

Approved  
14/11/01

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 Farmers Arms 350 Higher Walton Road Higher Walton	
Post town Preston	Post code (if known) PR5 4HT

Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns PLC
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Number of premises licence or club premises certificate (if known) PREMA0126
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Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

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

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

The Designated Premises Supervisor for these premises has no control over the activities taking place and it is believed that he is running a licensed premises in Ulverston, Cumbria, which is where he spends all of his time.

The premises has also failed a test purchase where alcohol was sold to underage persons by the person running the premises.

It is clear that there is a lack of effective control at the premises and as such this is clearly undermining the licensing objectives.

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

Information was received that the DPS Trevor Vine had left the premises sometime in August and had left the running of the premises to another male called Dave.

A subsequent licensing check by the police at the premises on 3<sup>rd</sup> September 2009 revealed that the premises was being run by Emma Proctor who stated she was a friend of Trevor and was doing him a favour. It was established that Emma has no personal licence or any experience of working in a licensed premises.

A subsequent police visit on 11<sup>th</sup> September 2009 further confirmed that the DPS was no longer on site and the premises was advised to close.

As a result the area manager for Punch Taverns was spoken to and he offered assurances that a transfer for DPS was in hand. Despite this assurance no transfer application has to date been forthcoming despite further requests being made to the area manager.

On 1<sup>st</sup> October 2009 a test purchase operation was conducted in the South Ribble area and these premises were one of the premises targeted. As a result of this the premises failed and Emma Proctor sold alcohol to two 14 year old volunteers. Emma Proctor after the sale confirmed she had been running the premises for about 5 weeks, did not have a personal licence and had not received any training from Trevor Vine.

It is the police view that the DPS is not at the premises and although according to the letter of the law there is one named on the licence, it does not comply with the spirit of the act whereby the DPS is normally the person who has day to day control of the premises. That is clearly not the case with these premises. This in-effective management has now resulted in a criminal offence being committed and therefore is undermining the licensing objectives.

The Police therefore seek removal of the DPS and the addition of necessary and proportionate conditions onto the licence in order to promote the licensing objectives. The full recommendations and suggested conditions are attached to this application.

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

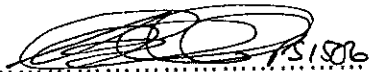
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 9<sup>th</sup> October 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.

## Licensed Premises Conditions/Recommendations

- Removal of DPS
- Suspension of licence pending application for a suitable DPS
- Personal Licence Holder to be on the premises at all times the premises is open for the sale of alcohol.

## Conditions

- The premises will have in place a written policy, to the satisfaction of Lancashire Constabulary to prevent the sale or supply of alcohol to persons under the age of 18. This policy shall require that any person who does not appear to be at least 21 years of age will not be served alcohol unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport.
- Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge Policy in relation to sales of alcohol
- All staff will receive training in relation to age related product sales, this training will be refreshed on a regular basis, which should at a minimum be 2 times a year.
- The premises will maintain written records of all staff training and refresher training. These records will be made available for inspection by any responsible authority on reasonable request.
- The premises will operate a refusal register to the satisfaction of Lancashire Constabulary. This will be made available for inspection by any responsible authority on reasonable request.

**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**

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

This statement (consisting of           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 7 day of October 2009

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. My duties include ensuring compliance with various licensing regimes, including the Licensing Act 2003.

I can confirm that Punch Taverns Plc hold premises licence PREMA0126 in respect of the Farmers Arms, 350 Higher Walton Road, Higher Walton, Preston, PR5 4HT and that they made an application on 1<sup>st</sup> June 2009 to specify Trevor Vine as the Designated Premises Supervisor following the departure of the previous licensee in mid May.

On 16<sup>th</sup> July 2009 I visited the premises and spoke to Trevor Vine who confirmed that he was employed by Valley Taverns Pub Management Company and only expected to be at the premises for a short time as Punch Taverns were looking to sell the premises.

I was made aware over the weekend of the 15<sup>th</sup> and 16<sup>th</sup> August 2009 that Trevor Vine had left the premises and a man called Dave was managing the pub. This information was shared with partner agencies on Monday 17<sup>th</sup> August 2009 during a scheduled MALT meeting.

On Saturday 12<sup>th</sup> September I received a telephone message from PC852 Edwards advising that the premises had closed the previous evening when Police Officers had visited and established that Trevor VINE was no longer on site running the pub.

Signature

Signature witnessed by



## Continuation of Statement / Interview of Nicola Ruth Barrett

On Monday 14<sup>th</sup> September I spoke to Mark Richardson the Area Manager for Punch Taverns to advise him of the situation. He told me that the pub was being managed by Peel House Pub Co for Punch Taverns and that an application to vary the Designated Premises Supervisor was in hand. I advised him that I would expect to receive this application by the end of business on Wednesday 16<sup>th</sup> September 2009.

On Thursday 17<sup>th</sup> September 2009 after confirming with the admin team that an application had not been forthcoming I telephone Mark Richardson again. He advised me that Ford & Warren solicitors were dealing with the application but had reassured him that the Council could not require the premises to close as there was a Designated Premises Supervisor named on the Licence.

On 25<sup>th</sup> September 2009, I received information from the licensing admin team that an application had still not been received in respect of this premises and I left a further message on Mark Richardson's telephone to this effect.

On 29<sup>th</sup> September 2009, I received a further message from the admin team that the application had still not been submitted.

On Thursday 1<sup>st</sup> October 2009, I was working in company with Police Officers and Trading Standards Officers on a Test Purchase operation. I entered the premises with PC Wordsworth at approximately 19:35. On entering I noted an adult male sat at the bar and a female behind the bar who I now know to be Emma Proctor. I also saw a young female who did not appear to me to be 18 playing pool.

The 2 child volunteers entered shortly after us and were served 2 bottles of lager by Emma Proctor who did not make any attempt to ascertain if they were old enough to buy alcohol.

Signature

Signature witnessed by

**Continuation of Statement / Interview of Nicola Ruth Barrett**

In the discussion that followed Emma confirmed that she had been managing the pub with her partner for about 5 weeks and was employed by Valley Taverns. She confirmed she did not hold a personal licence and had not received any training from Trevor Vine although she had his verbal authority to sell alcohol.

While dealing with the offence, I noted another young male enter the pub and make his way directly to the pool table. He did not appear to me to be over 18.

Signature

Signature witnessed by