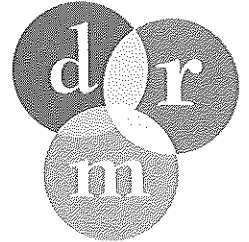


# dixon, raven & marsdens

s o l i c i t o r s



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Please ask for: Mr Dixon

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Your ref:  
18 March 2009

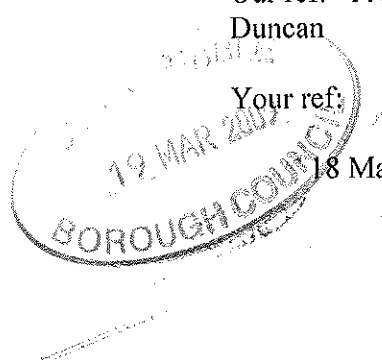
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Dear Sirs

**Lancashire & Yorkshire Hotel 249 Station Road Bamber Bridge Preston**  
**Premises Licence - PREMA0140**  
**Our Client - Mr Stanley Ian Duncan**

Partners:  
Christopher J Raven  
Peter A Dixon

Associate Solicitor:  
Rachael M Stirling

We enclose herewith by way of service copy of a Statement made by our Client in response to your Application for Review which was served upon him on 23 February 2009. Please acknowledge receipt.

Yours faithfully

**dixon raven & marsdens**



(Criminal Justice Act 1967, Section 9; Magistrates Court Act 1980, Section 102; Magistrates Courts Rules 1981 Rule 70).

### Witness Statement

Statement:

of **STANLEY IAN DUNCAN**

Age if under 21..... (If over 21 insert 'over 21').

**This statement (consisting of 8 pages 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 17<sup>th</sup> day of March 2009.

Signature 

- 1 I am a Tenant and Landlord of the Lincs & Yorks Hotel, 249 Station Road Bamber Bridge PR5 6LD.
- 2 I have held this position since 15 February 2007. Already employed at the premises was Carly Higson. The premises were closed when I took over and part of my agreement with the Brewery was that existing staff were kept in employment.
- 3 After discussions with Carly she agreed to be the DPS.
- 4 Since taking over the Public House I have had to completely repair and decorate as it was derelict and unfit for use.
- 5 A total refurbishment has been carried out at a cost of some £45,000.00. I employ 12 staff, full and part time.
- 6 Carly Higson lived closed to the premises and would choose her own hours to work.

Signature 

She was paid quarterly. Around the turn of the year 2008/09 she had a baby.

7 As far as I was aware she was still acting as the DPS and it was only when I was informed by the Police to the contrary I learnt that she had decided to resign. This was 24 February 2009.

8 I have now appointed Maureen Divine as my DPS.

9 I have been served with a Witness Statement by Constable Nelson of the Lancashire Police and would like to comment on incidents contained therein.

10 In Bamber Bridge there is a Pub Watch Scheme and certain individuals are red carded (banned from all the public houses).

11 I adhere to this strictly and do my utmost with staff to prevent entry to my premises.

12 An example of this, Philip Dookie on 25 November 2007 whilst drunk continually entered via the front and rear door, to stop this I actually got a friend David Bagwell to drive him home and therefore solved the problem. I would add he had not been drinking at my premises.

13 I had a problem with youths drinking from cans in my side entry around Summer 2007. They were causing a nuisance at the front of the premises and I suspected drug dealing was taking place and I informed PC Howarth of the Local Police. I asked for extra attention by patrols, I erected a CCTV camera and in the end had to close the car park. The Police assisted in this and the problem was solved, but these people were not customers of mine.

14 At a Pub Watch meeting last Summer CCTV street cameras were discussed, we were told the Local Authority could not afford this.

15 I paid £1,000.00 to have these erected and they cover the general area of Station Road, there have been occasions when the Police had requested the tapes after incidents

Signature 

unconnected with my premises

- 16 Prior to being served with the papers on 23 February 2009 I had never had any complaint from the Police about the Public House.
- 17 I have had CCTV fitted throughout for the safety of customers and staff, even to the extent of the Gents toilets to prevent any wrong doing.
- 18 I believe I have the most sophisticated system of CCTV together with sound recording in the area.
- 19 On 24 December 2007 I contacted the Police on behalf of a Charlotte Reynolds who is the daughter of a friend of mine, she had been assaulted on the way to my premises.
- 20 The Police and Ambulance attended, Charlotte and her mother had both been assaulted about 100 yards along the road not at my premises.
- 21 No Police Officer ever spoke to me about this. I can say that Leslie Helm had not been drinking in my pub that evening. It may have been he had been near the premises or possibly in the communal entry but at no time in the public bar.
- 22 I am aware Helm is red carded and would not allow him on my premises knowingly.
- 23 In relation to 5 April 2008, this is clearly a malicious call.
- 24 At 10.13pm on 8 November 2008 a customer came to the premises and said there was a male unconscious in the street outside. I went to check his safety and saw it was a man who had been refused service as he was drunk some 10 minutes earlier. I told our DJ to call the Ambulance, this had no connection to the public house.
- 25 In relation to Christopher Helm driving on and off my open car park. I cannot be responsible for this. The man is barred from my premises and has been for over 12 months. To my knowledge since being barred he has not tried to enter.
- 26 On 23 November 2008 I removed a customer from the premises. He then made a

Signature 

false allegation against me. This man was a member of our Pool Team, due to their behaviour I cancelled their representation of the Pub in the Pool League and they have moved to another premises.

- 27 The incident of 27 December 2008 I was unaware of until the following day when the Police attended. Apparently it had been dealt with by Lorraine Baxter my Bar Manager.
- 28 I cannot download the CCTV. I need the Electrician who fitted the system, he came the same day and I then saw what had happened and contacted the Police who collected the tape.
- 29 My CCTV was evidence for the Police and that is the aim to provide assistance and security.
- 30 On 11 January 2009 Lee Whittle at no time entered the Public House. My CCTV shows that the nearest he got was to enter the porch area, my CCTV shows the assault he committed in the Street. The Police have a copy of this.
- 31 On 17 January 2009 I was informed by the Licensing Officer that persons were drinking alcohol at the rear outside beyond the permitted hour of 11.00pm. I was not aware of this stipulation. I monitor personally and by CCTV what happens in the smoking area.
- 32 As a result of this I have put up notices, the DJ makes announcements, we have changed the door to a fire door. Other than someone standing on the door permanently it is impossible to stop people taking glasses out. I have liaised with the Fire Service over the door and been told it has to be a fire door.
- 33 I am not aware of any other pub in the area having a similar stipulation. In 2 years nobody has ever mentioned this to me.

Signature  .....

- 34 My DJ is instructed to play his last record at 12.25am. My Licence for music is till 12.30am.
- 35 After this the big screen hits channel is put on till 1.15am. This is unregulated, this is just background music.
- 36 On 28 January 2009 I was aware of Steven Ball's funeral. During the afternoon my DJ Leon Ball called at the Pub to see if I could give him any extra hours I mentioned the funeral but had no idea of numbers.
- 37 He left to return at 7.30pm to set up his equipment. I went out and on my return at 5.15pm could not believe how busy the pub was. I went behind the bar and called in extra staff.
- 38 When Leon came in, unknown to me, customers had been demanding a certain style of music. He apparently felt intimidated and left. If he had told me I would have ejected these people.
- 39 I could not find Leon and a customer offered to play the Disco.
- 40 There were about 20/30 people dancing and all was well but the music was getting too loud and the DJ got abusive so much so that I took the microphone off him and stopped the music it was now 9.30pm. There was no adverse reaction from any of the customers.
- 41 About 10 minutes later I could see a small disturbance in the street, I do not know if the people involved had been in my pub. I have since learned there had been trouble during the day at other venues.
- 42 I then noticed a lone male coming through the main entrance my military training told me he was coming in to cause trouble, his demeanour was aggressive, I went to him he started to punch out at customers and I took hold of him with both arms around his

Signature  .....

waist and took him out of the pub.

- 43 None of the people who were in the pub reacted, they were all calm. However due to the jostling with the male quite a few glasses were smashed.
- 44 I switched my main lights on and decided due to the glass to stop serving, I told the customers to take time drinking up but that I could no longer keep the bar open.
- 45 Nobody complained and they gradually started to leave.
- 46 About 45 minutes later a large scale disorder commenced at the take away across the road, I would point out that this take away also services customers from other public houses.
- 47 I would point out that when shutting my bar I did not suggest to customers where to continue drinking, most of the customers were in fact locals.
- 48 During the course of the evening I heard nothing on the town centre radio. I believe I acted correctly on that night in the interest of safety and public well being.
- 49 At no time was I reluctant to release the CCTV footage, it is in place for the reasons I have given and was used in the incident on 7 February 2009.
- 50 About 1.40am on 1 February 2009 I had a few customers finishing their drinks I was sat having a cup of tea with my Bar Manager when we saw a Policewoman outside, the vehicle she was in had its blue lights on there was a male on the footpath lying down nearby. We went outside to assist if need be we talked for about 10 minutes during which a crowd of onlookers, local youths gathered, most were drunk, they had not been in my pub. I had about 10 adults who were drinking up the pub was closed.
- 51 Nobody ordered me to close the pub and I had not been drinking that night.
- 52 The group had nothing to do with my public house. No Police Officer or Licensing Officer had even spoken to me about under age drinking on my premises.

Signature  .....

- 53 Our market aim is to attract the 30/40 year old customers. My pub has had too much spent on it to want youngsters in.
- 54 On New Years Eve I was not aware of Leslie and Steven Helm being in my premises, we were completely full. Having seen CCTV footage it is clear Steven Helm was in the premises. He was dressed smartly enough and the staff on the door did not let him in. Leslie Helm was dressed in shell suit trousers and would have not gained entry. A customer, Lloyd Rollinson has since told me he saw both climbing over the rear gate to effect entry.
- 55 In respect of Paragraph 27 I am unable to comment as I have no idea what these rumours are, where is the provenance to this.
- 56 I have spoken to the Chairman of the Pub Watch Committee, he told me he had no knowledge of any complaints regarding my management of the Lancs & Yorks Public House.
- 57 In relation to the Statement of Nicola Barrett. On 16 September 2007 I was ill and in my flat above the pub. The DJ did carry on playing music after hours and a caution was duly issued. If I had been well that offence would not have been committed.
- 58 From the date of my hearing on 21 February 2008 I have been meticulous that the DJ finished exactly on time. I refute all the allegations that I had the DJ playing music after midnight until my Licence be altered. At the times and dates mentioned the large screen tv (hits channel) would have been on.
- 59 Ms Barrett even refers to a date that does not exist 30 February 2008.
- 60 On 5 April 2008 she refers to flashing disco lights, it is possible they may have been on, but they in themselves are not illegal, any music would be the TV.
- 61 On the fictitious date of 30 February 2008, she talks of customers arriving at the

Signature 



premises. We were legally open until 1.00am so clearly people would still arrive.

- 62 In her Statement she refers to a number of dates in the Summer of 2008. There are no times given and people will be outside, nobody has complained to me of noise. I do not want individual names but roads where the complaints came from to assist with noise control measures.
- 63 In my 2 years at the Lancs & Yorks regular Police visits have occurred as is practice at Licensed Premises. On no occasions have these resulted in adverse comments by the Officers.
- 64 I take my responsibilities very seriously, I have some 20 different CCTV cameras on the premises and covering the outside car park and Station Road.
- 65 I feel I deal with problem customers effectively and in respect of the smoking area monitor this regularly and enforce whenever the taking outside of glasses after the permitted time.
- 66 My premises are kept smart, clean and tidy and I feel that I am being subjected to unnecessary attention and enforcement in comparison to other Licensed Premises in the area.

Signature 