

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Licensing Authority

Cheshire East Borough Council

Municipal Building,

Earle Street

Crewe

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I David George Smethurst [on behalf of] the chief officer of police for the Cheshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**White Horse
22 Pillory Street**

Post town: Nantwich

Post code (if known): **CW5 5BD**

2. Premises licence details:

Name of premises licence holder (if known): Punch Taverns

Number of premises licence holder (if known): 313

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read

guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Just before midnight on Saturday 25th April 2009 a disturbance broke out at the White Horse, 22 Pillory Street, Nantwich and police officers attended. They found approximately 100 people at the premises, several excessively drunk, a number of people in the pub who the officers knew to be banned from Nantwich pubs by Pubwatch, several youths known to be under 18 years of age who had been drinking - two of whom ended up being arrested - and far from the arrival of police officers being the catalyst for people dispersing they ended up fighting with a group in order to regain control of the situation. The management and staff failed to grasp the seriousness of what was taking place and did not manage closing the premises effectively. This was a serious incident of disorder and the officers who attended were seriously concerned both for their own safety and for the safety of members of the public caught up in what occurred.

Additional interim conditions are necessary to prevent a reoccurrence and these are:

1. A condition requiring a minimum age for people to enter the White Horse of 21 years of age.
2. A condition requiring the proof of age scheme 'Challenge 25' to be operated for all sales of alcohol.
3. A condition that the Designated Premises Supervisor regularly attend Pubwatch meetings and ensures that people subject of Pubwatch bans are excluded from the premises.
4. A condition that a personal licence holder be present in the licensed area of the premises at all times that they are open to the public.
5. A condition that a minimum of two SIA registered door supervisors be on duty at the premises every Friday and Saturday from 8pm until the premises close to the public.

There are further measures which the premises can put in place, in the longer term, to address some of the issues and these will be dealt with at the full review, which must of course follow this application in due course

Signature of applicant:
Date: 27/04/09
Capacity: Licensing Officer

Contact details for matters concerning this application:

Address: David Smethurst
Licensing Officer
Sandbach Police Office,
Middlewich Road,
Sandbach
CW11 1HU

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Cheshire Constabulary

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with ~~serious crime~~ / serious disorder / ~~both serious crime and serious disorder~~¹.

*Premises*²:

White Horse
22 Pillory Street
Nantwich
CW5 5BD

Premises licence number (if known): 313

Name of premises supervisor (if known): Cheryl Christine Appleyard

I am a Superintendent³ in the Cheshire Constabulary police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Late in the evening of Saturday 25th April 2009 an incident of serious disorder took place at the White Horse, 22 Pillory Street, Nantwich. The management of the premises have been previously advised about the necessity to ensure people subject of Pubwatch bans are kept out of Nantwich pubs and that the proof of age scheme 'Challenge 21' is rigorously enforced. Yet several people subject to Pubwatch bans were present at the premises when disorder broke out, several youths known to be under 18 years of age were also present on the premises, some having clearly consumed alcohol, and two 17 year olds were in fact arrested. The management and staff completely failed to deal appropriately with the events which occurred and additional interim conditions are required to prevent a reoccurrence.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.