

CHESHIRE EAST COUNCIL

LICENSING SUB-COMMITTEE

Date of meeting 29th April 2010
Report of: Vilma Robson Licensing Officer
Title: Review of Premises Licence
 The Kings Arms, Queen Street, Middlewich CW10 9AR

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for the review of a Premises Licence under section 51 of the Licensing Act 2003 ('the 2003 Act'). It outlines the licensable activities currently authorised under the licence together with the evidence presented by the parties in relation to the review.

2.0 Recommendations

- 2.1 The Licensing Committee is requested to:
- 2.1.1 consider the review application and any relevant representations received; and
- 2.1.2 determine what steps, if any, it considers are necessary for the promotion of the licensing objectives.

3.0 Reasons for Recommendations

- 3.1 The Licensing Sub-Committee has the power to determine this application in accordance with the provisions of the 2003 Act.

4.0 Wards Affected

- 4.1 Middlewich

5.0 Local Ward Members

Councillor Paul Edwards
Councillor Simon McGrory
Councillor Michael Parsons

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications for Transition Costs

7.1 None

8.0 Financial Implications 2009/10 and beyond

8.1 None

9.0 Legal Implications

9.1 Where application for a review under section 51 is made, the Licensing Authority must hold a hearing within 20 working days (of the end of the consultation period) to consider the application and any relevant representations received.

9.2 Section 52 of the Licensing Act 2003 provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations. Sub-section 52(3) provides that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. The steps referred to in sub-section 52(4) are: (a) to modify the conditions of the licence; (b) to exclude a licensable activity from the scope of the licence; (c) to remove the designated premises supervisor; (d) to suspend the licence for a period not exceeding three months; or (e) to revoke the licence;

10.0 Risk Assessment

10.1 Section 181 and Schedule 5 of the 2003 Act make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

11.0 Background and Options

11.1 On 12th March 2010 the Licensing Authority received an application from Cheshire Constabulary for the review of the Premises Licence relating to the Kings Arms, Queen Street, Middlewich.

11.2 Punch Taverns Plc appointed John Chapman as the Designated Premises Supervisor of The Kings Arms on 6th April 2006. Mr Chapman became the Premises Licence holder on 22nd May 2009 by virtue of a transfer application under section 42 of the 2003 Act.

11.3 The licence authorises the following licensable activities:

- Supply of Alcohol
- Performance of live music
- Performance of recorded music
- Provision of Facilities for Dancing
- Making music

Similar Provision of Entertainment Facilities

The times the certificate authorises the carrying out of those activities are:

Monday to Wednesday	10:00 – 00:00
Thursday to Saturday	10.00 – 01:00
Sunday	12.00 - 23.30

Friday, Saturday, Sunday and Monday of all Bank Holidays, Thursday of Easter weekend, Christmas Eve and Boxing Day – one additional hour on the finish time and:

From the beginning of New Years Eve to the end of New Years Day.

A copy of the licence is attached to the report (**appendix A**)

- 11.3 The review application submitted by Cheshire Constabulary is made on the basis of the following licensing objectives: the prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm. The grounds for review are set out within the review application, a copy of which is attached to the report (**Appendix B**).
- 11.4 Within the prescribed consultation period in relation to the review, the Licensing Authority received three further letters of representation. One representation is from an interested party having a business in the vicinity, a copy of which is attached to the report as (**Appendix C**); the second is from Environmental Health in relation to noise nuisance and anti social behaviour and is attached to the report as (**Appendix D**). The third from Cheshire Fire and Rescue attached as (**Appendix E**).
- 11.5 In reviewing the Premises licence and making its decision, the Licensing Committee must have regard to representations made by the Premises Licence holder and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

12.0 Overview of Day One, Year One and Term One Issues

12.1 Not Applicable

13.0 Access to Information

There are no background papers associated with this report

For further information:

Officer: Mrs V Robson
Designation: Licensing Officer
Tel No: (01270) 686618
Email: vilma.robson@cheshireeast.gov.uk

Schedule 12 Part A

Regulation 33,34

Premises Licence *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0821/05

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Kings Arms
2 Queen Street
Middlewich
Cheshire
CW10 9AR

Telephone number

01606 833145

Where the licence is time limited the dates

22.05.2009 -

Licensable activities authorised by the licence

Supply of Alcohol
Performance of Live Music
Performance of Recorded Music
Provision of facilities for Dancing
Making Music
Similar provision of Entertainment Facilities

Times the licence authorises the carrying out of licensable activities

Supply of Alcohol and all Permitted Regulated Entertainment

Monday to Wednesday	10:00 - 00:00
Thursday – Saturday	10.00 - 01.00
Sunday	12.00 - 23.30

Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time

From the beginning of New Years Eve until the end of New Years Day.

The opening hours of the premises

Tuesday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 01:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	12:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr John Robert Chapman

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr John Robert Chapman

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Reference: LAPER/0053/06

Licensing Authority: Congleton Borough Council

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██████████
██████████

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██████████

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under the premises licence: At times when there is no designated supervisor in respect of the licence, or at a time when the designated premises supervisor does not hold a personal licence, or their licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Any persons carrying out a security function must be licensed with the Security Industry Authority (S.I.A).

Annex 2 – Conditions consistent with the Operating Schedule

- 1 There shall be operated at the premises a recognised 'proof of age scheme'.
- 2 Pub will adhere to the smoking charter
- 3 All the windows and doors must remain closed at all times.
- 4 All children under the age of 16 must be accompanied by an adult
- 5 Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The Plan 0821/05 can be viewed at the Licensing Authority.

Part B

Premises Licence Summary *Cheshire East Borough Council*

Premises Licence Number

LAPRE/0821/05

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Kings Arms
2 Queen Street
Middlewich
Cheshire
CW10 9AR

Telephone number 01606 833145

Where the licence is time limited the dates

22.05.2009 -

Licensable activities authorised by the licence

Supply of Alcohol
Performance of Live Music
Performance of Recorded Music
Provision of facilities for Dancing
Making Music
Similar provision of Entertainment Facilities

Times the licence authorises the carrying out of licensable activities

Supply of Alcohol and all Permitted Regulated Entertainment

Monday to Wednesday 10:00 - 00:00
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Sunday 12.00 - 23.30
Friday, Saturday, Sunday, Monday, of all Bank Holidays, Thursday of Easter Weekend, Christmas Eve and Boxing Day - one additional hour on the finish time

From the beginning of New Years Eve until the end of New Years Day.

The opening hours of the premises

Tuesday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 01:30
Friday	10:00 - 01:30
Saturday	10:00 - 01:30
Sunday	12:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Name, (registered) address of holder of premises licence

Mr John Robert Chapman
C/o Kings Arms
2 Queen Street
Middlewich
Cheshire
CW10 9AR

Registered number of holder, for example company number, charity number (where applicable)**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr John Robert Chapman

State whether access to the premises by children is restricted or prohibited

Restricted

**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 David Smethurst

(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 Kings Arms Queen Street	
Post town Middlewich	Post code (if known) CW10 9AR

Name of premises licence holder or club holding club premises certificate (if known) John Chapman

Number of premises licence or club premises certificate (if known) LAPRE/0821/05
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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

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 David Smethurst (on behalf of the Chief Officer of Police) Sandbach Police Office Middlewich Road Sandbach CW11 1HU
Telephone number (if any) 01244 613580
E-mail address (optional) david.smethurst7541@cheshire.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 checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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

The premises have for some time been associated with children and young people unlawfully accessing alcohol at the premises, which undermines the licensing objective of the protection of children from harm.

The premises have become a hotspot for Crime and Disorder which has not always been dealt with appropriately at the time, has not been brought to the attention of PubWatch and staff have failed to co-operate with Police investigations which individually and cumulatively tend to undermine the Crime and Disorder licensing objective.

Objects have allegedly been thrown from the smoking area of the premises into adjoining premises causing alarm and concern to residents and the area of Queen Street immediately outside the main entrance into the Kings Arms is frequently strewn with cigarette ends and broken glass, thereby undermining the licensing objective of preventing a public nuisance. When approached about these matters Mr Chapman has been unco-operative.

The premises management have either refused outright or simply failed to try to implement many strategies suggested to them in order to address the foregoing issues.

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

On 8/11/07 a Police Officer entered the Kings Arms and identified 6 people who were drinking under age in the premises to the staff. Another male was seen to walk out of the premises and up Queen Street with a half full glass of beer and was made to return it.

On 19/01/08 a call was received to the Police control room naming four 15 year old friends of the caller who were all allegedly being served alcohol at the Kings Arms.

On 21/01/08 the following letter was sent to John Chapman at the Kings Arms, who was at the time the Designated Premises Supervisor (DPS) only:

Dear John,

I am writing to you to make you aware that I have received a number of allegations that underage sales of alcohol are taking place at your premises. As recently as this weekend four named 15 year olds have allegedly been seen being served with alcohol in your premises. If this is the case then it clearly undermines the licensing objectives, namely 'the protection of children from harm'.

Apart from dealing with any such breaches by bringing a prosecution, which can carry a large fine, it would also be an option for the police to apply to review a Premises Licence. Such a review could result in many different outcomes but the most severe one would be revocation of the premises licence.

What you need to do now is anticipate that the police will take a much keener interest in what is actually going on at your premises and this could include conducting test purchases. If you are operating the proof of age scheme 'Challenge 21' properly and all your staff have been trained to use it you will have little to worry about.

I hope that by raising this matter with you that you will take this opportunity to review the use of Challenge 21 at your premises to prevent alcohol getting to people under 18 years of age. However if the allegations are proved to be correct you may rest assured the matter will not be taken lightly and a copy of this letter will now be retained on your premises file.

Yours sincerely,
David Smethurst,
Licensing Officer

On the evening of 10/03/08 a Police Community Support Officer (PCSO) attended at the premises and pointed out to the staff 5 people aged only 17 years of age who were drinking in the pub. The staff became agitated and said there was nothing they could do about it if someone aged over 18 years of age bought alcohol for someone and how could they be expected to manage that in the pub.

On 19/03/08 a meeting was held at the offices of Congleton Borough Council with Mr John Chapman, his wife Nicola, Vilma Robson, David Smethurst and Sgt Penny Jones and an action plan agreed. The following letter and action plan arose as a consequence of that meeting:

Dear John,

I am writing to summarise the content of our meeting held at 3.00pm today at the offices of Congleton Borough Council in Sandbach. This will enable me to record what was agreed and allow Punch Taverns to have an awareness of what we discussed. I have included a typed copy of an action plan arising out of what was agreed, as time prevented its completion at the actual meeting. If you need clarification of any issue contained within the action plan or wish me to attend a site meeting with a responsible authority please let me know and my contact details are repeated at the foot of this letter. Please note carefully each action and its due by date. I will visit you at your premises at 1.00pm on Wednesday 16th April 2008 to review your progress against

the action plan.

Present at the meeting were:

David Smethurst - Police Licensing Officer

Vilma Robson – Licensing Authority

John Chapman – Designated Premises Supervisor (DPS)

Nicola Chapman – Wife of DPS

Sgt Penny Jones – Middlewich Police Supervisor (not present for the entire meeting)

The meeting began with me outlining the issues we had convened to discuss which were people under the age of 18 years of age frequenting the Kings Arms and allegedly accessing alcohol there. This clearly undermines the licensing objectives and I made mention of a number of visits by police staff, some where young people ran out of the premises as soon as police arrived – allegedly leaving behind pints of beer - and the reputation the premises has acquired in the area for encouraging young people to resort there.

You outlined the names, approximate ages and experience of your 6 bar staff and the staffing levels you operate, which is basically one person working on their own for the majority of the time, with the exception of Friday and Saturday when after 7pm you employ either two or three bar staff working together.

You went on to say that you are at the premises almost every day from 9am to 1pm and also for an hour at the end of each night when you cash up. In addition you described yourself as actually working at the premises from 8pm every Friday night, so in total you allude to being present on the premises for some 39 hours each week.

You described operating Challenge 21 at your premises, although its signage may have disappeared over time, of having implemented a refusals register about a week ago and not undertaking any structured staff training or recording of training.

You reasserted your desire to remain a 'community pub' and to continue to allow pretty much unfettered access to people aged over 15 years of age to resort to your premises, providing they do not consume alcohol. You described your staff only selling one alcoholic drink at a time to any adult they suspected of being with someone possibly under 18 years of age and outlined staff dissatisfaction at some police visits.

A general discussion followed where a number of ideas were suggested to you as possible ways of ensuring the licensing objectives were not undermined. Some of these have been incorporated into the action plan enclosed with this letter and others which you didn't feel able to employ were:

- Improve staffing levels.
- Install CCTV, although you are exploring the cost of doing so.
- Restrict access to people under the age of 18 years of age unless accompanied by an adult.
- Introducing a curfew time beyond which people under the age of 18 years of age may not enter or remain on the premises.

You do not currently have CCTV installed at your premises and you should note that a source of significant police concern is the poor supervision afforded to staff of people accessing the premises, particularly from your car park and from Hightown, a situation not helped by the low staffing levels you operate.

I did note that despite alleging you spend some 39 hours per week at the premises you only actually knew the surnames of 2 out your 6 bar staff. Whilst how you manage the day to day control of your premises is clearly a matter for you as DPS it may improve your control of the premises and enhance the support for your staff if you revisit your own working schedule.

At the conclusion of the meeting I provided you with a variety of posters, badges, guidance to making refusals and other material to help you promote the licensing objectives and I hope these are useful to you. Do not hesitate to contact me if I can assist you further and I will visit you on 16th April 08, unless I hear from you in the interim. In the meantime you and your staff should anticipate visits from police staff from time to time and hopefully these will help support your efforts to prevent the unlawful access to alcohol by young people.

Yours sincerely

David Smethurst MIOL
Licensing Officer

c.c Licensing Authority, Congleton Borough Council, Westfields, Middlewich Road, Sandbach
Sgt Penny Jones, Middlewich Police
Matt Dutton, Business Development Manager, Punch Taverns PLC, Jubilee House, Second
Avenue, Burton Upon Trent, Staffordshire, DE14 2WF

LICENSED PREMISES ACTION PLAN

Premises name Kings Arms,
Premises address Queen Street, Middlewich
Location of meeting Congleton Borough Council offices, Middlewich Road, Sandbach
Day/Date 3.00pm Wednesday 19th March 2008

Brief description of the issue to be addressed and the SMART* action to be taken.

Action 1 – Poor supervision of premises - Obtain 3 separate quotes from competent companies able to fit a CCTV system covering your premises which will record onto a hard disc capable of retaining unedited images for at least 7 days and which can produce copies if required.

Action Manager - John Robert Chapman

Due date - 16/04/08

Action 2 – Poor supervision of accesses - Explore with the County Fire Brigade and appropriate departments of the local authority if there would be any issues with you utilising fencing and doors sufficiently high to discourage climbing over them, i.e. 6 feet high, which will prevent people from gaining unsupervised access into your smoking area, and then into the building itself, directly from either your own car park or from Hightown directly adjacent to the church. You will have to give consideration to the type of doors and locks utilised and also suitable signage to ensure adequate emergency exits are maintained.

Unless there are genuine issues raised by the above responsible authorities, which cannot be overcome, you will at your earliest opportunity ensure steps are put in place from 3.00pm every day to prevent access directly onto your premises from your own car park and Hightown as mentioned above.

Action Manager - John Robert Chapman

Review what, if any, issues have been raised by 16/04/08 and what progress has been made.

Action 3 – Improve staff knowledge and awareness - Introduce a structured system of staff induction training for new bar staff, which they will complete before they authorise the sale of alcohol, and also refresher training at periods no greater than 3 months for existing bar staff which will include:

- Responsible alcohol retailing
- Operation of proof of age scheme 'Challenge 21' for all alcohol sales
- Conflict resolution and making refusals to sell
- Use of refusals register/incident record book
- Outline the detail of and provide a copy of the Premises Licence

Maintain a separate training record for each member of staff receiving any of the above training, retain these records at the premises whilst they remain an employee and make them available for inspection upon request to a constable or an employee of the Police Authority, Licensing Authority or Trading Standards.

Action Manager - John Robert Chapman

Due Date - All existing staff to receive the outlined training by 16/04/08.

PERSONS PRESENT

	•	Representing the premises	
Print name John Robert Chapman	Signature	Role (DPS)	
Print name Nicola Chapman	Signature	Role Wife of DPS	
	•	Representing the police	
Print name David Smethurst	Signature	Role Licensing Officer	
Print name Penny Jones	Signature	Role Middlewich Sergeant	
	•	Other interested party	

Print name Vilma Robson

Signature Role Licensing Authority

On 16th April 2008 David Smethurst, Cheshire Police Licensing Officer, met with Mr Chapman at the premises to review his progress against the action plan and after the meeting sent the following letter to Mr Chapman:

Dear John,

I am writing to summarise the content of our meeting held today at your premises. This will enable me to record what was discussed and allow Punch Taverns to have an awareness of what we discussed.

The purpose of my visit was to review your progress against the action plan we agreed at our last meeting on 19th March 2008 and so I will deal with each element in turn:

Action 1 – Poor supervision of premises - Obtain 3 separate quotes from competent companies able to fit a CCTV system covering your premises which will record onto a hard disc capable of retaining unedited images for at least 7 days and which can produce copies if required.

Due date – 16/04/08

Action 1 response - You provided me with an estimate, dated the day before on 15/04/08, from Moore Secure Limited for the installation of a CCTV system at a total cost of £3990 + vat and stated you were awaiting two further estimates from Stealth Security at Northwich and another company in Northwich whose name you were unable to recall. The estimate you have in your possession does not make clear the areas covered etc. and before you progress any estimate towards actual installation I would urge you to contact me first so that we can discuss the system in greater detail.

Action 2 – Poor supervision of accesses - Explore with the County Fire Brigade and appropriate departments of the local authority if there would be any issues with you utilising fencing and doors sufficiently high to discourage climbing over them, i.e. 6 feet high, which will prevent people from gaining unsupervised access into your smoking area, and then into the building itself, directly from either your own car park or from Hightown directly adjacent to the church. You will have to give consideration to the type of doors and locks utilised and also suitable signage to ensure adequate emergency exits are maintained.

Unless there are genuine issues raised by the above responsible authorities, which cannot be overcome, you will at your earliest opportunity ensure steps are put in place from 3.00pm every day to prevent access directly onto your premises from your own car park and Hightown as mentioned above. Due date – Review what, if any, issues have been raised by 16/04/08 and what progress has been made.

Action 2 response – Apart from a vague reference about a phone call you had allegedly made, to an unidentified female, in a local authority department you thought may have been Health and Safety, you don't appear to have done anything to progress this action. I felt you simply clouded the issue by your reference to the need to maintain access to an allegedly registered disabled toilet, which is in fact used by you as a store room and not available for use as a toilet at all, and which you allege was registered some years ago by Greenalls with an unknown body.

Action 3 – Improve staff knowledge and awareness - Introduce a structured system of staff induction training for new bar staff, which they will complete before they authorise the sale of alcohol, and also refresher training at periods no greater than 3 months for existing bar staff which will include:

- Responsible alcohol retailing
- Operation of proof of age scheme 'Challenge 21' for all alcohol sales
- Conflict resolution and making refusals to sell
- Use of refusals register/incident record book
- Outline the detail of and provide a copy of the Premises Licence

Maintain a separate training record for each member of staff receiving any of the above training, retain these records at the premises whilst they remain an employee and make them available for

inspection upon request to a constable or an employee of the Police Authority, Licensing Authority or Trading Standards.

Due date – All existing staff to receive the outlined training by 16/04/08.

Action 3 Response – I noted that you were able to produce sheets signed by Daniel Niblet and Nicky Kettle dated 7/4/08 and one from Heidi Stevens dated 9/4/08 indicating they had received the agreed training. In addition there was a sheet signed by Bradley Whinnett which did not identify what, if any, training he had received and this was not dated. I also saw a sheet with simply the name Katie on it which did not identify what, if any, training she had received and this was also not dated.

I will re-visit you at your premises at 10.00am on Tuesday 29th April 2008 to further review your progress against the action plan.

In the meantime you and your staff should anticipate visits from police staff from time to time and hopefully these will help support your efforts to prevent the unlawful access to alcohol by young people.

Yours sincerely

David Smethurst MIOL

Licensing Officer

c.c Licensing Authority, Congleton Borough Council, Westfields, Middlewich Road, Sandbach
Sgt Penny Jones, Middlewich Police

Matt Dutton, Business Development Manager, Punch Taverns PLC, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF

On 29/04/08 David Smethurst, Licensing Officer, again met with Mr Chapman at the premises to further review progress against the action plan and once again the following letter summarises that meeting:

Dear John,

I am writing to summarise the content of our meeting held today at your premises. This will enable me to record what was discussed and allow Punch Taverns to have an awareness of what we discussed.

The purpose of my visit was to review your progress against the action plan we agreed at our meeting on 19th March 2008, reviewed on 16th April 2008 and I will again deal with each element in turn:

Action 1 – Poor supervision of premises - Obtain 3 separate quotes from competent companies able to fit a CCTV system covering your premises which will record onto a hard disc capable of retaining unedited images for at least 7 days and which can produce copies if required.

Due date – 16/04/08

Action 1 response - You mentioned having received an estimate from a company called Permavision from Chorley to provide a CCTV system at a cost of £35 a month for 4 years, after which time the system would become yours, a total cost of £1680. You also described having received an estimate from a company in Northwich, whose name you couldn't remember, at a price of £4,000 for 8 cameras. Unfortunately you were not able to actually produce these last two estimates as they were allegedly at your home. Sadly you do not feel able to progress the provision of CCTV as a means of improving supervision, on financial grounds. In the event you decide in the future to install a CCTV system I would urge you to contact me first so that we can discuss the system in greater detail.

Action 2 – Poor supervision of accesses - Explore with the County Fire Brigade and appropriate departments of the local authority if there would be any issues with you utilising fencing and doors sufficiently high to discourage climbing over them, i.e. 6 feet high, which will prevent people from gaining unsupervised access into your smoking area, and then into the building itself, directly from either your own car park or from Hightown directly adjacent to the church. You will have to

give consideration to the type of doors and locks utilised and also suitable signage to ensure adequate emergency exits are maintained.

Unless there are genuine issues raised by the above responsible authorities, which cannot be overcome, you will at your earliest opportunity ensure steps are put in place from 3.00pm every day to prevent access directly onto your premises from your own car park and Hightown as mentioned above. Due date – Review what, if any, issues have been raised by 16/04/08 and what progress has been made.

Action 2 response – Apart from the previous vague reference about a phone call you had allegedly made, to an unidentified female, in a local authority department you thought may have been Health and Safety, you have done nothing further to progress this action. Sadly the lack of any progress means that any potential to reduce the existing four routes into your premises, and again thereby improve supervision has been lost.

Action 3 – Improve staff knowledge and awareness - Introduce a structured system of staff induction training for new bar staff, which they will complete before they authorise the sale of alcohol, and also refresher training at periods no greater than 3 months for existing bar staff which will include:

- Responsible alcohol retailing
- Operation of proof of age scheme 'Challenge 21' for all alcohol sales
- Conflict resolution and making refusals to sell
- Use of refusals register/incident record book
- Outline the detail of and provide a copy of the Premises Licence

Maintain a separate training record for each member of staff receiving any of the above training, retain these records at the premises whilst they remain an employee and make them available for inspection upon request to a constable or an employee of the Police Authority, Licensing Authority or Trading Standards.

Due date – All existing staff to receive the outlined training by 16/04/08.

Action 3 Response – I noted that the situation remained unchanged from my last visit and that there was still a sheet signed by Bradley Whinnett which did not identify what, if any, training he had received and this was not dated. I again noted a sheet with simply the name Katie on it which did not identify what, if any, training she had received and this was also not dated.

In summary you decided at our original meeting to discount many of the potential ideas put forward to potentially help you and your staff in this endeavour and you have failed to deal satisfactorily with any of the three pretty straightforward actions we agreed would form part of your action plan.

I will continue to monitor reports of police visits to and activity at your premises but I do not intend, at this time, routinely visiting you again in the near future.

You and your staff should anticipate visits from police staff from time to time and hopefully these will help support your efforts to prevent the unlawful access to alcohol by young people.

Yours sincerely

David Smethurst MIOL

On the evening of 13/09/08 Police officers visited the Kings Arms and found that a male member of bar staff had sold alcohol to a 16 year old and a 17 year old female. This occurred within his first 35 minutes of working at the premises and he had received no training in age related sales or age related challenges. His only training had been two hours the previous day when he had been shown how to operate the tills and other associated matters. He was verbally cautioned and John Chapman, who attended as a consequence of this incident, was given advice about training staff.

On 3/10/08 a test purchase was conducted at the premises and a male member of staff once again sold alcohol to people under 18 years of age.

At 10.30pm on Friday 14/11/08 Police staff visited the premises and saw several people outside with glasses of beer in Queen Street, who had to be told to take their drinks back inside.

During the latter part of 2009 and early part of 2010 there have been a number of incidents of violence and disorder reported to the police at the Kings Arms, including one where a young female was hit on the head with a glass or bottle causing a cut to her scalp. Consistent elements to the majority of these have been:

1. Mr John Chapman, the premises licence holder and Designated Premises Licence Supervisor, is rarely present during the busy evening trading times and frequently young inexperienced staff have been left to run the premises with low staffing levels. The number and locations of entrances into the premises further complicates adequate supervision by staff.
2. Mr John Chapman does not bring to PubWatch meetings details of incidents of disorder at his premises and of the people involved. In doing so he deprives the other premises in the town of intelligence and information which would enable them to make all their premises safer by excluding the people responsible.
3. The staff at the Kings Arms refuse to co-operate with Police investigations into incidents of violence and disorder which have occurred at the premises. This has frustrated enquiries and as a consequence undermined the Crime and Disorder licensing objective. The premises do not have an incident register as the staff refuse to complete one citing fear of retribution from the offenders who frequent their premises.
4. Young people, some aged under 18 years of age who seemed to be under the influence of alcohol, are sometimes involved in these incidents of disorder thereby increasing their chances of being criminalised by any prosecution or injured if a victim. The staff and management are either unwilling or unable to adequately control access by people under the age of 18 years of age to alcohol and the premises have a widespread reputation for selling alcohol unlawfully to children. Whilst the premises have recently voluntarily implemented a proof of age scheme experience has shown that Mr Chapman cannot be relied upon to always deliver on his undertakings.
5. The lack, until recently, of CCTV has frequently undermined investigations and has not provided any preventative element. Whilst a CCTV system has recently been installed it has blind spots, which undermine supervision, and it does not cover any area outside the building itself.

As a result of the foregoing the Police request that the Licensing Authority give serious consideration to the following being included as conditions on the premises licence at the Kings Arms. These are considered proportionate and necessary measures to promote the licensing objectives at these premises:

1. There shall be two SIA registered door supervisors on duty at each public entrance giving access into the premises from 8pm until the premises close to the public every Friday and Saturday, on the Sunday and Monday of all Bank Holiday Mondays and the Sunday of Middlewich Boat Festival, the Thursday of Easter Weekend, on Christmas Eve, on Boxing Day and on New Years Eve.
2. A register of SIA staff working at the premises shall be maintained, kept at the premises and made available for examination upon request to a constable or an employee of the Police Authority, Local Authority or the SIA. It will record details of all SIA registered staff working at the premises and it will include for each day they work:
 - (i) The full name of each door supervisor.
 - (ii) The full SIA badge number of each door supervisor
 - (iii) The time they arrive at and leave the premises
 - (iv) Their home address
 - (v) The person holding an SIA licence by whom they are employed
3. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be retained for at least 14 days and copies made freely available upon request to a constable or

an employee of the Police Authority, Local Authority or the SIA.

4. At all times the premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and to provide from it any copies requested.

5. The proof of age scheme 'Challenge 25' will be operated for all sales of alcohol and a record kept of all age related refusals to sell or age related challenges. The only means of identification which may be accepted are a photocard driving licence, a passport or a recognised proof of age card which includes the 'PASS' hologram on it.

6. No one under 18 years of age are to be allowed onto the premises at any time that alcohol is licensed to be sold.

7. A personal licence holder is to be on duty at the premises from 6pm every night until the premises close to the public.

8. No open vessel may be taken out of the premises onto any footpath or highway.

9. The Designated Premises Supervisor, or another responsible member of staff, will regularly attend PubWatch meetings and actively support its aims.

10 A comprehensive and detailed register will be maintained and kept at the premises of all incidents of Crime or Disorder which occur either at or in the immediate environs of the premises and which occur whilst the premises are open to the public.

11 Any member of staff not already the holder of a personal licence must receive training in the operation of the proof of age scheme 'Challenge 25', responsible alcohol retailing and receive a copy of Part 'A' of the premises licence which includes all the conditions BEFORE they are authorised to sell alcohol. The same matters must be covered again at intervals of not more than six months by refresher training to all staff members who do not hold a personal licence. A detailed individual training record must be maintained for every member of staff, be kept at the premises, be retained for at least 12 months after they leave and be made available for inspection upon request to a constable or an employee of the Police Authority or the Local Authority.

12. Whilst the premises are open public access **into** the area commonly referred to as the external smoking area, drinking area or beer garden shall only be from the main pub building itself. Any door, gate or other potential access route from the pub car park or from Hightown into the external smoking area shall be designated a 'Fire Exit' and only used to exit the smoking area. Each of these Fire Exits must be fitted with a secured substantial door or gate which will prevent people readily gaining access into the smoking area, fitted with an approved device which will allow people in the event of an emergency to readily open it only from the inside and make good their escape. Each of these Fire Exits must be fitted with a device which will give both audible and visual warning to the bar server area each time they are opened. Each of these Fire Exits must have a sign displayed both inside and outside them stating that they are for use in an emergency only and that they are alarmed.

Have you made an application for review relating to this premises before ☐

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

.....

Capacity L

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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.

Handwritten text, possibly a signature or name, rendered in a dark, stylized script.

Middlewich
Cheshire

29th March 2010

For the attention of Vilma Robson
Cheshire East Council

Re Kings Arms licence renewal

Over a period of years I have had on numerous occasions cause to contact the police; issues including Public Safety, Noise nuisance, Threatening behaviour, criminal damage, loss of revenue, loss of business are just a few of the issues I have had to deal with relating to the Kings Arms Public House. On one occasion I was threatened in my own building by the landlady of the Kings Arms; a witness on this occasion was so frightened for her own safety that when I asked the Landlady too politely to leave this woman was so upset she physically fled never to be seen again.

My tenants came to me having been informed that they would loose their parking space if I did not comply with Mr Chapman's instruction not to contact you. This I refused to do, they now no longer have a garage on the pub car park, this could have resulted in loss of tenant. Since they along with myself have had to put up with broken glass, missiles thrown over the wall, noise, fights, damage to their property as well as mine, plus the added stress when I am contacted about these issues. For my part loss of revenue from flats which I am unable to let due to security and safety problems regarding repeated damage, renewal, damage and ultimately total destruction of the electricity meter boxes. Total obliteration of post box repeated damage to side window resulting in this window being permanently boarded up.

Some of the incident numbers:

19/8/08 number 290

27/11/08 crime number 0708357246

22/12/08 crime number 0708387069

3/12/08 crime number 237

Just a few recorded incidents.

Of course you aware of numerous other antisocial problems which have arisen.

In Middlewich many people are working towards improvement of social / anti social, behavioural issues our PCSO's are to be applauded for their work and tireless efforts; however their powers and time are limited. CCTV cameras also have limitations, cooperation of business is a way forward sadly due to lack of compliance Hightown would appear to be a problem area and as a result I seem to be targeted.

Regards

SECRET

SECRET

SECRET

SECRET

SECRET

Memo



To: Vilma Robson
From: Margaret Hopley
Date: 12/04/2010
Subject: Kings Arms, Licensing Review

I have taken the opportunity to read the licensing review application from Cheshire Police and wish to make the following comments.

Environmental Health has received a number of complaints with regards to various activities at the Kings Arms, 2 Queen Street, Middlewich. Please find below a log of the involvement from Environmental Health and the actions taken.

On 13th February 2008 a complaint was received from a local resident with regards to accumulation of cigarette butts outside of the complainants premises and also that of the Kings Arms. It was also noted, during the call that glass bottles were being thrown over the wall and litter on the premises of The Kings Arms. Following this report a letter was sent to the Kings Arms for the attention of Mr John Chapman, informing him of the complaint and a copy of the letter was also sent to Punch Taverns who were at the time the holder of the premises licence.

Mr Chapman responded by email on the 17th February 2008 informing me that he had tried to address the issue of litter for a number of years by clearing refuse every few days and that it was an issue that he was aware of.

On 14th July 2008 a complaint was received with regards to vehicles going into the car park of the Kings Arms and playing amplified music. A local resident who called with regards to the issue informed the Division that during the weekend cars had been present playing amplified music and had called the Kings Arms to raise the issue. He was informed that action would be taken but after contacting the premises he stated that the cars present commenced blowing their car horns. A letter was again sent to the Kings Arms for the attention of Mr Chapman to inform him of the complaint so then action could be taken to prevent any further nuisance. No response was received from Mr Chapman with regards to the issues raised.

On 28th July 2008 a further complaint was received with regards to cars in the car park of the premises causing a nuisance. The complainant informed me that he had visited the premises to request the licensee to taken some action. He was informed that the landlord was not present and was met with an abrupt attitude and requested to leave the premises.

On 16th February 2009 a complaint was received from a local resident with regards to individuals gathering in the smoking area that weren't customers to the premises and also raised the issue that glasses were being thrown over the neighbouring fence into gardens. A letter was sent to Mr John Chapman informing him of the fact that complaints had been received and requested for action to be taken to rectify the issue.

Mr John Chapman did contact the Division and I advised him to take action to ensure that people that weren't customers of his premises could not access his smoking area and car park out of opening hours. He informed me that he would try to address the issue but he informed me that he would be unable to completely secure the premises due to individuals needing to access the

Memo

garages in the car park. I advised Mr Chapman that he needed to be more diligent with regards to his premises to ensure that such incidents do not re occur in the future.

On 12th October 2009 an email was received from a local resident informing me that at on Saturday 10th October 2009 at 2 am there was a disturbance in the car park/smoking shelter of the Kings Arms, Middlewich at which time there were still individuals within the premises. Part of the wooden picnic table was thrown over the neighbouring wall into the residential garden and the external electricity boxes were completely smashed off, resulting in the emergency service terminating the power and burying the wires meaning no power to the apartments. The flowerpots at the church had been turned over and a trail of devastation had been caused. The complainant had reported the incidents to the Police as well.

All incidents that have been reported to this Division with regards to criminal damage have been forwarded to the Police to take relevant action.

Due to the continuing concerns and complainants raised by individuals a visit was recently made to the premises by Vilma Robson – Licensing Officer, Sgt Penny Jones and myself and to discuss the continuing concerns and to reiterate the requirements and conditions of the licence. During this meeting all issues previously raised were discussed and Mr Chapman was requested to take action to secure his site so then access could not be made when the premises were closed and to ensure that no individuals throw items into neighbouring properties. Mr Chapman did not respond in a very co-operative manner and seemed to adopt a negative attitude towards the situation and seemed reluctant to rebuild neighbour relationships.

Margaret Hopley
ENVIRONMENTAL HEALTH OFFICER



Appendix E

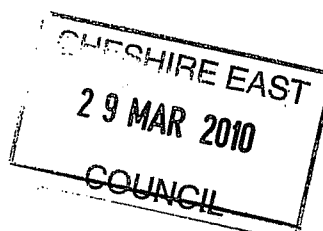
Community Fire Protection Office
Crewe Fire Station
Crewe Road
Crewe
Cheshire
CW1 6DS
Tel: 01270 213246
Fax: 01270 589725

Licensing Authority
Cheshire East Borough Council
Westfields
Middlewich Road
Sandbach
CW11 1HU

Our ref: CDP/CW/X2600198
Your ref:
Contact: Clive Pickering
Tel No: 01270 213246
Date: 25 March 2010

Dear Sir/Madam

LICENSING ACT 2003



PREMISES: KINGS ARMS, QUEEN STREET, MIDDLEWICH, CW10 9AR

Further to the application to review the premises license for the above premises, I can confirm that the fire authority would have no objection to the enclosure of the smoking area at the side of the building, subject to an emergency exit door from the area being provided and maintained available for persons both in the shelter and those leaving the public house.

A copy of this letter has been sent to the Police licensing officer and the premises licence holder:

David Smethurst
Police licensing officer
Sandbach Police Office
Middlewich Road
Sandbach
CW11 1HU

Mr J Chapman
Kings Arms
2 Queen Street
Middlewich
CW10 9AR

If you should require any further information or assistance please contact the Inspecting Officer.

Yours faithfully

for CHESHIRE FIRE AUTHORITY



