn.police.uk



Date: 24 August 2020
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Chorley Council

Civic Offices
Union Street
Chorley
PR7 1AL

Mr Nicholas Yates
The Bretherton Arms
252 Eaves Lane
Chorley
PR6 0ET

Dear Mr Yates,

**Re: Following compliance visit 20th August 2020
PLA0289- Bretherton Arms, 252 Eaves Lane, Chorley, PR6 0ET
Licensing Act 2003**

I write following my visit to the premises on 20th August 2020 with my Police Licensing colleague, Linda Robson, where we met with the Designated Premises Supervisor to discuss a recent complaint received from a member of the public.

This complaint was mainly regarding the noise from patrons to the premises continuing in the outside areas, late into the night and a lack of social distancing between patrons.

On outlining the problems to Mr Moss, he explained that since the lockdown restrictions had eased, the demographic in the pub had changed, with the younger patrons remaining in the premises later rather than moving into the town centre. He said this may have contributed to the noise.

I explained to Mr Moss a condition of the premises licence requires that any outside area designated for the consumption of alcohol must cease to be used from 2230hrs. Mr Moss assured me that alcohol was not permitted outside of the premises from this time. I asked whether there was any control of persons outside in this area other than restricting alcohol being taken outside and he said there wasn't.

I explained that, even if alcohol wasn't being consumed in this area, he still had a responsibility to ensure that he was preventing public nuisance from occurring. I suggested he instruct staff members to carry out patrols in the area every 20 minutes to 1. Ensure alcohol was not being taken outside, 2. There wasn't an unreasonable number of persons outside and 3. That persons outside were not remaining outside for an unreasonable amount of time. Mr Moss agreed to implement this measure and I would expect this to continue throughout the time the premises remains open past 2230hrs.

Mr Moss assured me that the premises closes at the end of the permitted hours of 1am. I explained that there were complaints that the rear of the premises was continuing to cause noise disturbances until significantly later than this. I noted that there were no means of securing the car park area from use. I advised Mr Moss to consider securing the car park area at the end of trading hours and that this could be by use of something as simple as a chain, padlocked across the opening. Mr Moss committed to closing the car park area at the end of trading hours to discourage the use of that area for anti-social behaviour.



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Mr Moss and I further discussed the use of lighting in discouraging anti-social behaviour and I suggested it may be useful to invest in motion-activated lighting. Mr Moss explained there was a light which remained illuminated constantly in the car park and, whilst I consider this to be a positive, I would consider motion-sensitive lights to be more appropriate. Mr Moss committed to considering this.

I must remind you that it is a requirement of the Licensing Act that licensable activities are carried on under an authorisation and *in accordance* with such authorisation. This means that, if you fail to comply with a condition of the licence, the licence is effectively rendered invalid. Carrying out unauthorised licensable activity is a criminal offence which could result in an unlimited fine, 6 months' imprisonment or both. It's therefore essential that you consider this correspondence carefully and ensure that the conditions of the licence are being fully complied with.

Yours sincerely,

Nathan Howson
Enforcement Team Leader (Licensing)