

SOUTH LAKELAND DISTRICT COUNCIL
Public Protection, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ
Tel: 01539 733333
www.southlakeland.gov.uk email: licensing@southlakeland.gov.uk

**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 Patrick Cantley on behalf of South Lakeland District Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Churchills Wine Bar, Robinson Place	
Post town Bowness on Windermere	Post code (if known) LA23 3DQ

Name of premises licence holder or club holding club premises certificate (if known) Mr Anthony Knowles

Number of premises licence or club premises certificate (if known) PL(A)0446
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

Patrick Cantley – Licensing Officer
South Lakeland District Council
South Lakeland House
Lowther Street
Kendal
LA9 4DQ

Telephone number (if any)

01539 793436

E-mail address (optional)

patrick.cantley@southlakeland.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

We have grounds to believe that the licence holder is not promoting the following licensing objectives:-

- **The of Prevention of crime and disorder;**
- **Prevention of public nuisance; and The protection of children from harm.**

In summary, the reasons are - 1) The premises has provided unauthorised licensable activities on more than one occasion. 2) The premises is subject of an ongoing noise nuisance complaint and Mr Knowles is not demonstrating any intention of working towards resolving the matter. 3) It has failed a recent test purchase where a person under the age of 18 was served alcohol. Each licensing objective is dealt with in turn below.

The premises is subject of a complaint relating to noise nuisance caused by musical entertainment held there. This matter has been under investigation since December 2016. Since receipt of the complaint, several face to face meetings have taken place with the premises Licence Holder, Mr Knowles who has been offered advice both in writing and verbally. He has also been provided with assistance in upholding the licensing objectives by a number of the Responsible Authorities including Licensing, Cumbria Constabulary, Environmental Health and Fire Authority. Since the complaint was received more than 18 months ago, the Licence Holder has required a significant level of assistance and intervention with the aim of enabling him to be able to uphold the licensing objectives. Mr Knowles has been provided training materials by Cumbria Constabulary and advice sheets to assist with entries in to the premises incident book. Examples of the advice offered are in the attached letters.

The level of support and intervention required by the Licence Holder exceeds that required by the Licence Holder of any other licensed premises within this controlled District. Despite this, complaints relating to the premises continue to be received by the licensing office. This application is being made because it is considered that Mr Knowles is not able to uphold the Licensing Objectives.

Mr Knowles been advised that his premises is subject of a noise related complaint and that noise nuisance monitoring may take place. A letter dated 28th March 2018 is attached to this application. The letter advises Mr Knowles he has a statutory duty to control excess noise from the premises and that failure to do so could result in restrictions on the ability to operate. He was also advised in writing and during face to face meetings in 2017 and 2018.

As a follow up to the letter sent on 28th March 2018, officers from the Public Protection Department have attended Bowness on Windermere during a number of weekends through May and June 2018. During this period further complaints have been received from a nearby residents and hotels in relation to nuisance caused by noise.

A neighbouring resident has made an official complaint in relation to activities provided by the premises during the weekend of 4-6 May 2018. They are also willing to provide evidence in relation to 27th and 28th May.

Officers from the Public Protection Department also witnessed the premises in breach of its premises licence conditions on the evening / night of Sunday 6th May 2018. During this incident Churchills provided regulated entertainment and failed to comply with the following condition –

All windows and doors to remain closed when regulated entertainment is taking place.

Provision of this activity in contradiction of the condition as laid out above constitute an offence of providing an unauthorised licensable activity. Commission of the offence also undermines the licensing objective “The prevention of crime and disorder”.

In order to investigate the breach of this condition Patrick Cantley of the Licensing Authority attended the premises in company with PC Rebecca Hunter of Cumbria Constabulary on 16th May 2018. On attending the premises the CCTV system was not working. PC Hunter subsequently seized the system and submitted it to the imaging unit at Barrow in Furness police station. Upon interrogating the system it was established it had not worked for more than 100 days. During this

period Mr Knowles allowed Churchills to open and provide licensable activities. By doing so he provided unauthorised licensable activities.

On 21st June 2018 Mr Knowles was interviewed under caution at Kendal Police Station in relation to providing unauthorised licensable activities. Whilst stating he is in control of the day to day running of the premises he relinquished all responsibility for its management during weekend of 4th - 6th of May 2018. Mr Knowles,

However, Mr Knowles was seen in person and spoken with on night of 4th May 2018 at the premises by officers from Cumbria Constabulary and the Licensing Authority immediately after a spot premises inspection. Mr Knowles has also confirmed he was present on the premises when officers from the Public Protection Department observed his premises in breach of its licence conditions during the evening and night of Sunday 6th May 2018.

In relation to the CCTV system not working Mr Knowles –

- Confirmed the system is located inside his home address;
- Could not recall the last time he had checked to see if it was in working order;
- Was unaware it had been broken for that length of time;
- Went straight out to buy a new system for the premises when he became aware it was broken.

The system was seized from Mr Knowles before he went out to purchase a new one and prior to it being seized had said it was not working for at least a week.

Below is a list of some of the issues in relation to this premises and the relevant licensing objective being undermined.

CCTV system not in working order – **Prevention of crime and disorder.**

By allowing his doors to remain open during regulated entertainment he commits and criminal offence. **Prevention of crime and disorder**

Noise emanating from the premises when musical entertainment is provided has triggered complaints from local residents and at least two nearby businesses. **Prevention of public nuisance.**

Failing to appropriately endorse premises incident book – **Prevention of crime and disorder.**

Failed test purchase – **Protection of children from harm and Prevention of crime and disorder.**

Please provide as much information as possible to support the application (please read guidance note 3)

As the licence holder and designated premises supervisor Mr Knowles is responsible for the day to day management of Churchill's. In support of this application I have included some of the "conditions consistent with the operating schedule" of premises licence PL(A)0446. Breach of the conditions constitutes a criminal offence under section 136 of the Licensing Act 2003.

General –

An incident book is kept on the premises to record any incidents, such as alcohol refusals and noise monitoring when regulated entertainment is taking place.

Mr Knowles has been advised repeatedly that he must ensure his incident booklet is appropriately filled. Letters attached to this application lay out the requirement in writing. Mr Knowles has also been advised on at least four occasions during face to face meetings in 2016, 2017 and 2018. Also attached to this application is a premises inspection sheet. The premises inspection was conducted unannounced on 4th May 2018. During the inspection the incident book was checked and found to be poorly endorsed with lengthy periods without anything being written in to the book.

Prevention of crime and disorder –

All staff to be trained with regard to the sale of alcohol and the "Challenge 25" Policy.

The premises failed a test purchase operation conducted by Cumbria Police during the evening of 25th July 2018. The circumstances surrounding the matter are as follows – 2 females aged 15 years and 16 years five months respectively were used as test purchasers. The person making the sale requested to see identification but when the females confirmed they did not have any the person stated they would only be willing to serve the one who appeared to him to look 18 before proceeding to do so.

An email account provided by PC 1794 Rebecca Hunter is attached to this application.

CCTV cameras installed and capable of recording images both inside the premises and outside. These will be retained for a minimum period of 14 days.

On 3rd March 2016 PC 1794 Rebecca Hunter of Cumbria Constabulary sent an email to Mr Knowles to summarise a meeting held at Churchills on 24th February 2016. The email is attached to this application. It clearly advises Mr Knowles regarding compliance with this specific licence condition and that the system was discovered to be faulty in November 2015. In addition to this it was found that the CCTV system was not recording and that there were no cameras installed on the exterior of the premises during the meeting on 24th February 2016.

PC Hunter visited Churchills in company with Patrick Cantley, Licensing Officer, South Lakeland District Council on 16th May 2018. The CCTV system was seized from the premises because Mr Knowles explained it was not working. This was following a request to view CCTV footage in relation to the weekend of 4-6 May 2018 where it was believed Mr Knowles had knowingly failed to comply with conditions on his premises licence intended to further the licensing objective relating to "The prevention of public nuisance.

Following seizure of the system it was sent to Barrow in Furness Police Station where the system was interrogated by Imaging Officer John Burns. Mr Burns confirmed that the system had not recorded any footage since 18th January 2018. Mr Knowles had allowed the premises to open and provide licensable activities during that time and had therefore failed to comply with the condition attached to his premises licence for 118 days.

Letters sent to Mr Knowles by the Licensing Office are attached to this application. He has been

advised repeatedly regarding CCTV in writing and in person. Face to face meetings with Mr Knowles have taken place on the following dates – 1st March 2017 (Multi Agency), 16 March 2017, 17 March 2017 (Noise Monitoring), 1 June 2017, 9 June (Multi Agency), 14 December 2017.

The prevention of public nuisance -

All music is kept to a reasonable level and monitored, this will be documented in the incident book.

All windows and doors to remain closed when regulated entertainment is taking place.

In relation to the above conditions – Churchills has been subject of a noise nuisance complaint received 26/12/16. The complaint initially referred to The White House Hotel which is situated next door and where Mr Knowles is also Licence Holder and DPS. However, as the investigation commenced it became clear that the premises subject of the complaint was Churchills. Since receipt of the complaint in December 2016 a number of face to face meetings with Mr Knowles have taken place. On at least 4 occasions the meetings with Mr Knowles have involved the Licensing Authority, Cumbria Constabulary and Environmental Health.

A nearby resident has recorded video evidence of the premises in breach of the above condition and made a formal complaint. Officers from the Public Protection Department have also observed the premises in breach of this condition.

Mr Knowles has been spoken with about this matter formally. He denied being at the premises on 4th and 5th and then went on to explain that the doors were open because it was hot inside the premises and patrons were fainting. He is currently under investigation for providing an unauthorised licensable activity.

The protection of children from harm -

Proof of age cards are required from anyone attempting to purchase alcohol who appears to be under the age of 25.

The contravention of this condition is laid out above under the objective “Prevention of crime and disorder”.

All children to be accompanied by an adult.

The contravention of this condition is laid out above under the objective “Prevention of crime and disorder”.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

This section is not applicable.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]

Date **6/8/18**

Capacity **Licensing Officer – South Lakeland District Council**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Patrick Cantley – Licensing Officer Public Protection Department South Lakeland District Council South Lakeland House Lowther Street	
Post town Kendal	Post Code LA9 4DQ
Telephone number (if any) 01539 793436	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) patrick.cantley@southlakeland.gov.uk .	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

