

Licensing Review of Nags Head, Blackburn Road, Accrington

Premises Licence No. PL0164

Incidents of note since 08.01.18

16.02.18 – 21.35 hours – Door Supervisor observed working at the premises with an expired licence. DPS Susan Balmer and her sons Simon Widdowson and [REDACTED] subsequently interviewed by Ivan Tough (Council LEO) and Dave Lightfoot (S.I.A. Investigator) about their responsibilities to ensure that all door supervisors who work at the premises are licensed by the SIA and that their badges are checked.

See Appendix 1 for copy of follow up letter dated 22.02.18

27.08.18 - 14.25 hours – I.T. visits premises with Paul Thwaites (Environmental Protection Officer) regarding a complaint of excessively loud music and karaoke being played at the Nags Head regularly between 6pm and 11pm most nights. P.T. serves a letter on [REDACTED] (member of staff present).

29.08.19 – Complaint received by Licensing regarding regular excessive litter outside the Nags Head. This came from the Council's Street Cleansing Team.

See Appendix 2 for copy of follow up letter dated 29.08.19

20.09.19 – Premises visited by PS Gary Hennighan (Lancs Police) and I.T. A number of issues relating to lack of compliance / undermining of the licensing objectives were identified – see follow up letter for details. It was recommended to Simon that he should be the DPS at the premises as he is responsible for the day-to-day running of it.

See Appendix 3 for copy of follow up letter dated 25.09.19

07.11.19 – Meeting at Nags Head with Simon Widdowson, G.H. & I.T. A number of issues relating to lack of compliance were identified – see follow up letter for details. During the meeting Simon once again acknowledged that he was and had been for some time managing the premises due to his mum's illness (Susan Balmer is still DPS at this time) and that he should be DPS.

See Appendix 4 for copy of follow up letter dated 02.12.19 – this was also sent via email.

02.12.19 – Response to letter received from Simon Widdowson via email, which includes information that Simon will be taking over as DPS.

See Appendix 5 for copy of Email from Simon Widdowson to I.T.

16.01.20 – Application received to vary the DPS from Susan Balmer to Simon Widdowson.

24.01.20 – 21.00 – 21.30 hours approx. - Nags Head visited by G.H., I.T. & D.L. (S.I.A.) – issues were identified, most notably that many customers were once again very heavily intoxicated.

See Appendix 6 for copy of follow up email from I.T. to Simon Widdowson.

02.03.20 – Joint visit conducted by Helen Dodds (Food Safety Team Manager) and Lee Taylor (Pest Control Officer) accompanied by I.T. Back yard area was much improved, however there was evidence of rodents in the cellar and upstairs living areas. It was recommended to Simon that he commences with a pest control contract by an accredited company, amongst other things.

See Appendix 7 for copy of letter with recommendations made by Environmental Protection.

08.11.20 – The Council are made aware of an illegal gathering at the Nags Head, instigated by Stuart Parkinson (brother of Simon Widdowson and son of Susan Balmer) during Covid-19 restrictions. The Police in liaison with the Council's Covid Response Team are responsible for dealing with this matter. Mr Parkinson was issued with a FPN for £1000.00.

24.11.20 – A meeting is arranged to take place with Simon Widdowson, I.T., G.H. and Suryanarayana Sista (Nariyal Investments) who is the holder of the premises licence at this time to discuss all issues experienced at the premises over the past couple of years. The authorities feel that the licence needs to be brought up to date and made more 'fit for purpose' particularly in light of the recent Covid breach. Mr Sista fails to attend the meeting however.

See Appendix 8 for copy of Email dated 08.12.20 containing recommendations to add and to remove from the current licence.

15.12.20 – Further email from I.T. to Simon Widdowson as above Email had not yet been responded to.

See Appendix 9 for copy of Email which contains Simon's response.

04.01.21 – Further email from I.T. to Simon Widdowson chasing up documentation.

See Appendix 10 for copy of Email which again contains Simon's response.

11.01.21 – Further email from I.T. to Simon Widdowson. No response.

See Appendix 11 for copy of Email.

19.01.21 – Further email from I.T. to Simon Widdowson chasing up documentation.

See Appendix 12 for copy of Email which again contains Simon's response.

11.02.21 – Application is received to transfer the premises licence into Simon Widdowson from Nariyal Investments.

11.02.21 – Further email from I.T. to Simon Widdowson again chasing up documentation. No response.

See Appendix 13 for copy of Email.

08.03.21 – As documentation has still not been forthcoming despite this all being agreed at a meeting on 24.11.20 & followed up by email on 08.12.20 – now some 3 months later and 4

months since the incident on Remembrance Sunday. The Email was sent with a view to hopefully ensuring that Simon would give Minor Variation application the urgency that it required at this stage.

See Appendix 14 for copy of Email which contains Simon's response.

08.03.21 – Simon Widdowson submits a complaint regarding the conduct of I.T., who is claiming that I.T. has a vendetta against the Nags Head. The issue is investigated and the allegation is found to be without substance.

16.03.21 – Application received for the Minor Variation of the premises licence.

17.05.21 – Nags Head re-opened after indoor lockdown restrictions were lifted.

13.08.21 – Simon Widdowson contacts I.T. via email, the essence of which is that the Nags Head has experienced 4 incidents of disorder since re-opening, door supervisors and bar staff being attacked etc. Enquiring if any progress had been made regarding resurrecting the Pubwatch scheme. Simon invited to the initial meeting to re-start Pubwatch, which took place on 05.10.21

See Appendix 15 for copy of Email detailing above.

18.09.21 – Simon Widdowson arrested for alleged Public Order offences outside Nags Head premises.

29.09.21 – Fire Safety visit conducted at the Nags Head by Lancs Fire and Rescue Service, resulting in an enforcement notice being served containing 13 points.

See Appendix 16 for copy of Enforcement Notice as above.

Additional Information

There is no doubt that the Nags Head licensed premise is a very challenging one to manage. It is also in a busy location and forms part of a line of other very popular licensed premises. The recent incident that has brought about the licensing review is disappointing, particularly during a period where the majority of licensees' are working hard together to reduce alcohol-related crime and drug usage in the town centre. Simon also appeared to be committed to this and was very much in favour of the re-launch of Pubwatch, however conducting himself in such a manner seems to demonstrate 'do as I say, not as I do.' It sets a poor example to customers and other licensees' alike and any of the responsible authorities should not be confronted with this type of behaviour from anyone, particularly not a licensee. Whilst I have no doubt that Simon totally regrets his actions regarding the incident, sadly it is not an isolated incident and I have previously been confronted by Simon when he was intoxicated and confrontational. As far as I am aware, Simon has been managing the Nags Head for the best part of 4 years now and yet problems which could be avoided continue to occur, which to summarise, include:

Using unlicensed door supervisors, potentially putting members of the public at risk

Noise nuisance issues

Customers continue to be served alcohol despite being heavily intoxicated

Breaches of the premises licence

Excessive litter in the rear yard and adjacent to the premises

Issues with rodents not being tackled pro-actively and ignoring the requirement for 2 monthly pest control checks

Inadequate fire safety care, risk assessments, alarms, equipment, training, doors, procedures etc.

It appears that Simon is not grasping the importance of his role as Premises Licence holder and Designated Premises Supervisor at the Nags Head, as well as promoting all of the 4 Licensing Objectives. Whilst the Covid-19 situation has caused problems for many licensed premises, avoidable issues did occur prior to this. Consideration should be given as to whether Simon Widdowson has the correct mind-set, application and desire to continue to be the holder of the premises licence and the designated premises supervisor at the Nags Head, Accrington.

Ivan Tough

Licensing Enforcement Officer

Hyndburn Borough Council

20.10.21



APPENDIX 1 (2 PAGES)

BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

Licensing Authority
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

E-Mail: Ivan.Tough@hyndburnbc.gov.uk



Your ref:
Our ref:
Ask for: Mr I Tough
Date: 22 February 2018

Dear Mrs Balmer,

RE: COMPLAINT NO. 0105.18 – NAGS HEAD – PREMISES LICENCE NO. PL0164

As you are aware, on Friday 16 February 2018 at 21.35 hours approximately whilst conducting enforcement duties, I spoke with a Door Supervisor at your premises. He was wearing an SIA door supervisors badge, however upon inspection this had expired. You were therefore allowing an unlicensed door supervisor to work at your premise.

Whilst I accept that having a door supervisor at your premises is going above the requirement of your premises licence for the 'Nags Head' by employing someone who is not licensed by the SIA is not only illegal, it also has the potential to bring other problems to your premises, with which you could be implicated.

Door Supervisors must be licensed by the SIA, which demonstrates to customers that the door supervisor has met the required standard in order to be able to undertake this role. This includes training in various modules, such as conflict management, restraints, identification of drugs, first aid training, to name a few. The SIA also undertake criminality checks on applicants and would not licence anyone who they believe may represent a risk to members of the public.

Following the interview with Mr Dave Lightfoot (SIA Investigator) and myself, I trust that you now understand the importance of ensuring that you personally undertake checks of your door supervisors to show that they hold a valid licence, as well as putting procedures in place to record the following details whenever a door supervisor is employed at your premises:

- Name of door supervisor
- Full licence number of door supervisor (not just the last 4 digits)
- Expiry date of the SIA licence
- Date, Start and Finish times
- Name of the company by who they are employed (if applicable)



In addition, it is important to keep a separate book of any incidents occurring at the premises in detail, including names of persons involved, witnesses, descriptions, what occurred, action taken and again the date and time of the incident.

The SIA will now give consideration to all facts and everything that was discussed in terms of the unlicensed door supervisor, which may result in further contact with you. He was obviously aware that his licence expired and fraudulently altered the licence with a view to deceiving you and the authorities.

As far as you and the premise is concerned, I do not propose to take any further formal action, however a record of the incident will be kept on file and taken into consideration should anything similar occur in the future.

Thank you for your cooperation with the Council and SIA investigation.

Yours sincerely

Mr I Tough
Licensing Enforcement Officer



APPENDIX 2

BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

Licensing Authority
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

E-Mail: Ivan.Tough@hyndburnbc.gov.uk

Your ref:
Our ref:
Ask for: Mr I Tough
Date: 29 August 2019



Dear Ms Balmer,

RE: NAGS HEAD – PREMISES LICENCE NO. PL0164

The Council is in receipt of complaints which detail excessive smoking-related litter outside a number of licensed premises. The Nags Head is one of the premises that has been identified.

The allegations relate to the outside of a premises and on the public highway, where there is a significant amount of litter, namely cigarette butts, as a result of persons smoking outside the licensed premises.

Management of the Nags Head are responsible for keeping the highway clean and clear of litter caused by customers from the premises. This should be done on a regular basis and I would suggest that this is done at least twice per day. I would also advise placing bins of some kind directly outside any entrances to the premises where 'smokers' may congregate.

Furthermore, I suggest keeping your own designated smoking area clear of cigarette butts, which may otherwise blow or transfer to the public highway via customers shoes etc. The pathway directly at the back of your outdoor smoking area close to your premises is in particular need of urgent attention.

Persistent issues relating to litter caused as a result of running operations at a licensed premises may cause public nuisance and undermine the licensing objectives.

Please be advised that regular and random enforcement checks will take place at the Nags Head to check that the above is being undertaken and complied with.

Yours Sincerely,

Mr I Tough
Licensing Enforcement Officer

APPENDIX 3 (2 PAGES)



BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

Licensing Authority
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

E-Mail: Ivan.Tough@hyndburnbc.gov.uk

Your ref:
Our ref:
Ask for: Mr I Tough
Date: 25 Sept 2019



NAGS HEAD, ACCRINGTON – PREMISES LICENCE NO. PL0164

On the evening of Friday 20 September 2019 my colleague from Lancashire Police and I visited the above premises. At the time of my visit we both agreed that the premises was unruly and that the majority of the customers who were present, in particular who were outside, were heavily intoxicated. There appeared to only be one member of staff working at the time, who was very helpful and pleasant, however she would have struggled to run the premises alone and undertake bar duties, glass collection, monitoring the premises and other tasks whilst there alone. The situation that my colleague and I witnessed certainly gave us cause for concern.

Furthermore and in accordance with the conditions attached to the grant of the premises licence, I was unable at the time of my visit to verify that the following conditions were being met:

1. There appeared to be no age verification policy being in place at the premises.
2. There was no documentation available to evidence that staff have been trained in promotion of the licensing objectives.
3. There appeared to be no appropriate signage alerting customers to the use of CCTV at the premises.
4. In respect of the CCTV requirement on the premises licence, I now require you to provide CCTV on a viewable CD / DVD for the premises for the following:
 - **From 18.00 hours to 22.00 hours on 20.09.19**

I require this be provided to the Council's office at the address at the top of this letter, clearly marked for my attention by **no later than 4.00pm on Tuesday 8 October 2019.**

5. There was no evidence of regular assessments taking place 'of noise coming from the premises on every occasion the premises is used for regulated entertainment.' At the time of our visit the noise was excessively loud and the external door was propped open. This is despite both myself and the Council's Environmental Protection Officer having raised concerns previously on a number of occasions.
6. There was no notice advising customers that children under 18 years of age are not allowed on the premises after 20.00 hours.
7. There was no notice displayed at the entrance advising customers that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age – as required by the premises licence.
8. Furthermore, the litter / cigarette butts from the rear of your premises / outside area appear to have been swept or trailed onto the public highway / pathway. Complaints have been received and this is causing both a nuisance and an eyesore. It is unacceptable for the premise to expect the Council to clean up the litter being created by your customers. Can you please ensure that you regularly clean up the litter at the rear of your premises (I suggest at least twice per day).

All of the above issues are of serious concern to the Council. The Council expects each of the above conditions which are not being met to be rectified immediately. Failing to meet all of the above conditions constitutes offences under Section 136 of the Licensing Act 2003 for which, if found guilty, the maximum penalty is an unlimited fine and / or up to 6 months imprisonment. The premises licence is a legal document which authorises licensable activities and **all** conditions should be met **every time** that you are engaging in licensable activities.

Further inspections will take place at the premise and should the Council witness any further breaches of the premises licence this may lead to the premises being placed on a Formal Action Plan by the Council and the Police or prosecution proceedings being instigated.

Yours sincerely,

Mr I Tough
Licensing Enforcement Officer



APPENDIX 4 (2 PAGES)

BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

Licensing Authority
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

E-Mail: Ivan.Tough@hyndburnbc.gov.uk

Mrs Susan Balmer
Nags Head
78 Blackburn Road
Accrington
Lancs BB5 1LE

Your ref:
Our ref:
Ask for: Mr I Tough
Date: 02 December 2019

Dear Mrs Balmer,

RE: NAGS HEAD - PREMISES LICENCE NO PL0314

Further to my recent visit to the Nags Head on 07.11.19, please find herewith the following conditions of your premises that you are required to meet. Please ensure that steps are taken to rectify any of the below which are not currently in place (I understand that you are already in the process of doing so):

I have enclosed some notices and documents (which you may need to make additional copies of, I also have these electronically if it helps) which should assist you with this.

- There appeared to be no copy of a plan of the premises attached to the premises Licence as legally required.
- There was no appropriate signage in place stating that wine is available in measures of 125ml, nor was this actually being served in such measures.
- There was no authorisation present stating the names of all bar staff authorised by the DPS to sell alcohol at the premise in their absence.

Conditions consistent with the Operating Schedule:

- A CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that the premises are open to the public. ***It was agreed that the current system which only records for 7 days before over-riding is not sufficient. A minimum of 28 days recording before over-riding is required.***
- The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. ***These logs should be kept on the premises and made available to responsible authorities upon request.***
- No child under 18 years of age shall be admitted to or be allowed to remain on the premises after 2000 hours.

- A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol on behalf of a person under 18 years of age.

Additionally, we also discussed that the premises are responsible for cleaning up any litter on the public highway, in particular cigarette butts, which is / are there as a result of customers using the premises.

I hope that all of the above is clear. Should you require further clarification regarding any of the above please do not hesitate to contact me.

Yours sincerely

Mr I Tough
Licensing Enforcement Officer

APPENDIX 5.

On Mon 02 Dec 2019 17:57, Ivan Tough wrote:

Email received today from Simon Widdowson as below:

Good morning Ivan,

I hope you are well, I am sorry to hear about your family bereavement. All details are now with Surya to change the DPS over to me, there was a delay as I got hit hard by a nasty dose of flu. I received some material from Lancashire County Council regarding 'Challenge 25', and all training should be finished by the end of this week. 125ml wine measures have been purchased, I have changed the door supervisor company as discussed, we should have the CCTV up to date with a 28 day recording in the next couple of weeks. I think that was everything that we covered in our meeting but if I have missed anything please let me know. I am assuming that the premises license will be updated when changes are made, but again, please correct me if I am wrong.

Would you like to arrange a follow up meeting early next week so you can see where we are up to? Any day is good for me as long as it is after midday.

Kind regards

Simon Widdowson

APPENDIX 6

On Thu 06 Feb 2020 17:22, Ivan Tough wrote:

Good afternoon Simon,

I visited the Nags Head on the evening of Fri 24 Jan at around 9 - 9.30pm-ish, along with my colleagues PS Gary Hennighan and Dave Lightfoot (Security Industry Authority).

There were some issues that I need to raise with you:

1. The area at the rear of the premises was very untidy, disorganised, slippery and I believe that it could be a health and safety risk, particularly to persons who are intoxicated. The benches looked like they are damaged about to break. Furthermore, and despite raising this issue previously, the alleyway at the rear of your premises and on the public highway was heavily littered with cigarette ends. It appears that customers are either throwing them out there from the beer garden or they are being deliberately swept into that area by staff. This continued littering and disrespect to the public highway cannot continue. I have now raised my concerns with the Council's Environmental Protection team, who will be conducting a visit to the area to check this in the near future. I really suggest that the areas are tidied up as a matter of urgency.

Unfortunately, if this continues, the Council may have to consider instigating a formal review of the premises licence to with a view to introducing specific conditions to the licence under 'the prevention of public nuisance' and aimed at ensuring full responsibility is taken by the licence holders for the condition at the rear of the premises and littering by customers onto the public highway.

2. Both Sergeant Hennighan and I agreed that once again many of the customers were very drunk and should not have continued to be served in such an intoxicated condition. Further visits will continue to check this issue, which again has been raised previously.

3. The music emanating from the pub was far too loud and could be heard by all 3 of us whilst in the Police Car driving towards the premises. Again, this has been raised previously - on more than one occasion. The Council does not understand why anyone outside the premises need to hear the music from inside the premises. Again, if this continues, the Council will consider instigating a review of the premises licence under 'the prevention of public nuisance' which may include a requirement for sound proofing and a noise limiter. The noise outside the premises is by far the worst that I have witnessed since working in the Hyndburn area and it is time now that this was tackled pro-actively by management.

I trust that you will take all of the above issues on board and raise this with staff to ensure that required standards are met and maintained, whether you are present at the premises or not.

Many thanks,

Ivan Tough

Licensing Enforcement Officer

APPENDIX 7

Nags Head
78 Blackburn Road
Accrington
Date... 2nd March 2020

Pest Contractor- No contractor

Front

There didn't appear to be any proofing issues on the frontage of the building, but the cellar drop had large gaps round the sides which would allow rodents to enter.

Inside

A complete survey of the property was carried out in the cellar, ground floor, first floor and loft. Evidence of rats and mice could be found throughout all floors. The landlord mentioned not having a current issue with pests, but when they did he place poison packs round the building. I wasn't able to locate any poison bags round the property.

Rear

There was a large hole behind the soil pipe which would allow rodents to enter the building.

Recommendations

1. To undertake a pest control contract, this would help with block activity.
2. Seal gap around the cellar drop
3. Seal the gap/hole behind the soil pipe in the rear yard
4. CCTV camera survey on rear drainage system.

APPENDIX 8 (3 pages)

From: Ivan Tough
Sent: 08 December 2020 10:36
To: 'Simon Widdowson'
Cc: '
Wer
Subj

lice.uk>

Good

As I mentioned at our rec lead (in
light of the occurrence on Remembrance Sunday), I am concerned that the current premises licence
is not satisfactory in ensuring that the 4 licensing objectives are fully promoted and therefore needs
to be updated. As I am sure that you are aware, the 4 Licensing Objectives, which underpin the
Licensing Act 2003 (LA03) are as follows:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of Children from harm

The easiest way that we can rectify the present premises licence and to bring it up to date and make
it 'fit for purpose' would be for you to submit a 'Minor Variation' application to the Council, at a cost
of £89.00. Without guarantees, I anticipate that this should go through quite easily in the
circumstances after a 10 day consultation process (decision within 15 days) as the application will
make the premises more compliant with the Licensing Act 2003 and does not seek to make any
structural changes or an increase in capacity levels.

Under a **Minor Variation application**, I would recommend that the following conditions be removed
from the present licence:

Annex 2 – Conditions Imposed in accordance with the operating schedule

Page 3 – 'Persons who appear to be under the age of 21' to 'bearing a photograph and birth date
of the holder' Under LA03 a premises must have an Age Verification Policy in place, which we can
bring up to date on the new licence.

Page 3 – 'A CCTV system shall be installed' to 'the premises are open to the public' This will be
updated on a new condition on the application.

Page 3 – 'There shall be a management policy to promote responsible drinking.' This can be removed
as it is now covered as a mandatory condition.

Page 4 – 'There shall be no irresponsible drinks promotions which would contravene....' This can be
removed as it is now covered as a mandatory condition.

Under a **Minor Variation application**, I would recommend that the following conditions be added to
the premises licence:

- Upon commencement of their employment, all staff who are involved in the sale of alcohol
must be trained in relation to the licensing objectives so as to reduce crime and disorder,
promote public safety, prevent public nuisance and promote the protection of children from
harm. Refresher training must be provided at least once every 6 months and all training

must be documented and made available to an authorised officer of the Council / Police or other responsible authority upon request.

- The premises must have a CCTV system in place which is of a standard that is satisfactory to Lancashire Constabulary, and meets the following criteria:-

The system must display on any recordings accurate time and date readings

The system must be recording whenever the premises is open to the public

Any recordings must be retained for a minimum of 28 days after they are made and must be produced to an authorised officer of the Council / Police or other responsible authority upon request – in an unedited format on removable media, as long as the request is in accordance with the principles of the Data Protection Act or any subsequent alternative legislation.

- Appropriate signage alerting customers to the use of CCTV must be displayed in a conspicuous position at the premises
- A competent person trained in the use of and operation of the CCTV system must be in attendance at the premises at all times that licensable activities are taking place. The competent person must be available to fully operate the CCTV system and be able to download data in a recognised format when requested.
- An incident register of all occurrences, refusals of sale, ejections from the premises must be maintained at the premises and any details of public order offences must be recorded. Incident register must be made available upon request to an authorised officer.
- The premises must have a written zero tolerance drug policy which must be enforced at all times.
- Management of the premises must make sure that the area immediately outside of the premises is kept clean, tidy and free from litter.
- Refuse and/or bottles will not be placed into external receptacles between the hours of 18:00 hrs and 08:00 hrs.
- All external doors and windows shall be kept closed when regulated entertainment is provided except in the event of an emergency or to facilitate immediate access and egress.
- A 'Challenge 25' Policy must be adopted and enforced at the premises whereby any person who appears to be under the age of 25 years shall be required to produce proof of age by way of the following:-
 - A recognised proof of age card accredited under the British Retail Consortium Proof of Age Standards Scheme (PASS)
 - UK Photo Driving Licence
 - Passport
 - Citizen Card supported by the Home Office
 - Official ID Issued by HM Forces or European Union Member State bearing a photograph and date of birth of the holder.

- 'Challenge 25' posters must be displayed and be visible at the premises and at the point of sale of alcohol.
- Prior to licensable activity taking place, a risk assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said risk assessment, which will be documented and made available to an authorised officer on request.
- A record must be kept on the premises of every person employed as a door supervisor containing the following details: Name; Date of birth; SIA badge number; Date and time of start and end of shift; Signature of door supervisor.
- Regular pest control checks must take place no more than 2 months apart. Checks must be done by a British Pest Control Association (BPCA) qualified inspector and accredited member.

If you have any comments regarding the above please let me know. If you are happy to go ahead with this I can forward the appropriate application forms via email to you. This will need to be completed and submitted by the premises licence holder.


Kind Regards,

Ivan

Ivan Tough
Licensing Enforcement Officer

Licensing Team
Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

APPENDIX 9

From: Simon Widdowson < >

Sent: 15 December 2020 11:25

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Re: FW: Nags Head, Accrington

Good morning Ivan,

Apologies for the delay in replying, I've just moved house so took a week or so off from pub business to do some decorating. After looking over the proposals, I believe everything is covered that we discussed in our meeting. I am happy for you to forward the application forms onto me. Does that include the changing of the premises license into my name rather than Mr. Sista, as he has requested?

On Tue, 15 Dec 2020 at 11:11, Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk> wrote:

Hi Simon,

I sent this to you a week ago and haven't heard anything from you as yet. Have you had chance to have a look at this yet please?

Thanks,

Ivan

Ivan Tough

Licensing Enforcement Officer

APPENDIX 10

From: Simon Widdowson <[REDACTED]>

Sent: 04 January 2021 12:1

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Re: FW: Nags Head, Accrington

Hi Ivan,

Happy New Year, I hope you are well.

I have contacted Mr Sista regarding how we are going to get his signature on the transfer request form as, obviously we aren't able to meet due to travel restrictions. Hopefully I can just email him the scanned documents and he signs and returns the same way. I am just waiting for his reply. I'd imagine it will all be sorted either today or tomorrow.

Kind regards

Simon

On Mon, 4 Jan 2021 at 12:13, Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk> wrote:

Hi Simon,

Happy new year to you.

As far as I am aware the Council have still not received your application to transfer the premises licence into your name. Do you know when you will be sending this please? Once we have processed this I will forward you the Minor Variation forms for completion.

Kind Regards,

Ivan

Ivan Tough

Licensing Enforcement Officer

APPENDIX 11

From: Ivan Tough

Sent: 11 January 2021 15:15

To: 'Simon Widdowson' [REDACTED]

Subject: RE: FW: Nags Head, Accrington

Hi Simon,

As far as I am aware, we still haven't received the transfer application. I would be grateful if you could chase this up at your end with Mr Sista again please.

Cheers,

Ivan

APPENDIX 12

From: Simon Widdowson [REDACTED]

Sent: 19 January 2021 11:04

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Re: FW: FW: Nags Head, Accrington

Apologies Ivan, it's my fault, I'm struggling a bit with this lockdown, no drive. It's no excuse, I'll get on it asap.

If possible, at some point, could we have a chat regarding me possibly getting a non frontline licence so I can employ security direct? I don't want to get into something that may be more trouble than it's worth and not operating properly. I'd imagine I'll have to save money wherever possible for the foreseeable future.

Kind regards

Simon

On Tue, 19 Jan 2021, 10:57 Ivan Tough, <Ivan.Tough@hyndburnbc.gov.uk> wrote:

Hi again Simon,

We still have not received the transfer application - we need to sort this prior to the minor variation (which the responsible authorities want to be in place prior to reopening after Lockdown). Are you able to chase this up please?

Cheers,

Ivan

Ivan Tough

Licensing Enforcement Officer

APPENDIX 13

From: Ivan Tough

Sent: 11 February 2021 11:58

To: 'Simon Widdowson' [REDACTED]

Subject: RE: FW: FW: Nags Head, Accrington

Hi Simon,

Thank you for submitting the transfer of premises licence application.

Please find herewith the link for the Minor Variation application, which contains the application form and guidance notes. Any problems, please let me know and I will try to assist.

<https://www.hyndburnbc.gov.uk/premise-licences/3/>

The cost of a minor variation is currently £89.00. If you include a contact telephone number we can give you a call when the application has been submitted in order to take payment by credit card.

Many thanks,

Ivan

Ivan Tough

Licensing Enforcement Officer

APPENDIX 14

From: Simon Widdowson [REDACTED]

Sent: 09 March 2021 13:07

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Re: FW: FW: FW: Nags Head, Accrington

Good afternoon Ivan,

I am sorry that you have decided to go down this route, I was unaware that it needed to be done urgently as you stated before that it only needed to be in place before reopening which will not be before the 17th May. A phone call would have sufficed, then I could have informed you of the death in the family due to covid and another family member currently in hospital that our family are having to deal with. Should you so wish, I could probably have the forms completed and sent in by the end of Friday 12th March.

Should this be sufficient then please let me know.

Kind regards

Simon

On Mon, 8 Mar 2021 at 14:06, Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk> wrote:

Good afternoon Simon,

I am sorry to inform you that, as the Council have still not received the minor variation application from you as previously agreed, following the breach of Lockdown on Remembrance Sunday which is now almost 4 months ago, I'm afraid that the Council will now have to give consideration to referring this formally to the Licensing Act 2003 Committee via a formal review of the premises licence. I am sure that you are aware that this may result in you being removed as the designated premises supervisor, additional conditions being attached to the premises licence or even revocation of the premises licence.

As you can see from this email thread, the Council have been lenient and have given more than sufficient time for this matter to be resolved. It is very disappointing that this matter remains unresolved after all of this time.

Yours Sincerely,

Ivan Tough

Licensing Enforcement Officer

APPENDIX 15 (3 PAGES)

From: Simon Widdowson <[REDACTED]>

Sent: 13 August 2021 11:19

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Re: Advice needed please

Hi Ivan,

Thanks for your quick response. That all sounds like good news and I'd definitely like to attend. I'm trying damn hard to change the image of this place and it's disheartening and infuriating that some people can ruin that at the click of a finger.

I do have access to a printer so would be grateful if you could send the poster across.

I appreciate your time and hopefully we can all work together to make Accrington a great and safe place to have a good night.

Kind regards

Simon

On Fri, 13 Aug 2021, 11:08 Ivan Tough, <Ivan.Tough@hyndburnbc.gov.uk> wrote:

Hi Simon,

Thank you for your email.

As you are aware, there have been a number of new licensed premises that have opened in Accrington Town Centre over the last couple of years, despite Covid. This has contributed to an increase in footfall and appears to have totally changed the dynamics of the Town Centre.

Gary and I have been trying to attract interest in an Accrington Pubwatch Scheme for some time now, however we both agree that recently it has become a necessity rather than something that we would like to happen. Fortunately, we have now taken firm steps to make this a reality and have firm interest from a licensee in moving this forwards. We are having a meeting about this on Tuesday 24 August 2021 at 1.30pm at Topsy Table, 41-43 Abbey Street, Accrington BB5 1EN of which we will have a representative from National Pubwatch in attendance. If you are free I would be really grateful if you could attend – even if it is just to provide input on how things have changed recently. As it stands there should only be about half a dozen of us at the meeting, including Gary and myself – it is just about moving things forwards.

As it stands, the troublemakers currently hold all of the aces – if they cause an incident in one venue and are ejected (which is very stressful for bar staff / door supervisors) they simply move on to another one without a second thought. We aim to change this and make people accountable for their actions. It may even result in banning orders from the town centre, which would be great.

Do you have access to a colour printer? If so, I can send you a copy of a poster that I will be handing out to premises next week, for you to put up at the Nags Head and warn customers that things are changing!

I really hope that you can make the meeting (bring a member of staff with you if it helps).


Best wishes,

Ivan

Ivan Tough

Licensing Enforcement Officer

Licensing Team
Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

From: Simon Widdowson <>

Sent: 13 August 2021 09:20

To: Ivan Tough <Ivan.Tough@hyndburnbc.gov.uk>

Subject: Advice needed please

Good morning Ivan

I'm wondering if you could give me a call (07763236024) or drop in to see me sometime soon at the Nags Head. I'm after some advice regarding issues we've been having with members of the travelling community, since reopening in May, we've had 4 issues involving younger lads, doorstaff have been attacked twice, my bar manager has been attacked and I'm not sure on details of last night, but I believe there was some trouble last night outside the pub involving them.

Obviously I don't want to blanket ban as it could be seen as discriminatory and it's unfair to put the community into one category, but at the same time I do not want staff being assaulted and to be having to call the police out every other week. I also cannot afford to have round the clock security working so I am at a bit of a loss on how to proceed.

I remember PC Hennighan mentioning the possibility of a pubwatch a while ago and was wondering about the possibility of that becoming something we can incorporate?

Any help or advice would be greatly appreciated as it's been superb since we reopened bar these incidents.

Kind regards

Simon Widdowson

OFFICIAL



Simon Widdowson
Nags Head Accrington Ltd
78 Blackburn Road
Accrington
BB5 1LE

Please ask for:
Telephone:
Email:
Your Ref:
Our Ref:
Date:

Samantha Edwards
01254 262721
firesafetysouthernarea@lancsfireandrescue.org.uk
FSEN/E7016792/13404/SE/LJTF
29 September 2021

URGENT – ACTION REQUIRED

Dear Simon Widdowson

ENFORCEMENT NOTICE

The Regulatory Reform (Fire Safety) Order 2005: Article 30

Premises: Nags head Accrington Ltd
78 Blackburn Road
Accrington
BB5 1LE

An authorised inspector visited your premises on 29 September 2021 and evaluated the fire safety provided. Lancashire Fire and Rescue Service is of the opinion that you have failed to comply with a provision/provisions of the Regulatory Reform (Fire Safety) Order 2005 because people were unsafe in case of fire. The schedule to this Notice further explains the provision(s), with which you have not complied.

The serving of this Notice numbered 13404 is necessary to ensure that you adequately protect people in case of fire. This authority has to make sure that you provide safety. The attached schedule sets out what you must do.

Protection Department
Blackburn Fire Station
Byrom Street
Blackburn
BB2 2LE

Timescale for Completion

You are required to take steps to remedy the matters in the schedule by **1200 hours on 15 December 2021**. An officer will contact you prior to this date to arrange a further visit. You may apply for an extension to the period of time within which you need to remedy the failure(s). The authority will grant/deny additional time according to the efforts you have made. If you require additional time, please contact my officer at your earliest opportunity.

Penalty for Non-compliance

If you do not comply with this Notice, you will have committed an offence and this authority will consider a prosecution against you. A prosecution could lead to you being liable to a fine, imprisonment or both, subject to the Courts.

Route to Appeal

You can legally appeal this Notice. To do so, you must appeal 'by way of complaint for an order to the Clerk to the Magistrates' Court in the area in which the premises are situated, within 21 days from the day on which this notice was served.

The bringing of an appeal has the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or (if the appeal is withdrawn), until the withdrawal of the appeal.

You can clarify or challenge what you need to do. You can also comment on how this authority regulated you. Our 'Lancashire Fire and Rescue Service: Appeals, Challenges and Complaints Procedure' attached tells you how.

Fire Safety Management

The schedule sets out what you need to do to improve fire safety. Taking the following advice will help you to sustain those improvements.

- 1) You should review the risks to people in case of fire regularly especially if:
 - there is reason to suspect that people are not safe in case of fire, or
 - there has been a significant change to the preventive and protective measures you have taken in case of fire.

Where, in consequence of a review, changes to your safety measures are required; you should make those changes.

- 2) Fire safety law requires you to take steps to keep people safe in case of fire. The general ways in which the law (and we) expect you to do this include (among others):
 - reduce the risk of fire
 - reduce the risk of the spread of fire
 - provide sufficient escape routes (corridors, stairs and doors) for people
 - make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed
 - detect fire and raise an alarm
 - help people understand what to do if fire breaks out

- enable nominated employees to safely fight outbreaks of fire, and/or
 - ensure that the effects of a fire are as small as possible by:
 - instructing and training members of staff, and
 - lessening the effects of fire.
- 3) You must take measures to prevent fires occurring. Where the risk cannot be completely eliminated you should reduce it as far as practicable. What you put in place are known as preventative and protective measures.

When determining measures the following principles should be employed:

- avoid the risks
 - evaluate the risks, which cannot be avoided
 - combat the risks at source
 - adapt to technical progress
 - replace the dangerous by the non-dangerous or less dangerous
 - develop a coherent overall prevention policy covering technology, organisation of work and the influence of factors relating to the working environment
 - give collective protective measures priority over individual protective measures, and
 - give appropriate instructions to employees.
- 4) In order for premises to remain safe from fire; the risks and measures to mitigate them must be continually managed. Without this management the fire safety arrangements are likely to fall below an acceptable standard again.

You should ensure you have a suitable risk assessment and that is regularly reviewed. Where changes to your safety measures are required as a consequence of any such review; you should make those changes.

You should put in place a system of planning, organising, controlling, monitoring and reviewing the performance of each of the fire safety measures you have in place.

- 5) You should ensure that fire safety equipment and systems are properly tested and maintained so that they will work when needed.

It is normally expected that provisions will be tested and maintained in accordance with the standard to which they were installed. The fire service usually refers to the relevant British Standards however compliance with an equivalent test standard may meet the requirement.

It is best practice to keep a record of these tests.

- 6) The fixed electrical system was not properly tested and maintained. This means that it could fail without warning and people would be at risk of fire. Ensure that the fixed electrical system is properly tested and maintained.
- 7) The portable electrical appliances were not properly tested and maintained. This means that it could fail without warning and people would be at risk of fire. Ensure that portable electrical appliances are properly tested and maintained.

- 8) All your employees should be aware of the people you have nominated and trained to tackle small fires and those you have nominated and trained to implement your procedures for evacuation.

Alternative Solutions

If you prefer to use a different solution to bring about safety from fire please contact my officer. If your solution is agreed, this Notice will be withdrawn and another Notice served in its stead. An alternative approach might enable you to apply an equally appropriate safety solution to better meet your needs. Any alternative you propose must meet the 'outcome(s)' stated in the schedule.

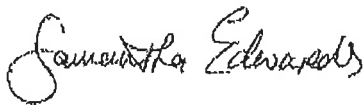
Further Recommendations

I want you to be successful. The information, provided below, should assist you to improve safety or to enhance business continuity matters within your premises.

- 1) I advise you to obtain the HM Government Fire Safety Risk Assessment Guide appropriate to your premises. These guides can be downloaded free of charge at www.lancsfireandrescue.org.uk/safety/business-safety or can be purchased from bookshops.
- 2) It would be a wise investment of your time to consider how a fire may affect your business continuity and plans for growth. There is a wealth of useful information and advice available free of charge from www.gov.uk/government (search 'Business Continuity Management' and 'Expecting the Unexpected').

If you would like to discuss this or any other matter of fire safety, please call me on 01254 262721.

Yours sincerely



Samantha Edwards
Authorised Business Fire Safety Inspector
on behalf of, and duly appointed by Lancashire Fire and Rescue Service

CC WM J E Nangle Fire Safety Team Leader

Enc/s: Schedule to Enforcement Notice
Appeals, Challenges and Complaints Procedures

**IMPORTANT INFORMATION – SCHEDULE REFERRED TO IN ENFORCEMENT
NOTICE NUMBER 13404**

Premises: Nags Head Accrington Ltd
78 Blackburn Road
Accrington
BB5 1LE

Notes to this schedule:

The government guidance most suitable to your premises is for:

Small and Medium places of assembly and licensed premises, which can be found at:
www.lancsfirerescue.org.uk/safety/business-safety.

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make material alterations: www.legislation.gov.uk. You might also need to apply for the property owners' permission or for listed building consent: www.historicengland.org.uk, among others.

Item number 1: General Compartmentation

Reason

Fire may quickly spread from one part of the premises to another. People using the ground floor may be affected by a fire in the cellar. This means that people may not be able to reach safety before being affected by fire and/or smoke.

Action

The wall separating the head of the cellar stairs and disabled toilet facilities should afford a minimum of 30 minutes fire resistance.

Outcome

This work is necessary to reduce the risk of the spread of fire.

This is contrary to Articles 8(1), 10, 14(2)(b) and 19(1)(b).

Item Number 2: Fire Risk Assessment

Reason

There was no evidence of significant findings in the fire risk assessment for your premises. Without this, the standard of fire safety arrangements could fall to an unacceptable level.

Action

You should record:

- the significant findings of your fire risk assessment (i.e. what you have done and what you will do to ensure the safety of people in case of fire)
 - any people identified as being especially at risk, and
- the arrangements you have in place to plan, organise, control, monitor and review the fire safety measures you have in place.

Outcome

This work is necessary to identify the risks which relevant persons are exposed to and to implement general fire precautions required to reduce the chance of a fire occurring and to keep people safe.

This is contrary to Articles 9 (1).

Item number 3: Provide Alarm

Reason

The existing system is not suitable because it was not operating. This means that people may not be warned in time to escape safely.

Action

Provide and install a fire alarm that complies with BS 5839. Interim measures should be put in place to give early warning to occupants on the first floor, such as wireless interlinked detection until the fire alarm system can be reinstated.

The system must be capable of giving a warning to everyone who might be affected. This includes for example, people with hearing impairment or within noisy environments.

The system should be designed, installed and commissioned by a competent person.

Outcome

This work is necessary to detect fire and raise an alarm.

This is contrary to Articles 8(1), 13(1)(a), 15(a1)(a) and 15(2)(a).

Item number 4: Fire-fighting Equipment

Reason

There is not enough fire-fighting equipment. A small fire would be able to grow to a size that could put people at risk.

Action

Provide fire-fighting equipment that complies with British Standard 5306-8 as follows: Ground Floor and Cellar provision should be applied.

Outcome

This work is necessary to enable nominated employees to safely fight outbreaks of fire.

This is contrary to Articles 8(1), 13(1)(a) and 13(2).

Item number 5: Train People to use Fire-fighting Equipment

Reason

The employees nominated to implement fire-fighting measures have not received adequate training. This means that they might be harmed while tackling a fire.

Action

Ensure that nominated members of staff are given adequate training in the use of fire-fighting equipment.

Outcome

This work is necessary to enable nominated employees to safely fight outbreaks of fire.

This is contrary to Articles 8(1), 13(3)(b), 15(1) and 21(2)(a).

Item number 6: Fire Resisting Doors

Reason

Doors were not capable of preventing the spread of fire for long enough to enable people to escape because the cellar door and door to the first-floor accommodation are not fire resisting doors.

Action

Ensure that door-sets that can resist fire and smoke for 30 minutes are provided in the following locations: Head of the cellar steps and access door to the accommodation.

The term 'door-set' refers to the complete element as used in practice:

- The door leaf or leaves.
- The frame in which the door is hung.
- Hardware essential to the functioning of the door-set.
- Intumescent seals and smoke sealing devices. In the case of double doors you should ensure that they close without affecting the operation of the seals.

Outcome

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

This is contrary to Articles 8(1) and 14(2)(b).

Item number 7: Escape Doors

Reason

The escape doors in the back-room area were difficult to open because they are fastened with pad locks. This means that people trying to use the escape doors, during an evacuation, might be trapped in the building.

Action

Ensure that all doors on exit routes are available and can be easily and immediately opened, without the use of a key, by anyone who might need to use them in an emergency.

Outcome

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

This is contrary to Articles 8(1) and 14(2)(b).

Item number 8: Establish Emergency Procedures

Reason

There was no evidence of a fire procedure or fire drills. Without these, people may behave in unpredictable ways and can be put at risk. Good procedures will allow everyone to leave safely in case of fire.

Action

Establish procedures to be followed in case of fire and nominate people to put those procedures into effect.

Outcome

This work is necessary to help people understand what to do if fire breaks out.

This is contrary to Articles 8(1) and 15(1)(a) & (b).

Item number 9: Carry Out Drills

Reason

People do not understand what to do in case of fire and may behave inappropriately if fire breaks out. When people are familiar with what to do, their safety is more assured.

Action

Carry out fire drills; to practice the procedures you have in place for people to follow in case of fire.

Outcome

This work is necessary to help people understand what to do if fire breaks out.

This is contrary to Articles 8(1) and 15(1)(a).

Item number 10: Maintenance of Fire Alarm

Reason

There was no evidence that the fire alarm had been properly tested and maintained ie annual certification. This means that it could fail without warning or at the moment it is needed most and that people would be at risk in case of fire.

Action

Ensure that the fire alarm is properly tested and maintained.

The term 'Fire Alarm' refers to the complete system including any devices triggered by the alarm such as:

- automatic door closures
- automatic ventilation systems
- electronic door lock releases.

It is best practice to keep a record of these tests.

Outcome

This work is necessary to detect fire and raise the alarm.

This is contrary to Articles 8(1) and 17(1).

Item number 11: Maintenance of Emergency Lighting

Reason

There was no evidence that the emergency lighting had been properly tested and maintained ie annual certification. This means that it could fail without warning or at the moment it is needed most and that people would be at risk in case of fire.

Action

Ensure that the emergency lighting is properly tested and maintained.

It is best practice to keep a record of these tests.

Outcome

This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.

This is contrary to Articles 8(1) and 17(1).

Item number 12: Fire Action Notices

Reason

Without instruction or information, people may respond badly to fire (or not at all), which would put them at risk. There were no visible notices in the premises.

Action

Provide fire action notices that explain your fire procedure and what you want people to do in case of fire where people will see them.

Outcome

This work is necessary to help people understand what to do if fire breaks out.

This is contrary to Articles 8(1), 15(1)(a), 15(1)(c), 15(2)(a), 19(1) and 20(2).

Item number 13: Training for Own Staff

Reason

Employees were unaware of their responsibilities and of the fire safety measures in the premises, which you have taken to keep them and others safe.

Action

Provide your employees with instruction and training, so that they know the fire precautions you have put in place. They must also be familiar with what they need to do in case of fire to ensure that they are safe and can keep other people safe.

Outcome

This work is necessary to help people understand what to do if fire breaks out.

This is contrary to Articles 8(1), 19(1), 21(1) and 21(2).

Lancashire Fire and Rescue Service Appeals, Challenges and Complaints Procedures

In all your dealings with us you can expect an efficient and professional service; and while we aim to carry out all our activities in a way that supports you to provide safety to people in case of fire, we will also help you if you encounter problems or if we get it wrong. We are always willing to discuss why we have acted in a particular way or made particular requirements. If you think we have (in some way) got it wrong for you, we would like to know, and this document tells you how to go about it.

There are two ways you could be unhappy with us helping you to be safe in case of fire; either:

1. You don't think that the safety measures that we have suggested are the right solution for you and you want to challenge them; or
2. You don't think that we have treated you in an appropriate way, according to our published service standards and you want to complain.

Complaining about our service

If you have a complaint, the first thing to do is to let us know that you are unhappy by contacting the officer concerned. In most cases, we will be able to address your dissatisfaction so that you don't feel that you need to take it further. If you do, we manage complaints about our service through our corporate complaints procedure.

Challenging our advice, actions or decisions - Statutory Notices

In cases of statutory notices, you can challenge our advice, actions or decisions by contacting the officer concerned. If your concerns are not adequately addressed your concern can be raised with the Team Leader in Fire Safety.

If you are still not satisfied, a formal complaint can be made to the Senior Fire Safety Officer at Lancashire Fire Service Headquarters.

The Regulatory Reform (Fire Safety) Order 2005 applies to any premises other than those referred to in paragraph 6 of the Order.

You may appeal (under Article 35) against an Enforcement Notice served (under Article 30). The appeal is made to the Clerk to the Magistrates' Court for the area in which your premises are situated.

Lancashire Fire and Rescue Service may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the Enforcement Notice is not pending. Application for an extension of time should be addressed to the Inspecting Officer dealing with the matter.

Failure to comply with the Enforcement Notice served under Article 30 of the Regulatory Reform (Fire Safety) Order 2005 within the time specified in the Notice (or such further time as Lancashire Fire and Rescue Service may, at their discretion, grant) is a criminal offence. A person guilty of such an offence shall be liable:

- on summary conviction to a fine not exceeding the statutory maximum, or
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

It should be noted that in order to satisfy the 'Environment and Safety Information Act 1988' Lancashire Fire and Rescue Service is obliged to enter details of any Enforcement Notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Authority within a period of 14 days following the serving of the notice.

To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with Lancashire Fire and Rescue Service.

Standard terms and definitions

Fire Resisting - Fire Resistance: The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

Intumescent Strips: A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

Smoke Seal: A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

Self-Closing Device: A device, which is capable of closing the door from any angle and against any latch, fitted to the door.

Automatic Door Release: A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self-closing door, enables it to be held open during normal working conditions.

Emergency Escape Lighting: That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

Fire Warning System: A means of alerting people to the existence of a fire. (See automatic fire detection system.)

Automatic Fire Detection System: A means of automatically detecting the products of a fire and sending a signal to a fire warning system.

