

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Pleasant Retreat 2 Watkin Lane Lostock Hall	
<b>Post town</b> Preston	<b>Post code (if known)</b> PR5 5RD
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Lyn Birtwistle	
<b>Number of premises licence or club premises certificate (if known)</b> PREMA0177	

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 | <input checked="checked" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>                   |
| 3) the prevention of public nuisance    | <input type="checkbox"/>                   |
| 4) the protection of children from harm | <input type="checkbox"/>                   |

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

This review has come to light due to the number of incidents and crimes associated with the premises since the current Designated Premises Supervisor has been in place.

There have been a number of disturbances associated with the premises which have had the potential to escalate into major public order situations. These incidents have caused great concern for the local officers. It appears that the problems seem to stem from customers at the premises who have had too much to drink.

The Police and Local Authority licensing officers have spoken with the DPS to establish the causes of the problem and have recommended various solutions to reduce the incidents.

However despite this intervention the recommendations have not been implemented and we have seen an increase in incidents and disorder.

The police feel that the current DPS is not strong enough to manage the premises and the customers and would therefore ask for her to be removed. The police have also asked for a number of conditions to be attached to the licence, along the lines of those recommended to the DPS which have failed to be implemented voluntarily. It is felt that the imposition of these conditions would help to address the licensing objectives and offer support and protection to customers and staff at the premises.

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

Please see attached 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

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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 4<sup>th</sup> December 2008

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (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 **Nicola Ruth Barrett**

URN

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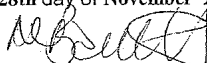
Age if under 18

(if over 18 insert "over 18"). Occupation **Licensing Enforcement Officer**

This statement (consisting of 2 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 **28th** day of **November** **2008**
 Tick if witness evidence is visually recorded ☐  
 (supply witness details on rear)

Signature



My name is Nicola Ruth Barrett and I am employed by South Ribble Borough Council as the Licensing Enforcement Officer, a post I have held since December 2005. Prior to this I worked for South Ribble as an Environmental Health Technician. My current duties include monitoring the trading activities of premises providing licensable activities, to ensure that they are operating in accordance with the provisions of the Licensing Act 2003.

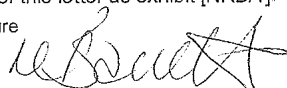
On Saturday 2<sup>nd</sup> August 2008 I was working with PS1506 Bushell and PS1287 Clitheroe. At approximately 01:20 we responded to a disorder incident at the Pleasant Retreat. On arrival I saw a number of police officers dealing with disorderly individuals outside the pub and went inside to speak to Lynn Birtwistle the Designated Premises Supervisor. By this time the pub had been cleared of customers, except for a few members of the DPS family who had been celebrating an 80<sup>th</sup> birthday party during the evening.

Mrs Birtwistle advised me that an incident had occurred inside the premises which escalated when the main antagonist was ejected. This was a male who she said was inside the premises without her knowledge and that he was banned from all Lostock Hall pubs through the local pubwatch scheme.

Shortly before 02:00 the Police restored order in the area and PS1506 Bushell joined me inside the premises. He advised me that he had been made aware of a similar incident the previous evening and told Mrs Birtwistle that she would need to come into the Police Station the following week to look at how she was going to regain proper control of the premises.

On the morning of Tuesday 5<sup>th</sup> August 2008 Lynn Birtwistle met with Inspector Robinson, PS1506 Bushell and myself at Bamber Bridge Police Station. Following the meeting I sent a letter summarising the discussion and recommendations made to Mrs Birtwistle. I produce a copy of this letter as exhibit [NRB/1].

Signature



Signature witnessed by

On Friday 14<sup>th</sup> November 2008 at approximately 13:30 I revisited the premises with PS1287 Clitheroe to check on what steps had been taken by the DPS to address the concerns raised during our meeting in early August and to gauge the response on site to the recent advice from the Crime Prevention Officer.

Mrs Birtwistle told me that she understood the brewery, Scottish & Newcastle, were going to install CCTV but was not sure when. She had contacted 2 companies who provide door supervisors but that it would cost her £400 per night and in the current climate could not afford to pay this. In the absence of door supervisors Mrs Birtwistle indicated that she was monitoring the door herself and directing smokers away from the front of the pub and into the rear yard. She added that she keeps putting up signs at the entrance saying the same thing. In respect of training, she and her partner Steve, had been on a course run by Scottish & Newcastle and were using the material from that, to train bar staff themselves. She also pointed out that the security alarm at the premises did not work and she was in discussions with the brewery about who was responsible for repairing or replacing it. During this meeting Mrs Birtwistle indicated that she had received threats of arson and that she and the local Police were taking these threats seriously.

We discussed the possibility that the Police would be seeking a review of the premises licence given the current problems on site. I explained how the review process worked and suggested alternatives that she could consider, including applying to vary the licence herself to volunteer the conditions that the Police had indicated as being necessary to prevent and detect further criminality associated with the premises and its clients.

Despite beer barrels being used as missiles on the night of 2<sup>nd</sup> August 2008 and the issue being highlighted again during the Crime Prevention Officers visit, I noted a number of unsecured barrels along with waste and other portable items in the yard during my visit.

On Monday 17 November this premises was discussed at the MALT meeting. Lancashire Fire and Rescue Service indicated that they would visit to offer advice and support in terms of arson protection.

I have also spoken to Tom Hill the area manager for Scottish & Newcastle to apprise him directly of the current position. He indicated that Lynn Birtwistle had only made him aware of the need for CCTV in the past couple of weeks. He was unaware that this had been raised formally with her almost 3 months ago.

Signature



Signature witnessed by



5<sup>th</sup> August 2008

PREMA0177

Mrs N Barrett

5357

01772 625590

01772 625357

Nbarrett@southribble.gov.uk

Mrs Lynn Birtwistle  
The Pleasant Retreat  
2 Watkin Lane  
Lostock Hall  
PRESTON  
PR5 5RD

Dear Mrs Birtwistle

Licensing Act 2003  
Premises Management Failings

I am writing to confirm the meeting earlier today at Bamber Bridge Police Station, involving you, Inspector Robinson, Sergeant Bushell and myself.

The meeting was called in response to increasing concerns among Lancashire Constabulary officers about your ability to effectively manage the Pleasant Retreat.

During the meeting the following specific concerns were discussed

- The unacceptable number of assaults and incidents that have occurred either inside your premises, or involve your customers in the area immediately outside the pub which have required significant Police resources to deal with individuals and restore order.
- The lack of control at door entry points which enables banned persons to gain entry to the pub, the potential for underage children or drunks to gain entry and for customers to bring drinks in open containers with them, contrary to your licence conditions.
- Customers being allowed to congregate freely on Hope Terrace drinking and smoking instead of being directed to the beer garden which is under your control.
- The lack of effective or suitable CCTV.
- Competency issues among staff and a lack of formal training.

The following recommendations were made during the meeting and I would urge you to give serious consideration to implementing them all.

- With immediate effect prevent customers standing outside your premises to smoke and drink and encourage the use of your rear external yard.
- Provide a minimum of 2 SIA registered door supervisors every Friday, Saturday and Sunday to control entry to the premises and prevent customers from spilling out onto the public footway to drink and smoke.
- Install a suitable CCTV system that will provide good quality recorded images of the internal licensable areas, door entry points and outside beer garden.
- Arrange for staff to receive effective training to increase their competence and confidence in respect of licensable activities, particularly the sale of alcohol.

I must warn you that should you decide against implementing any or all of the above measures and further notable incidents occur that could have been avoided, or effectively dealt with had the recommendations been adopted, it is almost certain that a review application would be made by the Police.

As part of our commitment to assist you in addressing these matters, I have arranged for the Crime Prevention Officer to contact you and provide guidance in respect of CCTV provision, Sergeant Bushell will provide contact details for a reputable security company who provide SIA registered door supervisors to a number of premises in this area and I have also enclosed a leaflet which details the courses currently offered at Runshaw College for those working in the licensed trade.

If you require any further information or assistance please contact me in the office and I will endeavour to help.

Yours faithfully

Mrs. N. Barrett  
Licensing Enforcement Officer

CC PS1506 Bushell, Southern Division Police Licensing Unit

## 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**

URN

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

This statement (consisting of **7** 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 **2<sup>nd</sup>** day of **December 2008**Tick if witness evidence is visually recorded ☐  
(supply witness details on rear)

Signature



I am Police Sergeant 1506 of the Lancashire Constabulary currently based on the Licensing Unit at Chorley, a post I have held since September 2004.

My role covers the area of Southern Division of the Constabulary and incorporates the Local authority areas of South Ribble, Chorley and West Lancashire.

My duties include the provision of an administrative function with regards applications under the licensing Act 2003, the identification of problem premises with a view to offer support and guidance and the enforcement of licensing legislation.

The Pleasant Retreat is a Public House situated at 2 Watkin Lane, Lostock Hall and has been identified as a problem premises, mainly due to the number of incidents and crimes associated with the premises

By way of history, the premises was subject to an application to vary the Designated Premises Supervisor (DPS) on 7<sup>th</sup> December 2007, the application was made by Innhand Limited, the then Premises Licence Holders.

Signature



Signature witnessed by

The application was to remove the DPS Kieron Newcombe and replace him with the new DPS Lyn Birtwistle.

There were no police representations made at this time

On 10<sup>th</sup> July 2008 another application was received to transfer the premises licence into the name of Lyn Birtwistle.

It was during this period that the premises started to come to notice of the local police as well as the licensing unit due to the number of rowdy incidents and the number of assaults being reported.

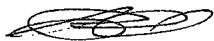
About 01.20 hours on Saturday 2<sup>nd</sup> August 2008 I was uniformed duty carrying out licensing visits in the South Ribble area. I was at this time in company with PS 1287 Clitheroe and the Local Authority Licensing Officer Nicky Barrett.

It was at this time that I attended a report of disorder at the Pleasant Retreat Public House.

On arrival there were a large number of police officers outside the premises dealing with a number of very drunk individuals, some of these were under arrest and I assisted the officers to clear the area of those that remained.

It was evident that these persons had just been in the premises as some had pint glasses with alcohol in them.

Signature



Signature witnessed by

After assisting with clearing the area, I spoke to a number of police officers who informed me that there had been a similar incident the previous evening and that they were questioning the ability of the DPS to control the premises.

I then entered the premises and spoke with Lyn Birtwistle, established what had occurred and advised her I had concerns regarding her apparent lack of control over the premises, to this end I informed her that I would make arrangements to speak with her at Bamber Bridge Police Station the following week.

I can say that at this time Lyn and her staff had been drinking and her husband was drunk, as he came out of the premises and began remonstrating with both Lyn and ourselves.

The meeting took place at Bamber Bridge Police Station on the morning of Tuesday 5<sup>th</sup> August 2008, between myself, Lyn Birtwistle, Niky Barret and Inspector Robinson

The issues discussed were

- The number of assaults and incidents that associated with the premises
- The lack of controls on persons entering or leaving the premises
- Customers congregating outside on Hope terrace
- Lack of CCTV
- The lack of competency of staff employed at the premises

Signature



Signature witnessed by

As a result of this meeting a number of recommendations were made that would hopefully assist in reducing the number of incidents and enhance the management of the premises, these being

- Prevent customers drinking outside the premises and direct smokers to use the beer garden
- Employ 2 door supervisors every Friday, Saturday and Sunday
- To install a CCTV system
- Arrange for suitable staff training

To enhance these recommendations we offered support by having the Crime Prevention Officer carry out an assessment of the premises in respect of CCTV and information re training and door supervisors.

It was strongly emphasised that should these recommendations not be implemented in some form, and there was a continuance of problems then we would have no option but to seek a review of the premises licence.

In the weeks that followed there was an increase in incidents at the premises including threats made to the DPS, as a result a Threat assessment Document was completed and a personal attack alarm was provided.

Further to this I requested PS Clitheroe re attend the premises with Niky Barrett and establish what if any of the recommendations had been adopted.

Signature



Signature witnessed by

It was clear that none of the main recommendations were adopted and it is felt that this has a direct impact of the number and detection of crimes occurring at the premises.

Since the meeting with the DPS in august there have been a further 43 incidents at the premises, including rowdy behaviour, assaults and criminal damage.

There have most recently been 4 false activations of the personal attack alarm at the premises.

It is clear that despite the Police and Local Authority interventions the DPS Lyn Birtwistle has not carried out her responsibilities with regards the achievement of the licensing objectives and as such the Police now have no other recourse than to ask for a review of the premises licence

The recommendations are outlined below;

1. **The removal of Lyn Birtwistle as DPS.** – If it was decided not to remove the DPS we would ask for the below conditions and a suspension of the licence for a sufficient length of time to allow the installation of the CCTV system
2. **The imposition of conditions on the licence as outlined in the below table;**

Signature



Signature witnessed by

**CONDITIONS**

Recommendation	Reason	Licensing Objective
Installation of CCTV system to be installed in accordance with the recommendations of the Crime Prevention Officer and to be maintained and operated to the satisfaction of Lancashire Constabulary	There have been a number of crimes recorded at the premises that are undetected and a number of attacks at the staff CCTV would provide evidence of offenders as well as protection for staff and customers	Prevention of Crime and Disorder
Customers will be prevented from smoking, eating, drinking or congregating outside the premises other than in the area specified for the purpose (This being the walled off area at the side of the premises)	Problems are caused by customers congregating at the front doors of the premises on Hope Terrace	Prevention of Crime and Disorder
The outside walled area will be kept clear of obstruction and no items that could be used to commit crime or cause damage shall be kept or stored in the area.	Empty beer kegs have been stored in this area previously and the same have been used to damage windows at the premises	Prevention of Crime and Disorder
Staff to be trained with regards responsible alcohol retailing	Possible issue re sales of alcohol to drunks	Prevention of Crime and Disorder

Signature



Signature witnessed by



Recommendation	Reason	Licensing Objective
All staff training to be documented and made available for inspection at the reasonable request of any responsible authority	Will allow checks to be made to ensure staff are compliant	Prevention of Crime and Disorder

Signature



Signature witnessed by

**CRIME PREVENTION VISIT TO THE PLEASANT RETREAT  
PUBLIC HOUSE, 2 WATKIN LANE, LOSTOCK HALL**

The pub itself is situated in an area which is a Hot Spot area for Anti Social Behaviour and Criminal Damage with many of the local business being the target with windows being smashed and graffiti.

On Thursday 13<sup>th</sup> November a visit was carried out to the pub by myself and Terry Burke on arrival we spoke to Lynn Birtwistle the landlady and her husband. Lynn stated that the Brewery had visited the premises whilst they were on holiday with a view to installing a CCTV system at the premises, to date this has not been done

Further enquiries to be conducted with the Brewery to ascertain the current position.

We would make the following recommendations:-

- A digital CCTV system with a 20 camera capability recordable hard drive
- On the exterior of the property 9 dome cameras to be situated on the four corners of the detached property and 1 covering the domestic yard area.
- Interior cameras to be located at entrance door to give a head and shoulder identification shots, 2 to be in the lounge area, 2 in the Pool room and 1 in the toilet corridors.
- Colour monitor to be placed on public view behind the bar.
- Alarm system – it was noted that this is not in working order (maintenance in dispute between brewery and licensee) we would recommend that the repairs be completed ASAP.
- Rear Yard – it was noted at the time of the visit that the rear gate was open and that there is a considerable amount of rubbish lying around including beer barrels which could all be used in the commission of crime. Ideally the yard should be kept clear of these items and the gates be secured at all times.