

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 Lancashire & Yorkshire Hotel 249 Station Road Bamber Bridge	
Post town Preston	Post code (if known) PR5 6LD

Name of premises licence holder or club holding club premises certificate (if known) Mr Stanley Ian Duncan

Number of premises licence or club premises certificate (if known) PREMA 0140
--

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)

These premises have come to light on a number of occasions with regards complaints surrounding the provision of entertainment outside permitted hours and alleged breach of licence conditions many of which clearly undermine the Prevention of Public Nuisance Objective. These issues have been highlighted to the Premises Licence Holder and previous action has been taken in respect of the management of the premises by South Ribble Borough Council in conjunction with the Police. Unfortunately these interventions do not seem to have prevented problems arising from the premises.

In addition to the public nuisance aspect, the local police have also recorded a number of incidents of crime and disorder at the premises which clearly undermine the prevention of Crime and Disorder Objective. They also raise concerns regarding the manager of the premises, his co-operation with the authorities and his relationship with other managers of licensed premises in the area.

The DPS is believed to be in-operative at the premises and will be for some considerable time and as such the current manager is the Premises Licence Holder. The Police feel they have no confidence in the manager of the premises and as such seek this review of the licence. Normally it would be the case that the police would request removal of the DPS, however the problem appears to be attributable to the manager and not the DPS and as such the police would seek to remove his control of the premises.

Therefore the only effective course of action to achieve this is to ask for full revocation of the premises licence.

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

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

--	--	--	--	--	--	--	--

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 23rd Februray 2009

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 **David George GELSON**

URN

--	--	--	--

Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Constable 886**

This statement (consisting of 9 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 18th day of February 2009

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

Signature

[Handwritten Signature] PC886

1. *I am Police Constable 886 David George GELSON of Lancashire Constabulary currently stationed at Bamber Bridge.*
2. *My current posting is Community Beat Manager for Bamber Bridge Centre. I took up this post at the end of December 2008, having previously worked as a Geographic Response officer, also based in Bamber Bridge but covering a wider range of the area, from August 2004. Prior to that I had been a Geographic response officer in both the Chorley and Skelmersdale areas. I have been employed as a Police Officer for 19 years, and have amassed a varied wealth of experience during that time. It is fair to say that I know the Bamber Bridge area quite well.*
3. *One of my roles as a Community Beat Manager, is to identify and monitor anti-social and violent behaviour, and to identify both long and short term solutions to these problems, working with partner agencies. To resolve matters of this nature, various Operations and Action Plans are implemented in order to achieve a positive outcome, both for those involved, and for members of the public whose quality of life is affected by such behaviour.*
4. *A further role, is to attend the regular Pubwatch meetings for the area, acting on concerns raised by members of that Committee, again, in Partnership with other agencies if necessary.*

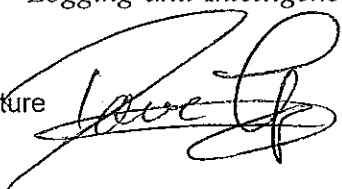
Signature

[Handwritten Signature] PC886

Signature witnessed by

5. *To that end, it has been brought to my attention that members of the Committee were concerned about the Lancs and Yorks Public House on Station Road, Bamber Bridge, as it is believed that Red Card List nominals, and under aged drinkers were being allowed to enter and consume alcohol in those premises. I was also made aware of further incidents of Anti-Social or Criminal behaviour being carried out in and around that particular Public House, which do not appear to have been addressed by the Landlord, Mr Ian Duncan.*
6. *The Lancs and Yorks Public House has for many years been a popular social meeting place for many members of the Bamber Bridge Community, and its clientele consists of both regular local customers, and those visiting from outside the Bamber Bridge area. The building itself is situated on the main road through Bamber Bridge, adjacent to a level crossing controlled railway line, across from the railway station. At the other side of the building, is the entrance to the large rear car park, and rear entrance to the venue, where the covered Smoking Area is situated. Across the car park entrance are further retail premises facing the main road, coupled with residential dwellings. The rear car park is also bordered by the residential premises of Princess Street.*
7. *It is my understanding, that Mr Duncan has been Landlord of the Lancs and Yorks public house since 12th March 2007. I also understand that the premises has a seperate DPS, though at present, she is not working there due to being on long term maternity leave. The matter of appointing a new DPS is currently ongoing between Mr Duncan and South Ribble Borough Council, though I am aware that he has failed to action this requirement at his earliest opportunity.*
8. *Regarding the entry at Paragraph 5 above, I have used various 'Search' Keywords for incidents at the Lancs and Yorks pub on our Computer systems, including Incident Logging and Intelligence, from which some of the information has been used to compile*

Signature

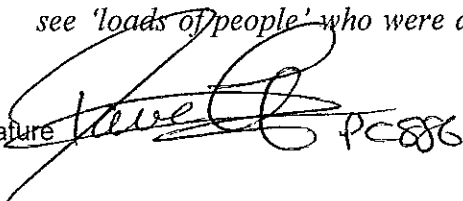
 P-886

Signature witnessed by

this statement. I have also liaised with the SRBC Licensing Enforcement Officer, and other Police Officers who have carried out visits at the premises.

9. *At 10.29pm on 25th November 2007, a call was received by Police from a member of the public concerned for her daughter's safety, as she was inside the Lancs and Yorks pub, where a male called Philip DOOKIE was causing problems. He left prior to Police arrival. DOOKIE was placed on the Red Card list in November 2005, and continues to be so to date. Log reference 288SQ/251107 refers.*
10. *At 11.37pm on 24th December 2007, Mr Duncan called Police on behalf of a female who he said had been assaulted outside the Pub, and along the road from it, and that the offender, Leslie HELM, had not followed her in to the premises, thus suggesting that HELM was not, or had not been, in the Pub, and stating he didn't know where HELM was. He did say the assault had 'just happened' (Log reference 248SQ/241207 and Crime Report CM0704131 refers.). However, at 11.40pm on the same night, a call was received from a female, stating that her boyfriend (a different aggrieved) had just been assaulted by Leslie HELM 'INSIDE' the Lancs and Yorks Public House and had run off. This aggrieved apparently located HELM in a take away across the road from the Pub, where he was further assaulted by him. (Log reference 249SQ/241207 and Crime Report CM0704130 refers). Leslie HELM was placed on the Red Card list in January 2006, and continues to be so to date.*
11. *At 9.48pm on 5th April 2008, an anonymous female called Police to say that she was at that time having a cigarette outside the Lancs and Yorks Public House, where she could see 'loads of people' who were drinking in that Pub, currently dealing drugs on the rear*

Signature

 PC886

Signature witnessed by

Car Park. Unfortunately there was no trace of them by the time Police were able to attend Log reference 330SQ/050408 refers)

12. At 10.13pm on 8th November 2008 a call was received from the DJ of Lancs and Yorks stating a male had been assaulted. An Ambulance attended following report that male was unconscious. The male refused to make complaint, stating that he had fallen over. Log ref LC-20081108-2035,2038, and 2044 refer.

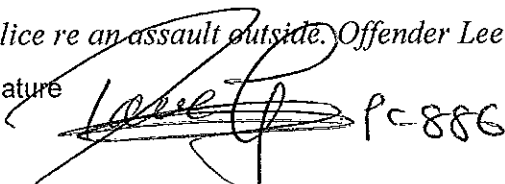
13. A male called Christopher Helm left Lancs and Yorks pub, in vehicle belonging to a Lostock Hall Red Card nominal and suspected drug dealer who also regularly frequents that pub. Helm is believed to have been drink driving. He tried to escape from Police, but was later arrested. Log ref LC-20081122-008 refers.

14. On 23rd November 2008, police received a report of assault on the informant who alleged that he had been headbutted by the landlord Mr Duncan. A Police Investigation followed, including viewing CCTV, which showed no headbutt, and gave impression that the informant was being lawfully ejected from premises due to his behaviour. Log reference LC-20081223-1637 and No Crime report - CM0803756 refer

15. At 1.42am on 27th December 2008, police received a report from a male stating he'd been attacked from behind in the Lancs and Yorks Pub, at the bar. During the investigation, Mr Duncan seemed unwilling to co-operate with Police, stating that he was in the bar all night, and there was no such incident (on log), and that the CCTV recording will be available 'eventually'. The Offender was later located and arrested. He fully admitted the assault, and received a caution. Log reference LC-20081227-0236 and Crime Report - CM0803784 refer

16 At 8.46pm on 11th January 2009, Mr Duncan, and the Ambulance Service contacted Police re an assault outside. Offender Lee Whittle, who had been Red Carded on 5th January

Signature



PC-886

Signature witnessed by

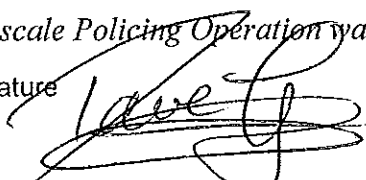
(the previous Monday) was arrested and interviewed the following day. There is an implication that he had been drinking all day, and had been asked to leave the Pub due to an 'earlier incident'.

I have E-mailed the interviewing officer in an effort to ascertain whether in his account, the offender stated he had been drinking in the Lancs and Yorks but he didn't say where he'd been. Log reference LC-20090111-1353 and 1355, and Crime Report CM0900108 refer.

17. At around 12.30am on Saturday 17th January, I was on duty at Bamber Bridge, when I accompanied the Licensing enforcement officer from SRBC, Nicky Barrat, to the Lancs and Yorks Public House. She was investigating numerous complaints that the DJ continues playing music beyond the permitted time, and that customers outside the rear of the premises were disturbing nearby residents and drinking alcohol outside, again beyond the permitted time of 11pm. We approached the rear of the Public House, on the outside of the perimeter fence around the rear car park, adjacent to the residential dwellings on Princess Street. I could clearly see that there were around 12 to 14 customers in the smoking area outside the rear of the premises, most of whom could be seen drinking alcohol from pint glasses and bottles. I could also hear their raised voices and swearing from where I was standing. The music, however, had been switched off on that particular evening. I then accompanied Mrs Barrat as she went inside the Pub to speak to Mr Duncan. He stated that he had been checking outside all night, and that nobody had been out with drinks after 11pm. This was clearly not the case. He was also advised regarding his DPS.

18. On 28th January 2009, a 'high profile' funeral had been arranged, following the tragic death of Steven BALL. Information from Steven's family, and other Police Sources, indicated that due to the people attending the funeral, it was 'highly likely' that there would be a large amount of disorder during, or following the wake. In order to negate this, a large scale Policing Operation was put into place for that particular day. The Operation included

Signature

 PC886

Signature witnessed by

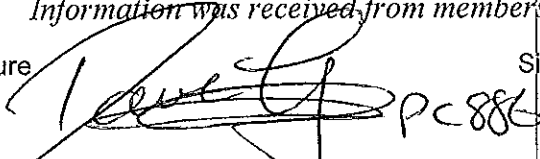
drafting extra patrols in to the Bamber Bridge area, continuous high visibility reassurance patrol of Station Road and immediate surrounding areas, and regular reassurance visits to the Public Houses and other Licensed Premises throughout the day. It was arranged that following the funeral, the wake was to take place at the Trades Hall Club on Station Road, and would end at 6.30pm. It was then expected that the majority of mourners would separate into smaller, more manageable groups and attend other Public Houses in the town, or leave the Bamber Bridge area to return to their own areas of residence. However, Mr Duncan contacted his resident DJ that afternoon, and arranged entertainment at his premises for that evening, which would quite clearly attract the majority of the mourners.

19. As a result of this action, at 9.26pm that night, Police received a call from a member of the public who is an associate of the DJ. She informed us that the DJ had contacted her, saying that he had been forced to abandon his equipment inside the pub, and leave, as he had been threatened by some customers that if he didn't play the music they wanted, they would 'glass' him. Mr Duncan was contacted by Police regarding this. He denied there'd been any problems, and that a friend was using the DJ's equipment. When Police actually managed to speak with the DJ a few days later, he claimed that he had not felt threatened, so no Crime Report was submitted. Log reference LC-20090128-1558 refers.

20. Later that evening, at 10.10pm Police received calls regarding large scale disorder and fighting between customers of Lancs and Yorks Public House. Police attended from Bamber Bridge, Leyland, Penwortham, and Preston (Support Unit). Objects were thrown at Police and their vehicles and PAVA spray was discharged due to an officer being surrounded, and the level of resistance shown to Police by the perpetrators. Log reference LC-20090128-1609 and 1611 refer, though many entries are on the main running log for the funeral, reference LC-20090128-0626.

21. Information was received from members of the public, that at around 10.30pm on that

Signature



PC 886

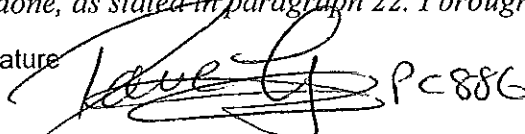
Signature witnessed by

night Mr Duncan sent the crowds into town, to the White Bull, Trades Hall, and Top House, after closing his bar due to being unable to maintain control of the customers. (Though Mr Duncan himself claims he closed his pub at the very first sign of trouble, which lasted around 45 seconds.) This caused other Pubs in the town to close their businesses early, fearing the 'trouble' continuing on their premises by such a high volume of inebriated and volatile people. When PC 359 Howarth attended the Lancs and Yorks the following day to obtain CCTV footage from the previous night, Mr Duncan seemed evasive in providing it, stating that he did not know when it'd be available due to a 'fall-out' with the only person who could download onto DVD. After 3 attempts by the officer, PC Howarth contacted that person directly, who agreed there'd been a disagreement, but attended the Pub on PC Howarth's request to obtain the required footage. That footage will indicate approximate ages of customers present during the funeral wake and the resulting problems within the premises during that evening. It is to be used to identify those responsible for the disorder, who will be dealt with accordingly.

22. At 11.30pm on 30th January 2009, I was on duty at Bamber Bridge, when I received a call via the Town Centre radio from the White Bull Public House, reporting 2 customers trying to gain entry to their premises, having been earlier ejected due to problems they were causing inside. Descriptions were circulated via Town Centre Radio, so that other pubs were aware and would consequently refuse access to their premises also. It was later confirmed that several Pubs on the Radio network had received the circulation, and became vigilant regarding those particular customers. Log reference LC-20090130-1990 refers

23. At 12.07pm on 31st January a report was received from Mr Duncan that damage was caused to the toilet area in his Pub the previous night. On checking CCTV, the offenders were those who had been circulated by White Bull only 20 minutes before the damage was done, as stated in paragraph 22. I brought this up at the Pubwatch meeting, but Mr Duncan

Signature

PC 886

Signature witnessed by

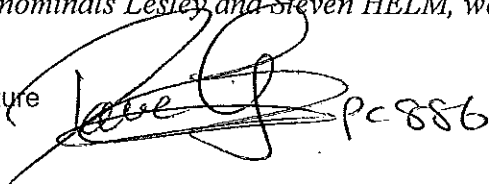
gave the impression that he had not heard the circulation. I pointed out to him that the damage could have been avoided if he or his staff were paying attention to and had adhered to the correct use of the Town Centre Radio system. Log reference LC-20090131-0909 and Crime Report CM0900317 refer.

24. *At 12.02am on 7th February 2009, a call was made to police from a member of staff at the Lancs and Yorks that there are males caught on CCTV passing round what is believed to be Cocaine. This is currently subject of an ongoing enquiry.*

25. *At 1.43am on 1st February 2009, a call was made to Police by a taxi driver, who had been passing the Lancs and Yorks Public House. He stated that there was a Police patrol vehicle at the premises, and it looked like the Police officers needed assistance. This was immediately confirmed by an officer who had been passing the premises en route back to her base station in Preston, but came across a disturbance outside the Pub. Other patrols attended and eventually moved the group on, and were forced to empty and close the pub. From officers at the scene, many of those involved were under aged, but drunk, though they denied having been inside the Pub. In addition to this, while giving words of advice to Mr Duncan, he too appeared to be under the influence of alcohol, was annoyed that Police had visited his premises again, and was nonchalant regarding Police having to empty and close the premises, stating that he 'was about to close the Pub anyway'. Log reference LC-20090201-0208 and Intl report refer.*

26. *In addition to the above incidents, there is Police intelligence from October 2008 which suggests the Lancs and Yorks Pub is regularly selling alcohol to under aged drinkers. This was at a time when there was a Polish doorman at the premises, who was described as 'not particularly conscientious' regarding ID checks. There is further information that Red Card nominals Lesley and Steven HELM, were in the Lancs and Yorks pub a few weeks prior to*

Signature



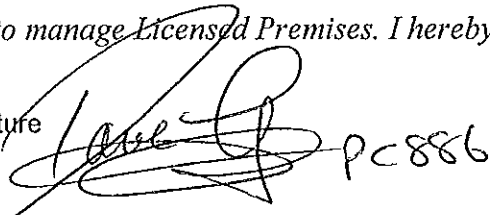
pc 886

Signature witnessed by

New Year, where in the smoking area they were responsible for stabbing a third male in the leg with a broken bottle. It should be noted that the aggrieved has refused to make a complaint of assault. The same two Red Card nominals, during a major investigation, have been found to have been drinking in the Lancs and Yorks on New Years Eve.

27. *At the Pubwatch meeting on 2ⁿ^d February 2009, concerns were raised to me in private by staff from a Bamber Bridge Public House. They had been informed by numerous friends who are customers of theirs, that Mr Duncan from the Lancs and Yorks has been 'bragging' that he is going to ensure their premises is closed down. On Tuesday 17th February 2009, my colleague, PC 359 Howarth was on duty at Bamber Bridge Police Station, where he spoke to the same Pubwatch member. That person was upset, being described as 'tearful', because they had been informed, again from several different sources, including friends and family, that Ian Duncan was spreading malicious rumours about them, and a family member. The rumours are that their premise is a haven for drug abuse, and that the family member, who is also a regular customer of the Lancs and Yorks, is dealing drugs. They stated that due to these rumours, they have noticed a continuous decline in their business over previous weeks.*
28. *It is quite clear from the incidents recorded in this statement, the information received from other Police Officers, the 'rumours' being passed to the Licensees of other premises from members of the public, remarks and concerns brought to me by a number of members of the Pubwatch Committee regarding the running of the Lancs and Yorks Public House, the failure of Mr Duncan to abide by the rules of the Pubwatch scheme regarding Red Card nominals, and the Breach of Licensing offences being investigated by South Ribble Borough Council, that there is sufficient information to warrant a review of Mr Duncan's ability to manage Licensed Premises. I hereby request that such a review be considered.*

Signature



PC 886

Signature witnessed by

Date: 15th April 2008

Your ref:

Our ref: NRB

Please ask for: Mrs. N. Barrett

Extension: 5357

Direct Dial Tel: 01772 625357

Fax: 01772 625590

email: nbarrett@southribble.gov.uk



Mr S I Duncan
Lancs & Yorks
249 Station Road
Preston
PR5 6LD

Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

Dear Mr Duncan

Licensing Act 2003 – Lancs and Yorks Public House

I am writing further to your recent interview with myself and Sergeant Bushell, in respect of the provision of potentially unlawful regulated entertainment at your premises.

As you are aware the Licensing Committee considered an application to vary your premises licence on 6th December 2007. I understand that you are unclear about the interpretation of background levels in respect of music after midnight and that this forms part of the appeal you have lodged, however the Licensing Authority's decision in respect of the timings permitted for the provision of live and recorded music as a form of regulated entertainment is clear.

You were granted the right to provide regulated entertainment by way of live and recorded music from 9am until midnight, except on Christmas Eve, Boxing Day and any Sunday or Monday forming part of a Bank/Public Holiday weekend, including Easter, when you may provide regulated entertainment from 11am to 1am the following morning. Furthermore you may provide regulated entertainment from 11am on New Year's Eve until 1am on 2nd January each year.

You did indicate to both myself and Sergeant Bushell in the presence of your legal representative at our meeting in February, that you would instruct the DJ to stop at midnight, until the Court has dealt with the outstanding appeal and clarified the terms and conditions on your Licence.

I am aware that on a number of occasions since this meeting, the DJ has not finished at midnight and he can be heard introducing individual tracks which are also audible outside your premises well after midnight on Saturday nights.

Regardless of any confusion about permitted volume levels after midnight, I must advise you that South Ribble Licensing Authority considers that the provision in any premises, of a disc jockey who plays recorded music, in the presence of an audience and for the purpose of entertaining that audience, is a licensable activity, in accordance with Schedule 1, Part 1, 2 (1)(f) of the Licensing Act 2003.

Cont....

After hours req ent 14.4.08.doc



Jean Hunter Chief Executive

Anyone therefore providing this form of regulated entertainment outside their permitted hours would be liable for legal action under section 136(1) of the Licensing Act 2003.

With this in mind, I would urge you to ensure that any DJ's performing in your premises are instructed to finish at midnight in accordance with the assurance given by you on the 21st February 2008.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N Barrett', written in a cursive style.

Mrs N Barrett
Licensing Enforcement Officer

Copy to: PS1506 Bushell, Southern Division Police Licensing Unit

Date: 30th July 2008

Your ref: _____ Our ref: NRB

Please ask for: Mrs. N. Barrett

Extension: 5357 Direct Dial Tel: 01772 625357

Fax: 01772 625590 email: nbarrett@southribble.gov.uk



Mr S I Duncan
Lancs & Yorks
249 Station Road
Preston
PR5 6LD

Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

Dear Mr Duncan

Licensing Act 2003 – Complaint about disturbance to residents

I am writing further to our recent telephone conversation, when you will recall I told you that I had~~g~~ been contacted by residents who were concerned that they were being disturbed regularly by customers using the rear beer garden and car park late at night.

I would remind you of the following condition on your licence "The designated premises supervisor and his/her representative shall ensure that all patrons drinking in the car park and other outdoor areas are supervised by a member of staff to ensure that patrons do not cause nuisance to nearby residents and in any case shall be brought indoors by 23:00."

In view of the current complaints, your premises will be subject to regular monitoring over the next 3 months by Officers of the Local Authority and Lancashire Constabulary either in person or using remote recording equipment.

If evidence comes to light that you are operating in breach of your licence, formal action would follow. You should also be aware that even if you do not breach conditions or permitted hours, responsible authorities or interested parties may call the licence in for review, if they feel that one of the four licensing objectives is being compromised.

I trust that you will put in place suitable arrangements to monitor and control the use of this area, to ensure that your neighbours are not disturbed.

Yours sincerely

Mrs N Barrett
Licensing Enforcement Officer

05 JAN 2009

Dear Nicky,

I would like to know if we are wasting our time, and effort complaining.

The Landlord of The Lane's and York has erected a tent out in the car park, for his smoking, thoughtless, noisy customers, he has put in tables for them, so that they can enjoy to drink and smoke until early hours of the AM, SAD The Neighbours

My husband is up 6:30AM for work, I'll bet these thoughtless diners are not.

SAD that hard working decent people are ignored.



Date: 3rd February 2009

Your ref: _____ Our ref: NRB

Please ask for: Mrs. N. Barrett

Extension: 5357 Direct Dial Tel: 01772 625357

Fax: 01772 625590 email: nbarrett@southribble.gov.uk

Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

Mr S I Duncan
Lancs & Yorks
249 Station Road
Preston
PR5 6LD

Dear Mr Duncan

Licensing Act 2003 – Breach of Licence conditions

I am writing further to my letter of 30th July 2008 as there has been a recurrence of complaints from local residents about noise disturbance from your customers, in particular those using the outside smoking area late at night.

In order to investigate the validity of allegations made by residents, I monitored activities at your premises with PC 886 Gelson on Friday 16th January 2009. As we discussed on the night in question at 23:40 six customers were outside drinking and smoking and their voices were clearly audible at the rear of the car park. A member of your bar staff did come outside and removed empty glasses from the tables, but did not make any attempts to bring the drinkers back indoors. I returned at 00:35 and found a large group of approximately 14 customers drinking in the beer garden, again the noise they were creating was clearly audible beyond the rear of the car park.

There is a specific condition on your licence that requires

- The designated premises supervisor and his/her representative shall ensure that all patrons drinking in the car park and other outdoor areas are supervised by a member of staff to ensure that patrons do not cause nuisance to nearby residents and in any case shall be brought indoors by 23:00.

As you will be aware, it is an offence under Section 136 of the Licensing Act 2003, to carry on a licensable activity other than under and in accordance with an authorisation. This includes operating in breach of conditions attached to a premises licence. The maximum penalty for this offence on summary conviction is £20,000 and/or 6 months imprisonment.

I would advise you that should evidence come to light, that you are continuing to operate in breach of your premises licence, despite this written warning, South Ribble Licensing Authority will consider the need to instigate legal proceedings against you.

Yours sincerely

Mrs N Barrett
Licensing Enforcement Officer

Copy to PS1506 Bushell, Southern Division Police Licensing Unit



LICENSING

NOTICE

PREMISES LICENCE REVIEW

Notice of an application for review of the Premises Licence in respect of:-

LANCASHIRE & YORKSHIRE HOTEL, 249 STATION ROAD, BAMBER BRIDGE, PRESTON, PR5 6LD

The grounds for the review are as follows:-

This premises has come to light on a number of occasions with regards complaints surrounding the provision of entertainment outside permitted hours and alleged breach of licence conditions many of which clearly undermine the Prevention of Public Nuisance Objective, alongside this there have been a number of incidents of crime and disorder at the premises which clearly undermine the prevention of Crime and Disorder Objective.

Previous attempts to rectify the situation with the Premises Licence Holder have not prevented further problems arising.

The Police have no confidence in the management of the premises.

The application may be inspected at South Ribble Borough Council, Licensing Section, Civic Centre, West Paddock, Leyland, PR25 1DH between the hours of 9:00 am and 4:30 pm on Monday to Friday inclusive.

Any "Interested Party" or "Responsible Authority" may make representations in writing to the Council at the above address, regarding this Application for Review before the 24th March 2009. It is an offence to knowingly or recklessly make a false statement in connection with the application subject to a maximum fine of £5,000 upon summary conviction for the offence.