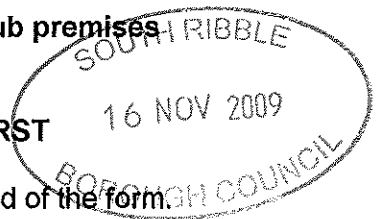


Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



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 Black Bull 353 Station Road Bamber Bridge	
Post town Preston	Post code (if known) PR5 6EE

Name of premises licence holder or club holding club premises certificate (if known) Enterprise Inns

Number of premises licence or club premises certificate (if known) PREMA 0037

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

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

These premises have come to light due to concerns raised by local police officers with regards the serving of persons who are banned by the local Pubwatch and the disorderly and uncontrolled behaviour of customers, which undermines the Prevention of Crime and Disorder and the Public Nuisance Objectives. In addition there are concerns that underage persons are frequenting the premises and being served with alcohol which undermines the Protection of Children from Harm Objective.

The Police also have a lack of confidence in the current Designated Premises Supervisor at the Premises and his lack of control measures to ensure the Licensing Objectives are achieved.

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

On 20th July 2009 Enterprise Inns made an application to specify Christopher Conde as the new DPS for the premises. this application was agreed and went through unopposed.

It was after this time that concerns were raised by local officers regarding the clientele at the premises and that it was believed persons who were subject of a Red Card by the Bamber Bridge Pubwatch were frequenting the premises.

Some of these individuals are banned due to their violent nature and as such the presence of them and their associates can make for an intimidating atmosphere. On the evening of Thursday 1st October a multi agency test purchase operation was carried out in Bamber Bridge and one of the premises visited was the Black Bull. However the premises were not tested that evening as one of the plain clothes officers on the operation entered the premises and felt that the hostile nature of the clientele made it unsafe for the volunteers to enter. The officer making the decision is an experienced officer of over 20 years service who has worked at Bamber Bridge and recognised a number of individuals who are known to be anti-police. It was in his professional judgement that he felt should a sale be made any police interaction could result in disorder.

On Friday 16th October 2009 a visit was carried out at the premises as a result of complaints re the activities of customers from the premises. PS Robinson attended the premises and could clearly hear and see customers outside being loud and raucous. On entering the premises the officer was concerned re the age profile of the customers and even more concerned when he could find no one apparently in charge of the bar.

After a number of minutes he located a female member of staff who indicated the person in charge was Rachel Gooch the girlfriend of the DPS. She was upstairs in the premises and the DPS was not present. Gooch was given suitable advice by PS Robinson regarding the effective management of the premises and the conduct of its customers.

The following evening, prompted by the concerns raised by PS Robinson, PS Bushell the Licencing officer made a visit to the premises where he spoke to the DPS. It was established that Conde was not in fact in control of the premises and that he worked away. The person in charge was his girlfriend who was in the process of getting her personal licence. It was pointed out to Conde that there was a lack of confidence by the police in Gooch's ability to manage the premises and that should any offences or complaints be substantiated then he could face prosecution and the licence reviewed.

Conde assured the officers that he would manage the premises more effectively. On Thursday 29th October 2009 a test purchase was carried out at the premises, the premises at this time was very quiet so it was deemed safe for the test to go ahead. At this time a 16yr old girl and 15 yr old boy were sent into the premises and were served with alcohol.

PS Bushell and Niky Barrett entered the premises and upon doing so could see no one behind the bar, it was completely unattended and anyone could have gone behind and helped themselves to items there. After a few minutes the barman who had sold was identified as being outside having a smoke with other customers he was spoken to and it was established that the DPS was in fact upstairs in the premises. On coming down it was pointed out that they had failed a test purchase and it was established that there were no procedures in place for preventing underage sales, this was confirmed by the barman who had received no training in age related product sales.

PS Bushell suspected that due to the demeanour and physical appearance of the bar man that he may have been under the influence of drugs.

Conde's attitude was at this time one of beligerence and disinterest and he seemed unconcerned as to what had occurred. He was advised that further action would be

taken and was also advised it was in his interest to attend the local Pubwatch meetings. He again feigned interest and assured the officers that someone would attend. It was unsurprising that neither he nor his girlfriend were present at the next meeting.

It is the Police view that Conde has no control nor any interest in managing the premises and there is no confidence in his ability

It is for these reasons that the police request a review of the premises licence and make recommendations as outlined on the attached document.

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

11/11/09.

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.

Black Bull
353 Station Road
Bamber Bridge

Licensed Premises Conditions/Recommendations

- Removal of DPS

Conditions

The below conditions are recommended in order to address the sales to underage persons and can be inserted on to the licence in replacement of the existing condition ***“Proof of age scheme adopted”***

- 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.

There is also concern re the management of customers outside and their effect on neighbouring businesses and residences. It is therefore felt that the condition ***“Outside drinking area to be closed for sale/consumption of alcohol at 23.00 hours”*** should be replaced as below

- No food or drink should be consumed in any outside area after 22.00 hours.

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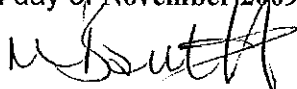
Age if under 18 over 18 (if over 18 insert "over 18"). Occupation **Licensing Enforcement Officer**

This statement (consisting of 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 4 day of November 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.

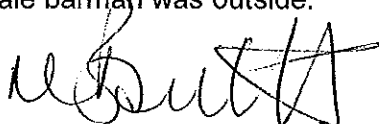
I can confirm that Enterprise Inns Plc hold premises licence PREMA0037 in respect of the Black Bull, 353 Station Road, Bamber Bridge, Preston, PR5 6EE and that they made an application on 20th July 2009 to specify Christopher CONDE as the DPS.

On the evening of Thursday 1st October 2009 I was taking part in a planned test purchase operation in company with Lancashire Police and Lancashire Trading Standards. The child volunteers were withdrawn from the Black Bull Public House before they had the opportunity to go to the bar as the atmosphere in the premises was quite hostile.

On the evening of 29th October 2009 I was again involved in a planned test purchasing operation. At approximately 20:40 the child volunteers came out of the pub and informed Sergeant BUSHELL and myself that they had been served with a pint of fosters and a Smirnoff ice.

I then went into the premises with Sergeant BUSHELL to speak to the person who had made the sale. The bar was unmanned when we entered and colleagues in the premises indicated that the male barman was outside.

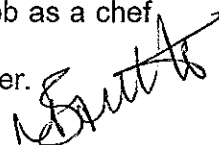
Signature



Signature witnessed by

The barman came back into the premises when he saw Sergeant BUSHELL'S uniform and then went upstairs to get the DPS, Christopher CONDE. During the conversation with Sergeant Bushell and myself that followed, Stephen Winch said that he had not really received any training in respect of underage sales and opted to be dealt with for the offence, by attending the Award in Responsible Alcohol Retailing course. He fidgeted constantly throughout the conversation and frequently rubbed his hand against his nostrils. My attention was also drawn to the size of his pupils which were fully dilated despite the fact that the pub was well lit.

As we were leaving the pub I asked Christopher CONDE if he would be attending the pubwatch meeting the following Monday, because I had received information that people on the red card list were being served in his pub. He said he couldn't because he had a full time job as a chef and that his partner Rachael, who manages the bar, probably wouldn't be going either.



Signature

Signature witnessed by

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Matthew Robinson..... OCCUPATION Police Sergeant

This statement (consisting of3....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 anything which I know to be false or do not believe to be true.

Signature: *M Robinson* Date: 09/11/09.....

I am Police Sergeant 1364 of the Lancashire Constabulary currently stationed at Bamber Bridge Police Station.

I perform the role of Neighbourhood Sergeant and supervise a team of community officers that have responsibility for the Bamber Bridge area.

Approximately 10.10PM on Friday 16th October 2009 I was on duty in company with Police Constable 6111 Calderbank when as a result of information received we had cause to attend the NAAZ Indian restaurant which is situated on CLUB STREET in Bamber Bridge. Upon arriving at the NAAZ I could see and hear a group of persons that were gathered in the smoking shelter at the rear of the Black BULL Public house. The shelter and rear of the pub are situated immediately opposite from the Indian restaurant and at the time of our attendance I could see approximately 10 – 12 persons present all of which were behaving in a loud and raucous manner.

My colleague PC Calderbank spoke with staff at the restaurant who explained that they had been encountering various problems with customers from the pub and as a result these incidents had been directly impacting upon their business and clientele. They stated that underage customers from the pub had been had been disturbing their own customers by being rowdy and engaging in anti-social behaviour. The antics displayed had included urinating in the restaurant car park and in one instance a female had pulled up her top and had exposed herself. The restaurant staff stated that the bad behaviour had been going on over a period of weeks and they maintained that on a previous occasion customers from the pub had entered the restaurant whereupon they had danced the conga around the restaurant much to the bemusement of persons trying to relax and enjoy their meals.

M Robinson

Upon leaving the restaurant we visited the premises of the BLACK BULL and upon entering the pub I noticed that there was no-one situated behind the bar and there did not appear to be anyone in charge of the bar area. At this time there was a DJ present and loud music was being played and looking round the bar area there were several persons present that appeared to be under the age of eighteen. My initial thoughts were that the premises gave the impression of being a youth club as opposed to a licensed public house which both my colleague and I found to be somewhat alarming.

The premises appeared to be totally unsupervised and I spent three to four minutes inquiring with the DJ and customers as to whom if anyone was in charge. Most persons looked blankly at me and whilst looking round the pub it was abundantly clear to me that anyone could walk behind the bar whilst remaining unchallenged.

Eventually a female appeared who introduced herself as bar staff and when I asked to speak to the person in charge she directed me up the stairs to the living area whereupon I was able to speak with a female who I now know to be Rachel GOOCH 18/05/87, girlfriend of the license holder Christopher CONDE. When I explained the nature of the visit GOOCH did not seem surprised by my observations and gave the impression that she was in no way supervising the activity that was taking place downstairs in the bar or smoking shelter areas. I asked where the license holder was and she explained that her boyfriend Christopher CONDE was making his way back to the pub whilst travelling back from Wales. Indeed it looked to all intents and purposes as if GOOCH had left her lone member of bar staff in charge whilst she awaited the return of her boyfriend CONDE.

I advised GOOCH that she needed to supervise the premises and should take necessary action to prevent underage drinking at the premises. I also asked GOOCH to speak with customers and deter them from engaging in anti-social behaviour whilst utilising and gathering in the smoking area at the rear of the property. I explained that I would be returning to speak with the license holder and also informed GOOCH that I would be making a record of the licensing visit. Later that night I sent a report highlighting the problems to Sergeant Bushell at the licensing Unit.

Approximately 9.15PM on Saturday 17th October 2009 I was on duty when I accompanied Sergeant Bushell on a further licensing visit at the BLACK BULL public house. At this time we spoke with the

license holder CONDE and Sergeant Bushell went to great pains to explain to CONDE the implications of failing to run the premises in a correct and lawful manner. CONDE stated that his girlfriend GOOCH was intending to apply for the license and he agreed that he would take steps to assure that the pub was managed in keeping with the terms and conditions of the license.

Since visiting the Black Bull premises I have spoken to my team members and it has become apparent that there are growing concerns in respect of the recent troubles and seeming mismanagement of the premises. Feedback from the officers and community in general would indicate that the premises are in fact being specifically targeted by underage drinkers and persons that have been barred from other licensed premises within the remit of the Bamber Bridge area.



PS 1364