

Report of	Meeting	Date
Director of Planning and Development	Licensing Act 2003 Sub Committee	02 nd November 2022

Confidential report	Yes	No
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Premises Details

Premises Name:	The Imperial	Address:	59 Union Street, Chorley, PR7 1AB
Premises Holder:	Trust Inns limited	DPS:	No current DPS on premises licence Mr Phillip Marrow until (09.09.22)

Reason for referral

1. To advise members that an application for the review of a premises licence in respect of the premises detailed above has been received.
2. To request that members give due consideration to the application and any relevant representations and take such steps as are considered appropriate for the promotion of the licensing objectives.

Corporate priorities

3. 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

4. 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
5. Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Appeals

6. An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

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.
- Any relevant representations

Background

8. The premises have been licensed in the name of the current premises licence holders name since the licence was transferred in 2005 under the grandfather rights when the Licensing Act 2003 was introduced. The premises licence was granted to the current licence holder and there has been regular variation applications submitted for a Change of Designated Premises Supervisor. Currently there is no designated premises supervisor on the premises licence A copy of the current licence appended at Appendix 1.
9. The premises is located in the main city centre on Union Street and on the corner of Fellery Street which is opposite the Flat Iron carpark. The building is a two-storey traditional end semidetached building. It is next door to a building which houses a café which does not reflect on the night-time economy. At the side of the licensed premises on Fellery Street are mainly residential family type houses. A location map of the premises is appended at Appendix 2.

Application for review of a premises licence

10. On 09th September 2022, an application for the review of a premises licence was received from PC 6884 Stephen Connolly, for an on behalf of the Chief Constable of Lancashire. The Officer is concerned with the Prevention of Public Nuisance and Public Safety objectives being undermined at the premises. A copy of the application is appended at Appendix 3
11. The grounds for the review are as follows:

The Imperial is a licensed premises situated on Union Street within Chorley Town Centre and is currently permitted to open until 02:30hrs daily, with the sale by retail of alcohol until 02:00hrs daily.

The premises licence is held by Trust Inn Ltd, and the current tenant is Christopher TICKLE.

Below is a summary of events which Lancashire Constabulary have recorded for the premises: - On 30th March 2022 we received from Chorley Borough Council an application to vary the DPS to Darren TICKLE, the brother of Christopher TICKLE. This application was objected to by PS 4159 BYRNE based upon the Crime & Disorder and Public Safety licensing objectives.

On 13th May 2022 we received from Chorley Borough Council an application to vary the DPS to Brendan FERGUSON. This was not objected to and the premises opened for trade. Later that evening Sgt 4065 Harrison advised us that he had been given information that upon reopening the premises attracted a number of people that had been banned by the Chorley Pub Watch.

On Saturday 14th May 2022 at 0305hrs, Lancashire Constabulary received a 999 report regarding a male headbutting a female inside the premises causing injury and bleeding to the female. This incident was recorded under incident reference LC20220514-0164.

On the 20th May 2022 we received from Chorley Borough Council notification that FERGUSON had resigned as DPS of the premises with immediate effect as of 19th May 2022.

On the 27th May 2022 we received from Chorley Borough Council another application to vary the DPS to Lee HOLDEN.

On 1st June 2022 at 11:55hrs I attended the premises in company with Lancashire Constabulary Licensing Officer Simon JAMES and Chorley Borough Council Licensing officer Usman GAZRA with a view to completing a DPS interview with HOLDEN. Following a

conversation with HOLDEN on the telephone where he admitted to only submitting the application as a "FAVOUR FOR A MATE" and already worked full time elsewhere and struggled to attend the Imperial. Given this admission from HOLDEN I made representations on behalf of Lancashire Constabulary as I believed that he was unable to uphold the Licensing Objectives.

On 10th June 2022, we received from Chorley Borough Council an application to vary the DPS, this time to Phillip MARROW. MARROW was spoken with on the telephone by Lancashire Constabulary Licensing Officer Simon JAMES where he claimed that he was investing money into the premises to facilitate with some renovation. Lancashire Constabulary made no representations with regard to this.

On Friday 24th June 2022 at 23:39hrs, PC 5046 HOLDER entered the premises as part of Operation Night safe, a policing operation dedicated to minimising alcohol related crime & disorder within the Night-time Economy. During the visit there was extremely loud music being played. The DPS was not present, and officers spoke with a female bar manager who confirmed that there were no door supervisors present. Upon exiting PC HOLDER commented to his colleague about how loud it was inside the premises.

On Sunday 10th July 2022 at 00:06hrs, Lancashire Constabulary received a 999 call from staff at the premises reporting that they were struggling to manage the behaviour of a customer who kept returning and causing problems. Loud music from the premises can be heard in the background of the call and the staff member of duty confirmed that there were no door supervisors employed at the premises. This was recorded as a nuisance under log reference LC-20220710-0007.

On Sunday 10th July 2022 at 00:45hrs PC 2792 NEWITT and PC 8236 BOZDOGAN visited the premises and spoke with Lisa WORTHINGTON who presented as the manager. They noted that the DPS was not present and there were no door staff on duty. WORTHINGTON advised that they will be hiring door staff along with glass collectors.

On Friday 16th July 2022 at 00:36hrs PC 2456 LILLEY and PC 139 HOLTON entered the premises as part of Operation Night safe, a policing operation dedicated to minimising alcohol related crime & disorder within the Night-time Economy. Prior to arrival loud music was heard emanating from the premises and a lone male was drinking from a pint glass by the front entrance. Officers engage with a Laura WORTHINGTON who presents to them as the manager, due to the noise she asks officers to step into the foyer to talk, she passes a comment along the lines of "CAN'T HEAR A FUCKING THING IN THERE". She advises that there are no door staff employed currently but were looking to employ them. Upon completing a walk through of the premises one of the customers become argumentative with officers demanding them for a warrant.

On Saturday 30th July 2022 at 0100hrs, Police Inspector 3762 Carr attended the premises and noted that there were no door supervisors employed by the premises. 5

On 3rd August 2022, Lancashire Constabulary received an online report of an assault which occurred at the premises on Sunday 31st July 2022 between 17:00- 18:30hrs. This was recorded as actual bodily harm and criminal damage under log reference LC-20220803-0594

On Saturday 6th August 2022 at 00:25hrs, Lancashire Constabulary received a report of an assault at the premises. The complainant names an individual that is currently banned by Chorley Pub watch and states that they were a "PART TIME BOUNCER" at the premises. This was recorded as an assault without injury under log reference LC-20220806-0033

On 16th August 2022 we received an email from Nathan HOWSON at Chorley Borough Council outlining a visit he had completed to the premises.

On Friday 18th August 2022 at 00:28hrs, Lancashire Constabulary received a report of 15 fighting outside at the premises. The complainant states that it happened inside the premises

before spilling out on to the street. This was recorded under log reference LC-20220819-0035

On Thursday 1st September 2022 at 23:07hrs, Lancashire Constabulary were made aware of a fight ongoing outside the premises. The CCTV showed a large number of persons exiting the premises before fights between parties occurred on the street. Several of those involved re-entered the premises afterwards. Officers attended the premises and engaged with a female who presented with injuries to her face, whilst speaking with her she became non-compliant with officers and assaulted them, leading to her arrest. Following further information being received a male inside the premises was arrested shortly after this. This incident has been recorded as an actual bodily harm, 2 x assaults against police officers and an affray under the log number LC-20220901-1504

On the Sunday 4th September 2022 at 02:26hrs, Lancashire Constabulary received a 999-call reporting an assault at the premises and requesting police attendance. CCTV shows several persons leaving the premises before crossing over to the FLAT IRON CAR PARK and a fight starts between three females which is eventually split up. Shortly after that two males leave the premises with one appearing so intoxicated that he is unable to physically walk unassisted. Several minutes later the fight flares up again resulting in one of the females being taken to the floor before being physically removed from the area for a short while. Upon their return this female is then physically restrained outside. Officers' arrival shortly after this, no persons make any complaint of assault however they do describe one of the females as heavily intoxicated. This incident is recorded under log LC-20220904-0190.

On Monday 5th September 2022 I contacted Bryn HAYES at Trust Inns Ltd to discuss the recent incidents and my concerns over the management of the premises. I advised him that given the fact that there had been more violence at the premises and there had been no progression from them taking action against their tenants that I had no choice other than to apply for a review of the premises licence.

Over the next few days, I maintained contact with HAYES, who advised me that on 8th September he was going onto annual leave and wouldn't be able to take any action against his tenants until his return. In the spirit of working with HAYES, I advised that I would be willing to hold off on submitting my review on the condition that the premises employs SIA registered Door Supervisors on Friday & Saturday nights to minimise any further impact on the licensing objectives. HAYES advised me on 7th September that he had a meeting planned with his tenant to discuss the running of the premises and that he must have door supervisors employed for the weekend, however, on 8th September HAYES advised me this meeting was cancelled and I received no confirmation that the premises was going to utilise Door Supervisors.

On the 7th September 2022 I also spoke with a female called ALISON who identified herself as the bar manager for the premises. She was insistent that the incident on the 4th wasn't connected with the premises and didn't seem to grasp the seriousness of customers leaving the premises and fighting on the street. Following this phone call, I received a call from Christopher TICKLE asking why I had objected to his DPS variation application which I advised him that since the application was submitted there had been incidents of violence at the premises which had caused me concerns over his management of the premises. He presented as completely unaware of the incidents and was only able to relay what ALISON had told him about no fight occurring inside the premises. On Thursday 8th September 2022, Lancashire Constabulary received a report from staff at the premises alleging that they had been inside the premises the night before off duty when two customers entered and began disputing with her about service resulting in them assaulting her. This has been recorded as an assault without injury under log reference LC-20220908-0691.

In light of the above, Lancashire Constabulary request that the sub-committee review the premises licence.

12. On 04th October 2022 PC6884 Stephen Connolly submitted a number of files containing voice recordings taken through Lancashire Police’s comms system, Body Cam footage from officers who attended the premises together with footage obtained from the town centre CCTV. These are all in relation to incidents at the premises. These are appended to the report as Appendix 4(a) – 4(n).

Advertisement of the application and relevant representations

13. The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council’s website for the whole 28-day consultation period.
14. In response to this consultation and on 07/10/22, Mr Nathan Howson Enforcement Team Leader (Licensing) an authorised officer of Chorley Council under the Licensing Act 2003, on behalf of Chorley Council made a representation. This representation is appended as Appendix 5 and 5a and relates to the Prevention of Crime and Disorder objective.

Implications of report

15. 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

- 16.

Comments of the Monitoring Officer

17. The options available to the sub-committee are referred to in paragraph 19 below. The premises licence holder and any person who made relevant representations may appeal to the magistrates’ court against a decision within 21 days of notice of the decision. The duty of the sub-committee to have regard to relevant representations, national guidance issued by the Home Office under section 182 of the Licensing Act 2003 and also the Council’s adopted local policy is referred to in the body of the report. Aspects of the Human Rights Act 1998 are engaged, including the right to a fair hearing and the protection of property.

Conclusions

18. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within 5 working days, beginning with the day of the hearing.
19. In accordance with Section 52, the Authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;

- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

20. For the purposes of the previous paragraph, a condition of the licence is modified if any of them are altered, or omitted, or any new condition is imposed.

Jonathan Noad
Director of Planning and Development

Appendices

The below appendices will be made accessible to members of the public upon individual request.

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Location map of the surrounding area
Appendix 3	Application for the review of a premises licence
Appendix 4a	Bodycam footage BWV Nightsafe Visit 02_07_22
Appendix 4b	Bodycam footage BWV Nightsafe Visit 10_07_22
Appendix 4c	Bodycam footage BWV Nightsafe visit 16_07_22
Appendix 4d	Bodycam footage BWV Nightsafe Visit 24_06_22
Appendix 4e	Summary Report Imperial File (1).pdf
Appendix 4f	Summary Report Imperial File.pdf
Appendix 4g	Comms voice recording Log 0007 - WAV
Appendix 4h	Comms voice recording Log 0033 WAV
Appendix 4i	Comms voice recording Log 0035 - WAV
Appendix 4j	Bodycam footage 01.09.2022 Log 1504 - BWV 1
Appendix 4k	Bodycam footage 01.09.2022 Log 1504 - BWV 2
Appendix 4l	Chorley Town centre CCTV footage 01.09.2022 Log 1504 - CCTV 1
Appendix 4m	Chorley Town centre CCTV footage 01.09.2022 Log 1504 - CCTV 2
Appendix 4n	Chorley Town centre CCTV footage 04.09.2022 Log 190 - CCTV4
Appendix 5	Relevant representation- Nathan Howson (Licensing)
Appendix 5a	Correspondence to licence holder from Nathan Howson

Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Usman Gazra		17/10/2022