

THE RAILWAY LEYLAND:

PREMISES LICENCE REVIEW

WITNESS STATEMENT OF DANIEL ALDERSON

- 1 My name is Daniel Alderson and I make this statement following the police review of the premises licence at The Railway, 1 Preston Road, Leyland PR25 4NT.

History and background

- 2 I have been in the licence trade for the last 15 years I started with my wife in a busy local pub in Ashton, Preston, which we ran successfully for over 8 years. In 2005, I moved to Blackburn where I ran the Last Orders Inn in the town centre. I opened the last orders in church street, Preston in 2007. I built this into a very busy pub from a difficult start as it was a very rundown and an undesirable place to go before I took it on. Over the 11 years I was there we built it in to great local pub within the city, which was a significant improvement on what was there previously and which I ran in such a way to promote the licensing objectives. Whilst no licensed premises is ever going to be completely trouble free, and indeed this is not the standard expected, I am confident in saying that the premises I ran were well managed and promoted the licensing objectives.
- 3 Alongside the Last Orders, I opened a successful night spot in the town that was open between 10pm and 3 am. I ran both for 5 years before I got rid of the night spot in 2016
- 4 In March 2016 I decided to branch out again and took on the Brook Tavern in Ashton. Again, when I took this on it was a run-down pub which I successfully brought back to a good standard.
- 5 I then grew my team and we branched out again by taking on The Summers, a busy pub that showed football and traded all day.
- 6 In August 2016, I took on The Old Oak in Longridge.
- 7 I was approached by Punch to run the Railway in Leyland in 2016 and following signing an agreement with them, we opened it on 23rd November 2016.
- 8 On the 6 December 2016, I took on the Arkwrights in Plungington.
- 9 We also own the angel 39 bar in the city centre which we acquired in October 2016. We spent time and money completely refurbishing and rebranding the premises. Work started in November a new alarm system was installed as well as CCTV. This bar was only opened in march 2017.
- 10 I currently operate 7 pubs in and around the area and employ approximately 50 people across my businesses.

The Railway Leyland ('the premises')

- 11 I took on the premises with my new business partner Lee Caruthers in November 2016. He had more working knowledge of the premises than me, as he had been running the door for around 4-5 years prior.
- 12 We inherited the full team as well as a full time manager, however, we made changes to the management team just after Christmas 2016.
- 13 **We invested £5000**, along with Punch to improve the premises and take it forward.
- 14 I was first made aware of police concerns with the premises via a phone call from Sgt. Julie Stuart ('Julie') on Friday the 21st April 2017. She made me aware that at closing time there seemed to be issues with dispersal of customers. As a result of this conversation, we agreed to look at slowing down the rate at which customers left the premises, in order to manage dispersal better. At that meeting, Julie asked me about

- how often I was at the premises, and I explained that when the angel closed at midnight, I always went to the premises and stayed for the rest of the evening. I would like to think that I have maintained a good working relationship with her throughout my time at the premises.
- 15 I first met PSCO Jennifer Coll on the 20 April 2017 when she came to the premises to conduct a 'walk through'.
- 16 I would like to make it clear that where there are incidents relating to the operation of the premises we take them very seriously and will work with all parties to resolve them. When we first took on the premises, there were a few incidents and we looked at how we could deal with them best. When we were notified of them, we introduced measures and liaised closely with the police.
- 17 Whilst no-one wants to deal with a review and we are sorry that the police felt this was necessary, the first thing we did, rather than bury our heads in the sand, was contact them to find out what we could do to further support them. You will see the measures we have put in place and the conditions we are proposing at the end of the statement.
- 18 I was pleased to note from a meeting with the police in January after the review was served that they were looking for conditions to be added to the licence, rather than for more drastic measures to be taken. For instance, the hours of operation are very important to the future of the premises and to restrict them would be very harmful to the likely longevity of the business.
- 19 The rest of this statement needs to be read in the context of this commitment to trying to ensure that the premises operates properly and promotes the licensing objectives.

Relationship with the police

- 20 Firstly, I would like to say that I have worked with the police and council licensing team wherever possible to try to sort out any issues. This is not just at the premises, but across all the pubs I operate and throughout the many years I have been operating pubs.
- 21 When taking on a new premises, there are always likely to be issues that need to be sorted out and since taking on the premises I have worked hard with Julie in particular to try to ensure the premises operates properly and promotes the licensing objectives. In the main, I think I have a good working relationship with Julie and the council and I look forward to working with her and all officers from responsible authorities going forward.
- 22 I would be the first to say that working with Special Constable Coll was very difficult. I did not feel that she wanted to work with me or my team and on a number of occasions she made statements and allegations that have proven to be false. It is frustrating to see these recorded in the papers as if they are incidents given that they have been shown to be unfairly reported. That being said, I tried to work with her whenever she wanted me to. I have given further details below.

General comments in relation to the police evidence

- 23 I have been disappointed to see that the police have submitted a large bundle of evidence that, by their own admission, includes absolutely everything that references the name of the premises without actually giving any indication of whether each incident should or should not be properly recorded against the premises. We do not get to see this information usually, so we do not have the chance to say whether it is fair or not to label each incident our responsibility.
- 24 I am happy to accept that on occasion, there have been challenges at the premises. Where this is the case, I will happily take responsibility and look to improve matters. I have been in close contact with the police and we have agreed to change the DPS (which has been done) and instigate a number of measures at the premises, which again have been done. Punch has also put forward a new operating schedule for the premises that I endorse as being good practice and proportionate in the circumstances. The proposed changes are annexed to this statement at Annex 1.
- 25 However, what I cannot do is take responsibility for matters that should not have been recorded against the premises, or where the records are not an accurate reflection of what has occurred.

- 26 It is difficult to understand the reports as there is 56 matters listed and then a short bullet suggesting 21 alleged incidents of violence, 4 allegations of drug dealing, 3 incidents involving your people on the premises and 2 allegations of drinks being spiked. This is said to have occurred in 13 months. This is all recorded as a 'brief history' of the premises. It is grossly unfair to suggest that this is the 'history' of the premises. There is a lot of allegation and claims made without any evidence. I can prove that some of the reports are simply incorrectly recorded and others conflict with the full reports provided in the papers.
- 27 I have gone through all the incidents and would make the following comments:
- a. As far as we can tell, there are at least 11 reported incidents of violence that are wholly unrelated to the premises, where the police have been called and the premises referenced as the nearest landmark. There is also a taxi rank outside used by customers of other premises and people in the town in general. There are also references to people from the Queens Pub.
 - b. The allegations of the premises having a serious drugs problem are strongly refuted. There are a number of reports of police walk-throughs and no evidence of drug taking found. In addition, the police summary from 11 November 2017 clearly states that the police found no evidence of drugs during a visit (or any other issues for that matter). We take the issue of drugs very seriously and have installed a drug safe to ensure that any drugs found are properly confiscated and handed in. Since we were served the review we have taken additional steps at our own cost to ensure that the pub remains, as far as we can, drug free. One of these steps was to have drug sniffer dogs in use inside the premises on Friday 19 January. I am frustrated that even with such responsible measures being taken, the police suggest that there might be an issue of the correct amount of drugs were handed in. All the drugs confiscated, and there was very little, was locked into the safe and handed over to the police.
 - c. There are records of incidents including ambulance call-outs where the presence of door supervisors from the premises has assisted in preventing more serious incidents. It is unfair that these are held against the premises.
 - d. A number of the incidents reported actually show good practice by the management team and door staff in both dealing with the incident and then calling the police.
 - e. A number of matters seem to be simply misreported. For instance, there are matters that seem to be recorded as violent incidents, but the reports then go on to say that there is no evidence to support the allegation. However, they still seem to be recorded as violent incidents against the premises.
 - f. There is no attempt in the police statement of incidents that they say relate to the premises, to distinguish between known incidents or allegations, or indeed where once an investigation has concluded that an allegation is either unfounded or does not relate to the premises to make this clear.
- 28 The difficulty I have had therefore is telling whether the incidents are fairly held to be the responsibility of us to deal with or not. A significant number of the listed incidents have never been previously brought to our attention. To hold them against us now, in the way they are listed, when we have been given no chance to investigate them at the time is frustrating.

Specific challenges to the evidence

- 29 On Monday 24 April 2017, I attended the police station with Lee to discuss some of the issues the police had identified at the premises. We discussed the police raised as concerns in some detail.
- a. The only information we could find about the alleged sexual assault on 15th April 2017 came from a face-book post afterward. We could not find anything to suggest that it had occurred at the premises or had been reported at the time as suggested. We would take any such allegations made against customers extremely seriously and look to assist the police in catching anyone accused of such an incident. This is not reported in the papers.

- b. During the incident on the 22 April, a female was correctly ejected for her behaviour and she had smashed the Phone in front of the door staff. As stated in the report, she refused then to speak to the police once they had the report from the premises incident log and it is suspected that she was looking for a crime number for her insurance to pay out for a new phone. This again is not accurately reported.
- c. On 16 April 2017, Neil our head door man at the time, had rang the police to inform them of a male acting suspiciously for crime prevention purposes. This is what we would expect in the circumstances and again is not what appears to have been reported in the papers.

At the time, Julie seemed happy with our accounts of the incidents. The rest of the meeting was spent discussing the new robust dispersal policy we had put in place.

- 30 I am sorry to say that I have a number of serious issues with the statements of PCSO Jennifer Coll in the papers and her dealings with me and my staff in general.
- 31 On the 24th of June 2017 Special Constable Jennifer Coll attended the premises where a man had cut his finger. In her email at page 185, she suggests that it had kicked off with everyone in the street, with even the door staff involved. She said it was bad enough for her to call for backup. She then goes on to suggest that the staff were on a 'lock in'. With respect, I dispute this account. I also have to take issue with her statement on pages 189 and 190 which was made over 6 months after the event and following me having to complain about her behaviour in dealing with me and my staff. The transcript from the attending officer at page 181 is a much more accurate reflection of the night. There was a crowd, but not the disorder stated by PCSO Coll. That statement says the booking (I presume call for back-up) was made in error, was effectively a false alarm and to send no one else. In relation to the lock in, when we close the premises, it takes an hour to clean down afterward. As Julie is aware, it is approximately 4 am before the staff leave and this is what appears to have been seen. I have checked the till receipts and there were no sales that would lead me to believe there was any lock-in. I am afraid to say that this statement from PCSO Coll is in line with the other issues I have had with her and the way she reports matters.
- 32 A licence visit was made by PCSO Coll to the premises on 20 July 2017 to collect CCTV footage. I introduced myself to her. I want to state that I didn't introduce myself as Lee, as suggested. Why would I? I had already met her previously. I asked what the CCTV was needed for to ensure I could give them the right footage. It turned out that the police were after the footage from the attempted break in in June and 'after hours drinking'. I explained we would be unable to provide help as the person hadn't been in the venue. CCTV did not show people drinking after hours. I found her approach difficult and unnecessarily challenging.
- 33 PCSO Coll also came in late one night at around 2.30am and told me I had to get everybody out of the premises immediately. I'm afraid I cannot recall the date. I explained to her that I had an agreed arrangement with Julie at our meeting in April to manage dispersal and that the people were being allowed to leave more slowly as part of this procedure. She said that also worked in licensing and we had to get everyone out immediately. For her to claim in her statement that we simply chuck everyone out at 2.30 is, frankly, misleading and if it did happen thereafter it is as a direct result of her demanding we do so. We could only reinstate our dispersal policy after the 1 August 2017 when PCSO Coll seems to not be involved in licensing and we had met with Julie to agree to do so.
- 34 I spoke with Julie on 25 July 2017 and was told about an allegation made by PCSO Coll that one of my doormen was dealing drugs. I was shocked and knowing the person in question, doubted that this could be the case. Nevertheless, I had to act. The accused member of the door team was immediately suspended so that the matter could be investigated.
- 35 A meeting was arranged with licensing sergeant Simon Ashcroft, myself and Tony Riley from Punch. We met on 1st August 2017 at the premises. It was agreed that a line would be drawn from the past and I agreed to be DPS and keep a closer eye on the premises. I became DPS on the 2 August. At the meeting, I was informed that all drug allegations against my door staff member had been dropped by the police. He was subsequently reappointed. Such allegations can have serious effects on

someone's ability to get work and the allegation was made without any supporting evidence that I was made aware of.

36 I then went on annual leave.

37 A visit was made by PCSO Coll to another venue of mine The Angel. I was informed by my staff that she was very rude then wrote a report stating we had only just fitted CCTV. This was absolutely not the case. She then called at the premises and told Kelci my daughter and a member of staff who was helping out that I had to attend a licence meeting or we would have no DPS. Again it was reported to me that she was very rude. She also stated to Kelci that she had no personal license but again this was incorrect. On my return I was unhappy to hear this so I spoke with Julie about the attitude and manner in how PCSO Coll had been conducting herself towards my team. She said she had dealt with this matter as she seemed to me to understand my concerns. We also had a conversation about Arkwrights but there was no mention of any problems at the premises. Since then, I have not had any contact with PCSO Coll.

38 We agreed with the police that it would be good to discuss the dispersal plans at the premises and we arranged a meeting for October 2017.

39 Prior to this meeting, I was called to say that the meeting was being postponed. It was to be re-scheduled for 30 November 2017.

40 On 15th November 2017, I employed a new general manager, Adele Holmes. We posted this on social media.

41 The meeting that we were due to have with the police on 30 November was then cancelled by the police and has not been re-scheduled.

42 As part of our run-up to Christmas, we arranged an event at the premises called: THE RAILWAY CHRISTMAS MARKETS. This was to be a family event. I received a phone call from licensing about the event and a concern was raised that I didn't have a TEN for it. I explained we were not having an external bar so therefore wouldn't need one. On the day of the event we blocked the entrance to the pub car park as so no one would drive in to it. However, the one of the fairground attraction decided to leave early as they had another job on but we could not let them out immediately. Whilst the police attended following a call, there was no issue or incident.

43 On December 13th, my wife and I took over the Pear Tree Inn. My wife was originally the DPS at the Brook Tavern, but was going to move across to the Pear Tree. The pub company did all the paperwork on behalf of her and a new DPS was appointed at the Brook. There was no breach of licence for either premises as suggested in the documents.

44 IN September 2017, we were visited by the council EHO. We were told that he had received a report of out of date stock in the kitchen. He found on examination that this was not the case.

45 In relation to any allegations made by ex-employees I would suggest that these should not have been reported as they have been as they have no truth in them and I have not been asked directly to respond, which is unfair.

46 On Friday the 22nd December, police attended the railway acting on a call from an alleged parent, saying she caught here 16 year old daughter and friends drinking in the railway. They had a walk through and found there to be no drug use or under age activity going on see review paperwork- including under-age issues. On being served the paper work for this review, during my meeting with myself, Simon, Lee and Julie I raised the allegation. I told Simon and Julie I had spent the day viewing CCTV and could not find anything that looked likely to be what was being alleged. I asked for a description of the individual in order that we could look again. Simon told me he was unable to do so as it was as anonymous allegation. The day in question was one of our busiest days and we had door staff on from 5pm. Part of their responsibility is checking for ID, so this seems even more unlikely that this would have happened. There has been no follow up by the police on this matter and as such, this remains an anonymous allegation, without evidence or foundation and our own investigations have drawn a blank.

47 I recently had a phone conversation with Julie on the 19 February 2018. She asked about a DPS that worked for me at Arkwrights who was alleged to have been involved in an assault. I was not aware of any assault and my understanding is that this remains an allegation with no evidence to support it.

Change of DPS

- 48 I have been in close contact with the police and we have agreed to change the DPS (which has been done). The new DPS is Adele Holmes. She is the day to day manager of the premises and therefore fully dedicated to ensuring that the premises operates to promote the licensing objectives. She took on the roll of manager in **November** and since then has worked hard to ensure that the premises operates as we would expect.

Current operation

- 49 My management team and I have been very pleased to see that the management of the premises with Adele as manager and now as DPS appears to have been very positive. I have been informed that the police also feel that this has been a positive in terms of how she deals with customers. I have included copies of our current management policies and documents at **ANNEX 1**

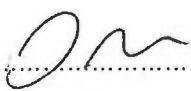
Proposal to amend the premises licence operating schedule

- 50 I have included Punch's proposed changes to the operating schedule at **ANNEX 2**

Conclusion

- 51 I have spoken many times with police licensing team since taking on the premises, but I have never been given the impression that matters were as serious as is being stated in the review. I was very surprised by the number of incidents being reported as coming from the premises and having it said that this is the 'history' of the premises is misleading.
- 52 On being served the review I had a meeting with Julie, Simon and Lee. We were informed that they didn't want to see the premises closed and they were looking for tighter conditions to be added to the licence. I followed this up with the email that Julie has submitted as evidence, along with some of the management plans we have in place at the premises.
- 53 Whilst I have some frustrations about the evidence that has been presented here, I want to re-iterate that we are always willing to learn and improve. I have been doing this job for a long time and run all my establishments to a high standard. We will continue to do this and want to continue to have a good working relationship with Julie and Simon.
- 54 The railway relies very strongly on its 2 am licence and would be a massive hit to its success loosing it. To do so would jeopardise jobs and the good we can do with in the community, such as our
- a. Fundraisers
 - b. Charity nights
 - c. Local events

This statement is made by me, **DANIEL ALDERSON**, to the best of my knowledge, information and belief.

Signed 

Dated 26/2/18 2018