



PREMISES LICENCE REVIEW

**The Swan With Two Necks
Hollinshead Street
Chorley**

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police Sergeant 1506 Anthony John Bushell

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Swan With Two Necks Hollinshead Street	
Post town Chorley	Post code (if known) PR7 1EP

Name of premises licence holder or club holding club premises certificate (if known) Swan Hospitality Ltd

Number of premises licence or club premises certificate (if known) PL(A)0357
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional) anthony.bushell@lancashire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

The premises has come to the attention of the police in respect of the number of incidents and crimes recorded at the premises, in addition to complaints regarding the provision of entertainment.

There are also concerns that activities being provided are in breach of the conditions on the licence, and that other conditions are not being complied with.

The Police and Local Authority have engaged with the management of the premises and have offered support and advice which has not been acted upon and therefore problems and breaches still persist.

It is the Police view that many of the incidents can be attributed to the ineffective and lax management practices of the Designated Premises Supervisor and other persons with responsibility for managing the premises.

The incidents and complaints undermine the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives.

To this end the Police, through this review, have recommended amendments to the Premises Licence with regards the hours of operation, the provision of licensable activities and the imposition of further conditions.

The Police feel that these measures are reasonable and proportionate to ensure the Licensing Objectives are no longer undermined and a reduction in crime and disorder incidents is achieved.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please see the accompanying documentation

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Anthony John Bushell**

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Age if under 18 **0 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of 19 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the 23rd day of September 2008

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature



1. I am Police Sergeant 1506 of the Lancashire Constabulary and am the Police Licensing Manager for Southern Division, based at Chorley police Station.
2. My role involves the management of licensed premises applications, the enforcement of licensing legislation and being a point of contact for advice, support and guidance for all persons involved in the licensed trade.
3. I have been in this role since September 2004 and since then have had numerous dealings with the premises known as the Swan with Two Necks, Hollinshead Street, Chorley.
4. By way of history these premises have been in operation in Chorley for a considerable number of years, we have a plan of the premises on file dating from 1979, so this certainly indicates at least 30 years.
5. The premises are situated on the outskirts of the town centre and are set at the side of grass banking adjacent to Park Road. Access to the premises is either via Hollinshead Street, or more commonly by walking down a set of cobbled steps leading from the junction of Park Road and Union Street.

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6. During its time of operation it has been a popular venue for people drinking in Chorley. It has, so I am informed by long serving officers at Chorley, suffered some notoriety in respect of disorder that used to occur at the premises, which could well be attributed to it's secluded location.
7. Upon taking up my current role the premises at that time was operating under the name of The Step Inn. It can be said that during this incarnation the premises stuttered in its operation, in that there were a series of successive operators and managers who would take on the premises, operate it for a number of months then leave closing the premises.
8. Due to this lack of stability the premises failed to benefit from the grandfather rights as provided by the Licensing Act 2003 and as such effectively ceased to be licensed from 6th August 2005.
9. On 8th November 2005 I received an application for a new premises licence at the Step Inn from a company under the name of Wish Inns Ltd. The application also specified that the Designated Premises Supervisor was to be Nicholas James Hogan.
10. As a result I attended the premises and there met with the proposed DPS Nick Hogan, who as I believe was also the director of Wish inns Ltd.
11. He informed me what his intentions were in respect of the premises, the fact that he operated licensed premises in other areas without any problems and that he would look at trading under the previous name of the Swan with Two Necks. (Referred to as the SWAN hereafter)

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12. I made enquiries re Mr Hogan and could find nothing to his detriment at that time so there was no objection to his application.
13. The premises commenced operation on or around 23rd November 2005 when the new licensing Act came into force.
14. On 3rd July 2006 I received another application for a transfer of the premises licence from Wish Inns Ltd into the name of Nicholas Hogan, this no doubt owing to the fact that Wish Inns Ltd had gone into compulsory liquidation with an order to wind up on 23rd June 2006.
15. There were no representations made against this transfer.
16. On 1st July 2007 the smoking ban in public places came into force which prevented people smoking in licensed premises. One of the vocal opponents to this was Nick Hogan who defied the ban at his premises in Bolton.
17. He was subsequently prosecuted for this and found guilty at court receiving a fine and possible costs which all together totalled around £10,000.
18. It is fair to say that his opposition to the smoking ban transferred itself to the Swan much to the annoyance of the other operators of licensed premises in the town centre.
19. I received a number of regular complaints from licensees about Nick Hogan allowing people to smoke in his premises. The main problem being that customers were being

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told they could not smoke in premises in the town and were becoming aggressive and volatile stating that they could smoke at the Swan.

20. This was also subject of some debate at the local Pubwatch meetings, in which Nick Hogan did not want to take an active part, due to his view that it was not run professionally.
21. The police also received a few complaints from customers who were reporting that people were smoking in the premises, and when they had pointed this out to staff nothing had been done.
22. Due to the number of complaints received I was approached by the Environmental Health officer at Chorley requesting that we accompany them on a visit to the Swan to see if people were smoking on the premises.
23. To this end on the evening of 14th December 2007 in company with my Inspector we attended the Swan with smoking enforcement officers, where Nick Hogan was found with a lit cigarette in the bar area. He was cautioned and reported by the enforcement officer.
24. After this I spoke with Hogan in company with the Inspector and discussed the issue re smoking and the impact that it was having on the other premises, I also pointed out that if this caused crime and disorder at other premises I would consider a review of his licence.

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25. It would be fair to say that at this time Hogan certainly made it clear to me that he was not going to stop smoking in the premises, and had accumulated a fighting fund to fight the cause.
26. On the 16th January 2008 I received an application for transfer of the premises licence at the Swan. This was to be from Nicholas Hogan to Swan Hospitality Ltd and also a DPS variation from Nicholas Hogan to his wife Denise Hogan.
27. Enquiries were made in relation to this application that showed that Nick Hogan had gone bankrupt on 28th December 2007.
28. Under the Licensing Act 2003, in the case of insolvency, there is a period of 7 days in which an application to transfer the licence can be made. If no such application is made then the premises licence lapses and in effect the premises becomes unlicensed.
29. Therefore the application was void as there was no licence to transfer. In view of this I requested one of my officers to attend the premises in company with an officer from the Local Authority to inform the premises they could no longer operate until a new premises licence was applied for.
30. On 24th January 2008 a new premises licence for the Swan was received from Swan Hospitality Ltd again specifying that Denise Hogan was to be the DPS. A check revealed that the director of the company was a Christian John Tattersall, who I believe is the son of Denise.

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31. There was certainly no mention on any of the paperwork that Nick Hogan had any involvement in the management of the premises. This was no doubt due to his insolvency and in some part to the fact that I would have considered making a representation if he were actively involved in the management. This would be mainly to his flouting of the law especially in relation to the smoking ban.

32. The application as received was very poor, there were pages missing, the licensable activities and indeed the hours that were being requested had not been considered fully and the operating schedule needed reviewing.

33. In an effort to support the premises, I invited both Christian and Denise to the police station to go through their application, discuss what they wanted and how they wanted to operate. I gave advice as to hours and activities. I also offered some conditions under the licensing objectives that I considered would help in the effective running of the premises.

34. It would be fair to say that as a result of this meeting the premises went away with more hours than they had applied for as well as more licensable activities. They were given a copy of my recommendations in respect of the operating schedule and told to resubmit the application, if I recall I arranged with the local Authority to allow the amended application without incurring any further charge.

35. On 25th January 2008 as a result of information received I attended the Swan in company with Steve Culleton from the Local Authority Licensing Department. I had been told that the premises was trading even though no licence was in force.

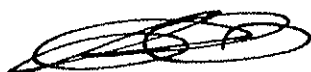
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36. On attending we were able to enter the premises and could see around 20 persons in the bar area drinking. We were approached by Denise Hogan at this time who stated that the drink was being given free to regular customers to prevent it going off in the barrels.
37. A check was made of the bar and till but despite my suspicions, there was no evidence that sales were taking place. Denise was advised in respect of the door being open and the perception that could be given as to the premises being open.
38. On 5th February 2008 I received the amended application that included all my recommendations as well as all the conditions I had suggested. I therefore made no representations to the application.
39. I am aware that there were representations made by environmental health and conditions consistent with their concerns had been included on the licence also.
40. Due to the determination period the premises operated on Temporary Events Notices until the grant of the full licence on 4th March 2008.
41. I produce a copy of the licence and conditions as Exhibit Ref AJB 1.
42. The premises has continued to operate under this licence since its grant. During this time there have been a number of incidents that have been brought to my attention in respect of the premises which started to give cause for concern.

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43. In addition to this the conduct of Nick Hogan was also causing me concerns as it was very clear that he was in fact controlling the activities at the premises even though his wife Denise was the DPS.
44. He also appeared to have a problem with the licensee of Applejax Nightclub, who is the chairperson of the Chorley Pubwatch, so much so he had made threats to him which resulted in Hogan being warned under the harrasment act.
45. Due to a further incident where he caused further harassment some time later he was arrested for the offence but was released without charge.
46. I have also received information from police officers at Chorley who expressed concerns re incidents at the premises where no CCTV was available, even though this was conditioned on the licence, and the fact that the premises was breaching its conditions by providing entertainment without having submitted a report from a sound engineer as detailed.
47. The issue of the CCTV system was again highlighted when I received a report from PC Sergeant regarding an incident he was dealing with at the premises.
48. I produce a copy of this report as Exhibit Ref AJB2.
49. Further complaints were also received from members of the public about the provision of entertainment at the premises when not authorised and the loudness of the music.

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50. I contacted the Local Authority were also aware of these issues and were able to confirm that there had been no sound engineer report furnished at this time.

51. At 02.15 hrs on Saturday 22nd March 2008, two police officers attended the Swan and witnessed entertainment being provided in the form of a DJ.

52. At 00.30 hrs on Saturday 29th March 2008, I attended the Swan in company with an Inspector from the Security Industry Authority, to carry out doorstaff checks.

53. Whilst speaking with the doorstaff they raised concerns that they felt vulnerable as they had no town centre link radio and therefore did not know what was happening in the town, nor could they call for assistance if required.

54. I informed them that they should have one as it was a condition of the licence and that I would provide the contact details of the supplier.

55. I could also clearly see and hear entertainment being provided in the form of a DJ. When I pointed out the potential breach of licence to the manager he informed me that they were appealing against the issue of the licence and that they had been advised by their solicitor to carry on with the music.

56. I reported this back to the Local Authority.

57. I am aware that the Local Authority then contacted the premises by letter requesting they forward a copy of the sound report as outlined on the licence.

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58. I produce a copy of this letter Exhibit Ref AJB 3.

59. At 22.30 hrs on Saturday 3rd May 2008 I attended the swan in company with Bob Beeston from the Local Authority, where again we saw a DJ setting up his equipment.

60. He was spoken to by Bob whilst I provided Denise Hogan with the contact details for a town centre radio.

61. Based on the apparent breach of the licence conditions the Local Authority commenced criminal proceedings against the premises.

62. Due to these circumstances, as well as the number of incidents that appeared attributable to the premises I compiled a list of incidents and crimes for the period 1st January 2008 to 6th June 2008.

63. The incidents totalled 51 with 11 recorded crimes. I produce these documents as Exhibit ref AJB 4.

64. I then wrote to the premises licence holder requesting a meeting at the premises to review these incidents and see if there was a way we could offer support in reducing these incidents.

65. I produce a copy of this letter Exhibit Ref AJB 5.

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Continuation of Statement / Interview of Anthony John Bushell

66. A meeting was convened at the premises on Tuesday 10th June 2008. Present at the meeting were representatives of the Local Authority as well as the Police, the DPS, Denise Hogan and interestingly Nick Hogan who had designated himself as the manager.
67. During the meeting a number of issues were discussed in relation to incidents, as well as general management of the premises and areas where they were not complying with the conditions on their licence.
68. I had also compiled a breakdown of the conditions on the licence and noted where the premises was deficient in addressing them. I produce this document Exhibit Ref AJB 6
69. This meeting generated a number of actions that were would help to enhance the operation of the premises, the main ones being the reviewing of the CCTV system, for which we offered the services of the Crime Prevention Officer and the obtaining of a town centre link radio.
70. After the meeting the minutes of the meeting as well as actions agreed were compiled, these are produced as Exhibit Ref AJB 7.
71. I then forwarded these minutes as well as the other documentation I had promised to the premises with a covering letter. I produce this letter and accompanying documentation as Exhibit Ref AJB 8.

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Continuation of Statement / Interview of Anthony John Bushell

72. These documents were handed to Denise Hogan who signed that she had received them, I produce this document as Exhibit Ref AJB 9.

73. As part of the meeting I requested Terry Burke the crime prevention officer to contact the Swan to arrange for the CCTV to be reviewed. He did this however had difficulty in gaining compliance. I produce his report as outlined on e mail as Exhibit Ref AJB 10.

74. I am also aware that although it was agreed that a town centre radio would be obtained within 14 days, it was possibly double this time before one was in use at the premises.

75. I continued to monitor the premises and no sooner had the premises obtained a town centre radio I started to receive complaints from, the CCTV operators, other licensees and doorstaff at other premises re the constant use of the radio by Nick Hogan.

76. The complaints were that he was monopolising the airwaves for insignificant matters and sounded drunk when using the radio.

77. Over the weekend of 22nd /23rd August 2008 I was working an evening shift carrying out licensing visits in Southern division. I had at this time in my possession a town centre link radio so I could monitor transmissions over the air.

78. On Friday 22nd August I was in Chorley and was aware of a number of transmissions over the air by Nick at the Swan. Later on that evening I heard him shouting for CCTV, when the reply came I heard Nick being quite aggressive towards the CCTV operator as he had not responded to him as it was an emergency.

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Continuation of Statement / Interview of Anthony John Bushell

79. He was advised by the operator not to address him in that manner, however it transpired that the only problem was that they had refused entry to a male at the premises so not really an emergency.

80. I am aware that shortly after this incident Nick had contacted the CCTV operator by telephone and apologised for his behaviour, I am informed that Nick was crying at this time and was very drunk.

81. This confirmed the concerns that had been raised previously re the use of the radio. It is my view that the radio should be in possession of the doorstaff as they are the persons who will see any problems and should have the facility to report these at the earliest opportunity.

82. As I was going off duty I heard a communication again from Nick Hogan requesting the police to attend the premises as they had detained a male with 20 wraps of drugs on him. I would say at this time that nick sounded drunk.

83. On Saturday 23rd August 2008 I was again on patrol in Chorley. On arrival I checked the outcome of the incident with the drugs informed from the previous day. Upon doing so I discovered that there was no one detained with drugs and the police were in fact handed a small wrap by one of the doorstaff.

84. However the officer dealing had also mentioned that this doorstaff, by the name of Nicholas Makris did not have his badge displayed. When questioned he stated he had accidently washed it.

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Continuation of Statement / Interview of Anthony John Bushell

85. It is an offence to not have a badge displayed so I checked the doorstaff details with the SIA which showed that Makris was actually suspended and as such was not allowed to work as a door supervisor.
86. The premises was therefore using an illegal door supervisor, this was in breach of the condition on the licence under Annex 1, Section 21 (1).
87. I attended the premises later that evening and spoke to the doorstaff on duty, Makris was not working that night. I took the opportunity to discuss the issue of the radio and the doorstaff expressed concern that they did not have the radio.
88. As a result of speaking with them I learned that Nick kept hold of the radio when he was in the living accommodation and if there were any issues then the doorstaff had to contact Nick, who in turn would radio to CCTV. This is no doubt why there were some inaccurate messages being passed.
89. The doorstaff stated that they would now be ringing any incidents directly to CCTV by mobile phone. I informed them that this was not acceptable and that they should have the radio and I would address this.
90. During the early hours of the following morning I was in the CCTV room at Chorley police station when a transmission came over the town centre radio from Nick Hogan. He stated he was very,very, very busy and was about to start kicking people out. He requested a police presence to assist with this.

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91. I informed the CCTV operator that we would not be deploying to the premises unless there was a problem as it was not our job to manage the closure and clearing of his premises.

92. This issue caused me concern as it concerned me that the premises were not managing the customers properly. It appeared that they were just letting anyone in, allowing them to drink to excess and then looking for assistance when closing. It was clear there was no dispersal policy in place.

93. At this time I remained in the CCTV room and monitored the persons leaving the premises. It would be fair to say that many of these people were very drunk. Whilst doing this I spotted a male who I recognised as Steven Headley coming from the premises. This male was a person banned by the Pubwatch.

94. I requested this footage be preserved and made a copy of this I can produce this Exhibit Ref AJB 11.

95. This reaffirmed that the premises was not taking measure to ensure banned persons were not allowed onto the premises. We have had reports of other banned persons in the premises, namely Andrew Ogden and Tony Ryan.

96. The allowing of banned persons onto the premises seriously undermines the excellent work carried out by the pubwatch.

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A rectangular area of the document is completely blacked out, obscuring the signature of the witness.

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97. On my return to work the following Monday I was made aware of a serious assault that had occurred at the premises. Apart from the incident I was very concerned to learn that the incident had been rung in by the doorstaff on the mobile.
98. When the CCTV operator had contacted the premises using the radio link, Nick answered and was upstairs in the premises and had no idea there was a problem downstairs.
99. It has been confirmed that CCTV from the premises has been seized and is of good quality. I believe had we not intervened with the CCTV then this evidence would have been lost
100. As a result of these issues and further incidents recorded at the premises I requested a further meeting at the premises to discuss these concerns.
101. On Friday 29th August 2008 I attended a meeting at the premises, Denise Hogan was present as well as a representative from Kevills Solicitors, however Nick Hogan was not.
102. I compiled a further set of Incidents and crimes for the time period 10th June 2008 to 15th August 2008. I produce these documents as Exhibit Ref AJB 12.
103. At the meeting we discussed the issues raised and I made recommendations regarding the use of the radio link, the monitoring of banned persons and the issue re the provision of entertainment.

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104. I highlighted my concern that although Denise was the DPS it was in fact Nick that was calling the shots and as such was causing problems that would lead to a review.
105. We further discussed the conditions on the licence and it was clear that many of the conditions had not been implemented, despite the assistance given at the previous meeting.
106. A copy of these minutes are produced Exhibit Ref AJB 13.
107. I have since been made aware of a further incident involving Nick Hogan and the inappropriate use of the town centre radio on the evening of Tuesday 2nd September 2008. On this occasion Nick Hogan has been requesting information over the radio in relation to a matter unconnected with him. The information has not been provided and Nick has then become abusive towards the CCTV operator.
108. Again the report is that Nick was drunk, the incident was recorded and the duty sergeant informed. I produce a copy of the CCTV room log and statement from the CCTV operator as Exhibit Ref AJB 14.
109. To take the log of incidents to the present date I have made a check of incidents from the last meeting to 21st September 2007. there are a further 6 reported incidents generating 3 crimes. I have produced a log of these incidents and produce this Exhibit Ref AJB 15.

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110. I have also looked at the incidents at the premises and produced a graph outlining the prolific times of day and days of the week when incidents are occurring. I produce this as Exhibit ref AJB 16.
111. It is clear that the premises known as the Swan with Two Necks has become a hotspot premises in Chorley, no doubt due to the involvement of Nick Hogan. It is my belief that Denise Hogan as the DPS has the best of intentions however is not effectively managing the premises and is influenced by Nick Hogan.
112. Despite interventions by the police, as outlined above, there does not appear to have been any improvement and indeed the advice has, it appears been ignored.
113. In view of this the police feel they have no other option than to apply for a review of the premises licence.
114. To support this I have compiled one document that summarises where the police feel there are failings and breaches of the conditions highlighted from both meetings at the premises. This document, entitled BREACH OF CONDITIONS is included with this file.
115. A further document, that outlines what restrictions are requested and the reasons, has been compiled entitled REVIEW RECOMMENDATIONS & REASONS. This has also been attached to this file and will cross reference somewhat with the Breach of Conditions document.

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116. The Police have fallen short of requesting revocation of the premises licence as it is agreed that the premises is able to make a significant contribution to the town of Chorley.

117. The police do not have an issue with the premises itself , it is with the management of the premises and in effect the control Nick Hogan exerts on this operation. However it is felt that if the suggested controls and restrictions are not considered then the only real alternative is to revoke the premises licence.

Signature



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Swan With Two Necks

Review – Recommendations & Reasons

RECOMMENDATIONS	REASONS	ALTERNATIVE CONSIDERATIONS
<p><u>Removal of Denise Hogan as Designated Premises Supervisor</u></p>	<p>She is clearly at the premises in name only, it would appear she has no effective management of the premises, this in the main being controlled by Nick Hogan. There is a management issue at the premises and it is felt the DPS 's effective management is overshadowed by the controlling influence of Nick Hogan.</p>	<p>If the committee are not minded to remove the DPS then the only other alternative is revocation of the premises licence</p>
<p><u>Restriction of Hours</u></p> <p><u>The sale by retail of alcohol ON & OFF</u></p> <p>Mon – Sun 08.00 – 23.00</p> <p><u>Opening Hours</u></p> <p>Mon – Sun 08.00 - Midnight (Due regard should be given to the statutory public holidays)</p>	<p>It can be seen from the graphs that the majority of incidents occur around the weekend and late at night or early hours of the morning.</p> <p>It is the police view that the migration of persons to the premises when other premises are closed is a fundamental cause of the problems and is ineffectively managed.</p>	<p>If the committee are minded to consider later hours then the police would request a condition that the outside area is not used for consumption after 23.00 hrs.</p> <p>The police feel that the outside area is used as an extension to the licensed premises enabling more customers to be accommodated therefore making dispersal at closing a problem.</p>

RECOMMENDATIONS	REASONS	ALTERNATIVE CONSIDERATIONS
<p><u>Amendments to other Licensable Activities</u></p> <p>B. Exhibition of Films (Indoors) Mon – Sun 12.00 – 23.00</p> <p>C. Indoor Sporting Event Mon – Sun 12.00 – 23.00</p> <p>E. Performance of Live Music Removal of this activity both Indoors and outdoors</p> <p>F. Playing of Recorded Music Removal of this activity</p> <p>G. Performance of dance Removal of this activity</p> <p>H. Entertainment similar to E,F or G Removal of this activity</p> <p>I. Provision of facilities for Making Music Removal of this activity</p> <p>J. Provision of facilities for dancing Removal of this activity</p> <p>K. Provision of facilities for entertainment similar to I or J Removal of this activity</p>	<p>It is clear that many of the problems associated with the premises are related to noise as can be seen by complaints received.</p> <p>There has also been a blatant disregard to the conditions on the licence so much so that the Local Authority are seeking prosecution for offences in relation to the provision of entertainment.</p> <p>The premises are effectively operating as a nightclub, but without the effective controls that are required to run a late night venue.</p> <p>If these recommendations were to be imposed then this would reduce the need for some of the conditions relating to entertainment on the current licence namely conditions 1,2,3,4 & 9 under the Public Nuisance objective.</p> <p>If the hours are agreed there would be no requirement for Late Night Refreshment.</p>	<p>If the committee are minded to allow some entertainment then any activities should have a termination time of 1 hour before the termination of the sale of alcohol.</p> <p>Further the conditions should remain in entirety pending any further recommendations from the Local Authority Environmental Health Department.</p> <p>If later hours are considered then Late Night Refreshment should also be in line with recommendations.</p> <p>Removal of equipment in relation to E, f, G, H, I, J, and K</p>

RECOMMENDATIONS	REASONS	ALTERNATIVE CONSIDERATIONS
<p>Conditions</p> <p>The conditions as detailed in the licence should be retained, other than those as recommended above.</p> <p>In any event the Police would look for a restriction on the use of the outside area for consumption of food or drink.</p> <p>The condition at No 4 under the Crime and Disorder objective in relation to smoking should be amended to read</p> <ul style="list-style-type: none"> ➤ Smoking will not be permitted in any internal licensed area at any time <p>The police would also request a formula to be adopted in relation to the door supervision at the premises as follows;</p> <ul style="list-style-type: none"> ➤ A minimum of 3 doorstaff to be on duty from 7pm Fri, Sat and Sun up to an occupancy of 200. (If the occupancy is over 200 then this should be increased to 5) 	<p>The conditions are necessary to ensure the effective management of the premises.</p> <p>The smoking condition as it stands on the current licence effectively prohibits the smoking outside.</p> <p>There are too many customers being allowed onto the premises to allow effective management and control.</p> <p>The premises has a number of areas that are separated from each other including a first floor which would all need to be monitored.</p>	<p>Any other conditions the committee see appropriate to assist with the effective management of the premises.</p> <p>If the committee are to consider later hours than 23.00 then the same formula should apply with an additional door supervisor for ever 50 customers</p>

RECOMMENDATIONS	REASONS	ALTERNATIVE CONSIDERATIONS
<p>Conditions (contd)</p> <ul style="list-style-type: none"> ➤ The use of a system for measuring the occupancy of the premises at any given time should be in operation whenever door supervisors are employed at the premises ➤ The occupancy of the premises should be noted every hour. This should be recorded in documentary form be available for inspection by an officer of any Responsible Authority. 	<p>As above</p> <p>This will in effect prevent the unprofessional use of the equipment as evidenced in the accompanying documentation.</p>	<p><u>General Considerations</u></p> <ul style="list-style-type: none"> • If the committee members feel they cannot change the hours or remove the licensable activities as requested, then consideration needs to be given to the imposition of further conditions to uphold and promote the four licensing objectives. • These conditions would need to be sufficient to ensure the premises is managed in accordance with it's use which is in effect a nightclub. <p>The police do have great concerns in the imposition of conditions only, with no other sanctions as it has been shown that the management of the premises so far have not been able to implement the current conditions. There is no faith in the current management to administer any extra conditioned without the other restrictions mentioned elsewhere in this document.</p>
<p>The condition at No 6 under the Crime and Disorder Objective in relation to the radio link should be amended in the following terms;</p> <p>The premises will have and operate a town centre link radio, this will be in possession of a door supervisor at all times they are employed at the premises. At all other times it should be in possession of a member of bar staff employed at the premises</p>		

BREACH OF CONDITIONS

ANNEX 1 – MANDATORY CONDITIONS

CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
1	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) of the schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.	Concerns raised re doorstaff in relation to Incident No 40 in log Exhibit Ref AJB4 and as in report Exhibit Ref AJB2	Unregistered door supervisor at the premises as outlined in incident no 22 in log Exhibit Ref AJB12 No meeting arranged as agreed in action at last meeting

ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE

A THE PREVENTION OF CRIME AND DISORDER		CONDITION	EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
1	Installation of digital CCTV system with cameras both internally and externally. The system to be recording 24 hrs a day 7 days a week, to be fully operated and, maintained to the satisfaction of Lancashire Constabulary	Ensure there is one member of staff on duty at all times when the premises is trading who can operate and download images from the CCTV system. These images to be made available on reasonable request from any responsible authority.	Reports from officers and highlighted by log incidents No 13,16, 22,26,32,40,45 in log Exhibit ref AJB4. Referred to in report Exhibit Ref AJB2	CCTV satisfactory on second visit despite difficulties in gaining compliance as outlined in e mail Exhibit Ref AJB10
2			Certainly not evident on first visit	Unable to confirm whether this is the case on second visit as no staff present.

A CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
3	The premises will be a pro-active member of Pubwatch where such a scheme exists and will abide by it's rules and constitution.	Certainly not the case, no evidence of anyone being nominated and Nick disagreement with the constitution. Advised to comply with Denise attending. Outlined on page 3 of minutes Exhibit Ref AJB 7	Attendance at Pubwatch confirmed and constitution signed. However evidence of banned persons via CCTV Exhibit Ref AJB11 and incident No 15 in log Exhibit Ref AJB12
4	Smoking will not be permitted in any licensed area at any time.	Evidence of smoking currently subject of court action by EHO. No further evidence re breach, advice given re variation of this condition.	No evidence of breach
5	The premises will have a written Drugs Policy.	No drugs policy in place as outlined on page 3 in minutes Exhibit Ref AJB7	Informed Drug Policy in place as a result of documentation provided as per Exhibit Ref AJB8 . Unable to confirm if this was the case as no staff present.
6	The premises will have and operate a town centre link radio.	No radio link being used as per page 3 of minutes Exhibit Ref AJB7	Radio link now acquired however outside the time limits specified. Major concerns re it's operation as outlined in PS Bushell statement para's 74-82, 88-90, 96-97, 105-106. Page 2 para 1 of minutes Exhibit Ref AJB13 CCTV statement and log Exhibit Ref AJB14

B PUBLIC SAFETY CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
1	Staff will make regular checks of internal and external areas to ensure any unused glasses and bottles are collected.	No evidence re breach	No evidence re breach
2	All staff including door staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and the drugs policy.	Only training for staff provided re fire evidenced in Exhibit Ref AJB6	Unable to establish whether training in place – suspect no training given due to below
3	All staff training will be recorded and these records made available for inspection on request by any responsible authority.	No staff training provided so no staff training records as shown in Exhibit Ref AJB6 and page 3 of minutes Exhibit Ref AJB7	Staff training records not in place as shown on page 3 of minutes Exhibit Ref AJB13
C PREVENTION OF PUBLIC NUISANCE CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
1	No amplified sound will be played in any external areas.	Not discussed due to Council proceedings. However reports of complaints made in relation to incidents No's 37,38, 44,46-50 in log Exhibit ref AJB4	Not discussed due to Council proceedings
2	Windows and doors will be kept closed whenever live entertainment or amplified sound is taking place.	Not discussed due to Council proceedings. As Above	Not discussed due to Council proceedings However reports of complaints made in relation to incidents no's 12,13 in log Exhibit ref AJB12
3	Regulated entertainment will be inaudible at the nearest noise sensitive location.	Not discussed due to Council proceedings. As Above	Not discussed due to Council proceedings. As Above

C CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
4	When live entertainment or amplified sound is provided a nominated member of staff will make regular checks of the external areas for noise. These checks both positive and negative any action taken will be recorded in document form and this should be made available for inspection at the request of any responsible authority.	Not discussed due to Council proceedings	Confirmed with Denise Hogan that no checks are carried out. As outlined under heading "Final Notes" page 3 minutes of meeting Exhibit ref AJB13
5	Signage will be displayed on the premises asking customers to leave the premises quietly.	No evidence of breach	No evidence of breach
6	Regular contact will be made with local residents to discuss any concerns and a record of these meetings maintained, these should be carried out at least every quarter.	Not done this requirement was reiterated on page 4 minutes Exhibit Ref AJB7	No evidence that meetings had taken place
7	The premises will adopt a dispersal policy at the end of the evening to ensure customers leave the area quietly.	No formal dispersal policy in place	No formal dispersal policy in place requirement for one is evidenced in statement of PS Bushell para's 90-93
8	The Premises Licence Holder will implement a daybook to be maintained and managed to the satisfaction of Lancashire Constabulary department.	No book in place advised of requirement on page 4 minutes Exhibit Ref AJB7	Still no day book implemented despite advice at last meeting. Shown on page 3 minutes Exhibit Ref AJB13

C	CONDITION	EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
9	<p>Prior to the provision of regulated entertainment at B, C, E, F, H, I and K as per the premises licence application: Noise from regulated entertainment shall be attenuated to a level not exceeding 5dBA above the measured background level or in any case 45dB NR outside any noise sensitive dwelling.</p> <p>To meet the above condition, the premises licence holder shall produce a report from an approved Acoustic Consultant describing the steps that will be taken to attenuate noise outbreak from the premises during the provision of regulated entertainment. The monitoring programme and report shall be in accordance with the specification provided by the Council's Environmental Health department. The report's recommendations shall be complied with and monitoring shall take place after the recommendations have been implemented to evidence that the above noise limits are met prior to the provision of any regulated entertainment as listed, save that non-amplified live music will be permitted outside the premises on Sundays and Bank Holidays between 14.00 and 17.00. 7 days notice shall be given in writing to the Environmental Health department of any such events for the purposes of monitoring. Terms of reference as provided by Chorley Council's Environmental Health department.</p>	<p>Not discussed due to Council proceedings</p>	<p>Mentioned at meeting, no report produced however receipt that report had been delivered was produced. Steve Culleton to follow up.</p>

D ROTECTION OF CHILDREN FROM HARM CONDITION		EVIDENCED 1st MEETING	EVIDENCED 2nd MEETING
1	Children will not be permitted in the downstairs licensed area after 21.00 hours Monday to Sunday other than those coming from or going to the restaurant area.	No evidence of breach	No evidence of breach
2	The premises will adopt a Challenge 21 Policy and there will be signage displayed in the premises advertising this.	No evidence of breach	No evidence of breach

EXHIBIT LIST

Exhibit Ref	Article
AJB 1	Copy of premises licence – Swan with Two Necks
AJB 2	G43 Police Report – PC Sergeant
AJB 3	Local Authority letter requesting copy of sound report
AJB 4	Log of Incidents and Crimes 01/01/08 to 06/06/08
AJB 5	Police letter requesting meeting with Swan management
AJB 6	Notes on condition breaches noted at meeting 10/06/08
AJB 7	Copy of minutes of meeting 10/06/08
AJB 8	Letter covering minutes and documentation handed to Swan
AJB 9	Letter confirming receipt of documentation and minutes
AJB 10	E Mail report re review of CCTV by Crime Prevention Officer
AJB 11	CCTV footage of banned person leaving the Swan
AJB 12	Log of Incidents and Crimes 10/06/08 to 15/08/08
AJB 13	Copy of minutes of meeting 29/08/08
AJB 14	Statement and logged incident from CCTV operator
AJB 15	Log of Incidents and Crimes 15/08/08 to 21/09/08
AJB 16	Comparison Graphs of incidents at the Swan