

Minutes of	Licensing Act 2003 Sub-Committee
Meeting date	Wednesday, 2 November 2022
Committee Members present:	Councillor Matthew Lynch (Chair), and Councillors Margaret France and Alan Platt
External attendees:	PC Stephen Connolly, Lancashire Constabulary - Applicant Mr. Bryn Hayes, Trust Inns Ltd – Premises Licence Holder
Officers:	Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Stefanie Malcolmson (Senior Solicitor) and Coral Astbury (Democratic and Member Services Officer)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

20.12 Declarations of Any Interests

There were no declarations of interest.

20.13 Procedure

The Chair outlined the procedure that would be followed during the hearing.

20.14 Determination of Application for the review of a Premises Licence, The Imperial 59 Union Street, Chorley,

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee to advise members of an application for review of a premises licence in respect of The Imperial, 59 Union Street, Chorley, PR7 1AB.

The Premises Licence Holder (PLH) Mr. Bryn Hayes, on behalf of Trust Inns Ltd, was present.

The Applicant for Review on behalf of the Chief Constable at Lancashire Constabulary, PC 6884 Stephen Connolly was also present. Also present was Mr. Nathan Howson (Enforcement Team Leader – Licensing), who had submitted a representation on behalf of the Licensing Authority.

The Sub-Committee were asked to approve the requests received under regulation 8, allowing eligible parties to the hearing to speak. These requests were approved by the Sub-Committee.

The Customer Services Manager (Enforcement) presented the report and explained that the premises had been licensed in the name of the current premises licence holder since 2005, when the licence was transferred under grandfather rights. Since the grant of the licence, there had been regular variation applications submitted for a change of Designated Premises Supervisor (DPS). The Customer Services Manager (Enforcement) advised the premises currently had no DPS in place.

The Customer Services Manager (Enforcement) advised members the application for review had been advertised in accordance with the regulations. A notice had been displayed at the premises, at the Council Offices and a copy of the application published on the Council's website for the 28-day consultation period. In response to the consultation, a representation was received from Mr. Nathan Howson, Enforcement Team Leader (Licensing) as an authorised officer of Chorley Council on behalf of Chorley Council.

The Customer Services Manager (Enforcement) advised members that the relevant parties had agreed modified conditions for the premises licence, and these were presented to member's for consideration, within the supplementary agenda.

The Customer Services Manager (Enforcement) requested Members give due consideration to the application and any relevant representations. Members noted that the duty of the licensing authority is to take steps appropriate to promote the licensing objectives in the interests of the wider community.

PC Connolly for and on the behalf of the Chief Constable of Lancashire Constabulary, explained that an application for review was submitted on the grounds that the licensing objective of the Prevention of Public Nuisance and Public Safety objective was being undermined.

The Applicant for Review, PC Connolly explained to the Sub-Committee the premises had re-opened in March 2022 with new tenants and the original DPS who was Mr. Darren Tickle. The Police had objected to this appointment due to recent offences and pending prosecutions. Between March – August 2022 there had been four additional DPS variations, of which the Police objected to a further two appointments. The first individual had stated he was only applying to the role as a, "favour for a mate" and was not actually in control of the premises. The second individual was following the recent disorder at the premises.

PC Connolly explained that Officers first experienced difficulties with the premises in June 2022. On 24 June 2022 Officers undertook a walk through of the premises after 23:00 and noted loud music inside and no door supervisors. Another walk through was done on 2 July 2022 and had similar findings. Officers received the first incident report from the premises on 10 July 2022 which came from a member of staff, claiming there was a customer causing problems and entering the premises although they were barred.

Shortly after the call, Officers carried out another walk through at 00:45 and noted the absence of door supervisors and the DPS. The Bar Manager made comments to the

Police Officers that she had recently found a parcel of drugs within the premises and she had taken it to the Police Station.

On 16 July 2022 Officers do another walk through of the premises at 00:45 and noted the absence of door supervisors and the DPS. The music within the premises was loud and the Bar Manager made comments to the Officer's that she could not hear a thing.

On 3 August 2022 there was an allegation of assault wherein an individual had been assaulted within the premises and had a pint of beer thrown over them. Another allegation of assault within the premises was received on 6 August 2022. The complainants stated that an individual known for being on a pub watch ban had assaulted them and was acting as a security guard within the premises, despite not being licensed.

A further incident was recorded on 16 August where there was an allegation of 15 persons fighting inside the premises, before continuing the fight on the street. Town Centre CCTV operatives reviewed the footage and saw a scuffle, but there was no further complaints.

On 1 September 2022, CCTV operators for the Town Centre captured a large fight occurring outside of the premises which continued for several minutes. Following this, several of the group went back inside The Imperial. Officers attended the premises and arrested two individuals, during the arrest two Officers were also assaulted. Again, it was noted there was no door staff on duty.

On 4 September 2022 there was a further report alleging an assault at the premises, Town Centre CCTV captured individuals leaving the premises onto the street and fighting in the car park opposite. Again, no door staff were on duty. PC Connolly showed the Sub-Committee footage from the incidents on 1 September 2022 and 16 July 2022.

In response to a member enquiry it was confirmed that The Imperial did have CCTV inside, however it was of extremely poor quality.

PC Connolly confirmed that it was not clear who was in charge of the premises on a day to day basis. As the premises had changed DPS five times within a year, this raised concern and the premises would have been included in Operation Nightsafe. Officers would also do walkthroughs of the premises on the back of previous incidents or intelligence.

Members asked if any other pubs in the Town Centre demonstrated this kind of activity. In response, PC Connolly stated that there was not. Chorley Town Centre had a strong pub watch and premises worked together with incidents managed well.

Members commented on individuals drinking from open containers outside of the premises and asked if this was permitted. The Enforcement Team Leader (Licensing) explained that there was a condition on the licence requiring there be no glass containers outside, this was a breach of licence.

Mr. Nathan Howson, for and on behalf of the Licensing Authority, explained that his representation was based on the licensing objective of Prevention of Crime and Disorder. Mr. Howson explained that a significant amount of time had been spent with

the premises and multiple visits undertaken, both with Chorley Council Officers and Police, to help and assist the managers to bring their activities into compliance with the licence. Despite those visits no improvement had been made.

It was the view of Mr. Howson that the issues at the Premises were caused by poor management. The premises had seen a number of managers, different individuals proposed as DPS with no actual responsibility for the premises. Mr. Howson had written to the PLH following the visits, expressing concern at the poor management of the premises.

Mr. Howson advised that himself and the Police had worked closely with Trust Inns following the incidents and had been received positively. The PLH were now in the process of removing the current tenants, which would satisfy the concerns held by the Licensing Authority. Mr. Howson referred to the supplementary agenda and explained that parties had an agreed position regarding the imposition of licence conditions and asked members to consider these when making their decision.

Members asked the Enforcement Team Leader (Licensing) for reassurance that the conditions would be adhered to. In response, the Enforcement Team Leader (Licensing) explained the conditions would form part of the licence. Should they be breached, it would be a criminal offence and could result in prosecution. The Enforcement Team Leader (Licensing) confirmed that the premises was currently closed as it was without a DPS. Without a DPS, the premises was not permitted to sell alcohol.

Referring to the proposed conditions, members asked when the first risk assessment would need to be undertaken. The Enforcement Team Leader (Licensing) explained that a risk assessment would need to be in place prior to the premises re-opening.

Mr. Bryn Hayes, on behalf of Trust Inns the PLH, addressed the sub-committee and explained that they had no day to day control over the pubs they let. Trust Inns provided tenants with all the support they needed and explained what was expected of tenants. Mr. Hayes accepted that The Imperial had poor management and it was a poor decision to allow the tenants to be in charge of the premises. Trust Inns had possessed The Imperial for a number of years and had not previously had any issues. Mr. Hayes explained that Trust Inns had removed the DPS as soon as they could, meaning the premises could no longer trade. They were also in the process of removing the tenants. Mr. Hayes explained that Trust Inns run other premises within Chorley which were well organised and run. They had worked with the Licensing Authority and Lancashire Constabulary to try and improve the situation.

Members welcomed that Trust Inns accepted they had made a wrong decision and commented that it would be a good opportunity for someone to run a premise in a prime location within Chorley.

Members sought clarification on the process used by Trust Inns when handing over premises to new tenants. In response, Mr. Hayes explained they had a process before they put tenants within the premises. They would go through the paperwork for the premises licence and provide the tenants with all documents needed to run a successful business.

Members asked Mr. Hayes if he approached Licensing Officers when he had concern that things were not being done as they should. Mr. Hayes confirmed that he did not

approach Officers as it was admin procedures that were not being followed currently. In his experience, other tenants wanted to run their business properly and accepted help from the PLH, in this case the tenants did not.

In response to a member enquiry, it was confirmed that the eviction process for the tenants was currently with solicitors. The premises would remain closed until Trust Inns received back control and appointed another tenant. Trust Inns would inform the authorities of who that would be.

PC Connolly in summing up, referred to his previous statement and explained that Trust Inns had not come to his attention other than the Imperial. It was his view that issues could have been mediated had the tenants been prepared to pay for door supervision.

In summing up Mr. Nathan Howson, on behalf of the Licensing Authority, asked committee to consider imposing the conditions which had been agreed by all parties. It was his view that these were a reasonable way to protect the licensing objectives.

Mr. Bryn Hayes, on behalf of the PLHS Trust Inns, also referred to the agreed conditions and requested members consider these when making a decision. Mr. Hayes stated that someone would have the opportunity to run a great business in Chorley.

RESOLVED:

Members took account of the application and relevant representations, the Council's Statement of Licensing Policy, the Section 182 guidance, the Licensing Act 2003 and the Licensing Objectives. After careful consideration members resolved to vary the conditions attached to the Premises Licence for the following reasons:

1. The applicant and the premises licence holder have been working together since the application for a review was submitted in order to address the concerns set out in the body of the application. This has resulted in a number of proposed conditions being agreed and put to Members today for consideration.
2. Members are in agreement that the proposed conditions address the concerns raised in the application for a review of the Premises Licence, save for a slight amendment to proposed condition 1 below and an amendment to the existing condition to vary the opening times of the premises. The opening times of the premises on a Sunday to Thursday shall be modified to 10am to 12am in order to address concerns regarding noise levels and the fact that incidents brought to the attention of this Committee today have taken place during the week.
3. In addition to the conditions, Members would like to recommend that the Premises Licence Holder joins Pub Watch which also address the concerns raised in the application.

The following conditions shall be added to the Premises Licence:

1. A written risk assessment shall be carried out which considers the provision of door supervisors. Such risk assessment shall be conducted for the normal running of the premises and shall be carried out on a not less than yearly basis. Such risk assessment shall require a minimum of 2 door supervisors to be deployed at the premises from **2000hrs on Friday and Saturday** until the close of

business or until the immediate vicinity of the premises has been cleared of customers, whichever is the later.

2. Where the premises is proposed to be used otherwise than for the normal running of the premises or over a bank holiday, a further risk assessment shall be carried out which considers the provision of door supervisors. All risk assessments required by condition shall be kept on the premises for 12 months from the date of assessment and shall be produced to Responsible Authority Officer or Police Officer on request.
3. A CCTV system shall be installed at the premises which shall meet the following criteria:
 - All recording shall be stamped with the correct time and date;
 - The system shall be recording at all times the premises is open to the public;
 - All recordings shall be retained for at least 31 days after they are made and shall be produced to an authorised officer upon lawful request;
 - As a minimum, the CCTV shall capture a “head and shoulders” image of any person who enters the premises through one of the public entrances and shall be of a quality that would enable their identification;
 - The DPS shall carry out an inspection of the CCTV system at least once monthly to ensure it complies with the above. Any non-compliance and errors/malfunctions shall be recorded in the incident log and corrected within 3 working days of the problems being identified;
 - Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises; and
 - A competent person, trained in the use and operation of the system, shall be in attendance at the premises at all times licensable activities are being carried on. Said person shall be able to fully operate the CCTV system and be able to download data in a recognised format when requested.
4. A bound incident log shall be kept on the premises which shall be used to record any notable incidents, such as a report of crime or disorder, evidence or suspicion of drug related activity and any ejections from the premises. All entries in the log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident.
5. Any person who is authorised by a personal licence holder to sell alcohol under the premises licence shall be authorised in writing. Such authorisation shall include, as a minimum, the name and signature of the person being authorised, the name and signature of the personal licence holder and the date of the authorisation. The log of persons authorised shall be kept up to date and on the premises and shall be produced to a responsible authority on reasonable request.
6. Prior to being authorised to sell alcohol at the premises, each person shall be trained in the responsible selling of alcohol, the conditions of the premises licence, the “Challenge” Policy and drug awareness. Refresher training shall be carried out at intervals of not greater than 12 months. All training required by this condition shall be recorded in a written format which shall be kept on the

premises for a minimum of 24 months and produced to a responsible authority on reasonable request.

7. The premises licence holder shall produce a written dispersal policy for the premises and shall ensure the premises is operated in accordance with this policy.

The premises licence holder and any person who made relevant representations may appeal to the magistrates' court within 21 days of notice of this decision.

Chair

Date