

LICENSING ACT 2003

IN THE MATTER OF WEST LANCS BUTCHERS AND DINER (LN 6916)

FURTHER REPRESENTATIONS ON BEHALF OF THE LICENCE HOLDER

1. These Further Representations are served in response to the Further Representations served by Lancashire Police on 10 September 2024.

‘Moving the goalposts’

2. The Committee may consider that the Further Representations served by Lancashire Police ‘move the goal posts’ somewhat. The Application Notice dated 9 July 2024 specifically did NOT raise the Protection of children from harm as a relevant licensing objective. However, the Further Representations, served over 2 months later and just 3 weeks before the Review hearing, purport to introduce this licensing objective. The Committee may consider that this offends against the ‘laws of natural justice’ (§11.3, WLBC Policy Statement).
3. In any case, for the reasons set out below, Mr Parker submits that no children have been harmed or are likely to be harmed by his premises.
4. On the contrary, Mr Parker submits that his premises does, and will continue to do, local children good. For example, in May 2024 Mr Parker engaged a training

academy, Heritage Skills, with a view to hosting free masonry and plastering courses for local teenagers at the premises. Please see the email from Mike Lea, Chartered Surveyor and director of Heritage Skills, and associated literature. It goes without saying that should Mr Parker lose his licence and close the premises then these courses could not be provided.

Prevention of crime and disorder

5. The Committee may consider that the primary licensing objective engaged in this case is the Prevention of crime and disorder. The Further Representations served by Lancashire Police address other matters and not that objective.

6. As to the Prevention of crime and disorder and by way of update, Mr Parker has recently received correspondence (exhibited) from the victim of the incident on 6 July 2024. The Committee will see that the victim attributes no blame whatsoever to Mr Parker and considers it unfair that Mr Parker's licence is in jeopardy. He praises Mr Parker and his staff for the assistance that they gave him on the night in question. He continues to frequent the diner which he describes as "great for families".

Responses

7. As to the **visit made by police on 8 August 2024**, the relevance of this is unclear. For the avoidance of doubt, it is accepted that the premises were closed on this date due to fire. On 6 August 2024, whilst Mr Parker was on holiday abroad and the premises closed, a fire broke out. CCTV footage revealed that the cause of fire

was a compressor in a refrigerator. The matter is in the hands of Mr Parker's insurers.

8. As to the **games room**, Mr Parker installed this in order to provide activities for the many children who visit the Diner with their families. The Committee is invited to consider photographs of the games room. It cannot be said that it causes harm to children. The room is covered by CCTV. Children under 16 are to be supervised by an adult. The bar in the games room was not operational and, as such, Mr Parker did not appreciate that it was necessary to obtain a variation to put in the games room. The games room was installed in February 2024 and Mr Parker questions why Lancashire Police are only now raising it.
9. As to **CCTV**, Mr Parker admits that it was not recording for 28 days. The recording unit he had was only capable of recording for 21 days. He has since replaced the unit with a new one which can record for 31 days.
10. As to the **Challenge 25 policy**, Mr Parker states that this condition has always been fully complied with. He accepts that challenges/ requests for ID were not always logged but they are now. Mr Parker can produce evidence of this. Mr Parker has put up 'Licensing Priority Checks' posters (photographs exhibited) to remind staff of the importance of the Challenge 25 policy. In addition, Mr Parker has a new 'Epose' till system which prompts his staff to 'Challenge 25' with every sale.

11. As to the **Dispersal Policy**, Mr Parker does have such a policy. For convenience, he simply adopted the original policy used by Jynx nightclub, which occupied the premises previously. That policy, a copy of which is exhibited, seemed perfectly adequate and Lancashire Police do not appear to suggest otherwise. The 'Licensing Priority Checks' posters (photographs exhibited) also remind staff of the importance of this policy.

12. As to the **Drinkware Policy**, Mr Parker accepts that there was no written policy prior to 12 August 2024. He has since rectified that. The policy is displayed in prominent positions throughout the premises, as evidenced by photographs. Notwithstanding the absence of a formal policy document, it is notable that Mr Parker had started using plastic glasses before 12 August 2024 and told police that (pg. 5, Lancashire Police Further Representation bundle). The 'Licensing Priority Checks' posters (photographs exhibited) also remind staff of the importance of this policy.

13. As to the **external area**, this is used until 8pm in accordance with licence conditions. Smokers must smoke outside, of course, but they are not permitted to consume drinks outside after 8pm. Mr Parker now has a written policy (exhibited) which instructs staff to inspect the external area every 30 minutes. CCTV covers the area in any event. The external furniture is fixed to the ground and cannot be moved. The 'Licensing Priority Checks' posters (photographs exhibited) also remind staff of the importance of this policy.

14. As to **record keeping**, Mr Parker has three different logbooks for (i) training, (ii) events and (iii) accidents. Mr Parker showed these to the officers who attended on 12 August 2024. Mr Parker will bring the logbooks to the hearing should the Committee wish to consider them. The ‘Licensing Priority Checks’ posters (photographs exhibited) also remind staff of the importance of logging incidents.

15. As to **door supervision**, Mr Parker accepts that there was no written risk assessment as at 12 August 2024. That has since been rectified and a copy is exhibited for the Committee to consider. It is notable that PC Connolly emailed Mr Parker on 13 May 2023 stating that the risk assessment didn’t “need to be anything too fancy or complex” and is “literally a written version of what you already do” (Lancashire Police exhibit LC04).

16. As to **noise assessments**, these were carried out on a daily basis and recorded in a diary. Mr Parker will bring the diary to hearing should the Committee wish to see it. The ‘Licensing Priority Checks’ posters (photographs exhibited) also remind staff of the importance of noise monitoring.

17. As to **signage asking customers to leave quietly**, this has since been installed in prominent areas around the premises. Photographs are exhibited for the committee to consider. In any event, the Committee may consider that this is not a ‘noise case’.

18. As to the **incident of sexual assault on 14 July 2024**, Mr Parker is very surprised to see Lancashire Police raising this. First, it occurred away from the premises, as the Police acknowledge. Mr Parker understands that the girl was sexually assaulted by a taxi driver. Second, the girl did not consume alcohol in the Diner. Her parents have confirmed in an email to Mr Parker (exhibited). Moreover, Mr Parker understands that the girl herself told police this in her ABE video interview. It follows that it is somewhat disingenuous for the Police to suggest otherwise.

19. As to **Mr Parker's attitude on 12 August 2024**, he denies that he 'attempted to downplay the requirements to comply with his licence conditions'. He questions how exactly he is alleged to have done that. He does accept that he became upset by the manner of the police officers, which he perceived to be unnecessarily confrontational and dismissive.

David Birrell

Exchange Chambers

26 September 2024