

South Licensing Team
Preston Police Station
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Monday 12th August 2024



Lancashire
Constabulary

FAO Michael Parker, West Lancs Butcher & Diner Ltd
Ref: West Lancs Butcher & Diner

With regards to the above premises, I attended on 12th August 2024 with a colleague and a Licensing Officer from West Lancashire Borough Council where an inspection was carried out under Section 179 of the Licensing Act 2003.

This was following discovering that changes had been made to the premises which were not reflected in the plans as part of the Premises Licence, namely the area previously titled Shop / Butchers area had been replaced with a games room with coin operated 'arcade' style machines and a 'bar' area added to the room.

Upon inspection of this room, you advised that the bar was not operational however I challenged you with the word 'BAR' in graffiti on the wall accompanied by a 'check 25' poster, whilst there was no alcohol behind this bar it connected directly to the existing bar with chip & pin machines and pint glasses; you described the new bar as a storage area for the existing bar. I advised that none of this complied with the Premises Licence.

We discussed that the addition of the games room was very similar to when the premises had been partitioned off in 2021 to form several different businesses and that following this process you ought to have known that a variation of the Premises Licence was potentially required.

We then went on to discuss the compliance of the Premises Licence conditions which you agreed to have on the Annex 2 Operating Schedule as part of the full variation in May 2023. Findings of the inspection were as follows:

1 – CCTV was operational however due to a recent fire you were only able to show us recordings on your mobile phone. Review of this footage determined that the CCTV was only retained for 19 days, not the required 28-day minimum period. When questioned regarding this, you appeared aware that it was not recording for 28 days, and you advised that when you changed the footage from motion activated that it reduced the number of days footage was retained for. Footage was also running approximately 30 mins inaccurately. No CCTV inspection logs were noted in any of your incident recording books. You also advised that some of the CCTV had gone as a result of the fire.

2 – Age verification policy was in place, however the last time it was dated was 2021 and the accompanying authority to sell hadn't been updated since 2022. The incident logs sporadically recorded refusals of alcohol sales, since the review was applied for there had been more recorded than previously.

3 – Dispersal Policy a copy of this was available however it was not dated or signed as such I advised that we weren't able to determine when you had adopted its use or whether any subsequent review of the policy have been made. You also weren't able to say when your premises adopted the policy. The dispersal policy was also with several documents that referenced 'the Jynx bar' and had a similar style font and print.

4 – Drinkware Policy was not present, and you appeared confused about what it was that you had to do to comply with this condition. You also advised that you've only recently, following the disorder involving glass introduced polycarbonate drinkware into the running of the premises.

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5 – We discussed the external seating area to the front of the premises which had been built since my last visit, you advised that it isn't used beyond 2000hrs, and the gate is locked preventing access. On viewing CCTV dated 27/7/2024 at 21:15hrs, customers were seen sat in the seating area, you advised that they weren't drinking but just smoking; I advised that I couldn't confirm or negate this on the footage reviewed.

6 / 7– Staff training was difficult to put together, but I advised that they had improved from my initial inspection in 2022. We discussed that in 2022 you had begun to establish comprehensive staff training records, using training materials provided by Lancashire Trading Standards, however had recently changed the format. Some of the new training records did not record a date when staff members were trained, and there was also no actual evidence of what the training you provided was. I reminded you that in 2022 I gave you similar advice on keeping a copy of what training you gave to your staff to allow us to determine if it is suitable, repeated issues was some of the entries lacked the year being recorded, I advised this makes it difficult to determine whether the refresher training as per your licence was being done. Finally, none of the training records found referenced alcohol sales to drunks, allowing disorderly conduct on the premises or drugs awareness.

8 – the incident log was a similar state to the training records, you clearly listened to some of my advice in 2022 and had opted to have an A4 diary to serve as your incident logbook. Whilst there were examples of this being used periodically there were often considerable sections with nothing recorded. Despite this incident log being set up you had also adopted incident log sheets and another logbook, there had been a notable increase in records being made across all three of the recording methods since the review application was submitted. I advised that the A4 diary was working, albeit with large gaps and to use that with 'nothing of note' recorded when there had been no issues at the premises that day.

9 – Door supervision risk assessment was not present; you did not appear to know what this condition was and simply advised that you don't have door staff. I advised your licence wasn't that you didn't have to have door staff, but you had to produce a risk assessment to determine the requirement of door staff. You then later advised that you thought you'd done one but had no idea where it was.

13 – Noise assessment records were not present, you advised that noise doesn't come from the premises as such you don't have any. I had to then explain the reason why this was on the Premises Licence, and it would show Environmental Health responsible management of the premises should they receive noise complaints.

15 – Whilst we did not discuss this, upon exiting I was unable to see any such signage.

18 – Further to the use of the external seating area, you advised that none of the furniture can be removed, and you just lock the gate, and no one uses it after 2000hrs. You seemed unaware of this as a condition of the Premises Licence.

It is disappointing that your premises, despite making improvements after my initial inspection has fallen once again to a state of non-compliance. I am extremely concerned that you agreed these conditions in October 2002 and May 2023 however present as not knowing them. I advised that had my inspection been a positive one, that it could've been used as a defence in the upcoming review hearing.

I would like to remind you that the Licensing Act 2003 requires that licensable activities are carried on under an authorisation and in accordance with an authorisation. This essentially means, you must comply with every condition of a licence when carrying on licensable activity or the activity is unauthorised. Lancashire Constabulary can also "pierce the corporate veil", meaning directors can personally be held liable and sentenced accordingly.

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Carrying on unauthorised licensable activity is a criminal offence contrary to Section 136 of the Licensing Act 2003. The penalty for such an offence is severe, on summary conviction, you could be sentenced to 6 months imprisonment, a fine of an unlimited amount, or both.

Lancashire Constabulary are now considering seeking prosecution for this.

Regards



PC 6884 Stephen Connolly
Licensing Officer