

AGENDA

Licensing Sub-Committee 1

Tuesday, 19 October 2021 AT 10:00
In the Cathedral Room, Civic Centre, Carlisle, CA3 8QG

Note to Members:

Councillors Mrs Bowman, Mrs Mitchell and Miss Sherriff will attend this Sub-Committee as Members, Councillor Nedved will attend as a substitute.

APPOINTMENT OF CHAIR FOR THE MEETING

To appoint a Chair of Licensing Sub Committee 1 for this meeting.

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions.

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

PART A

To be considered when the Public and Press are present

**A.1 APPLICATION TO REVIEW A PREMISES LICENCE BY CUMBRIA
CONSTABULARY - CUMBERLAND INN**

3 - 94

The Licensing Manager to submit a regarding an application for the review of a premises licence (The Cumberland Inn, Carlisle) in accordance with Section 51 of the Licensing Act 2003.

(Copy Report GD.71/21 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Licensing Sub Committee 1:

Conservative: Mrs Bowman, Mrs Mitchell, Nedved (sub), Shepherd (sub)

Labour: Miss Sherriff, Sunter (sub)

Enquiries, requests for reports, background papers etc to:
committeeservices@carlisle.gov.uk

Report to Licensing Sub-Committee

Meeting Date:	19 th October 2021
Portfolio:	Finance, Governance and Resources
Key Decision:	No
Within Policy and Budget Framework	YES
Public / Private	Public
Title:	The Cumberland Inn (PL171) Application to review a premises licence by Cumbria Constabulary
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD 71/21

Purpose / Summary:

The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003. The Sub-Committee is asked to consider the request in light of the representation that has been made by Cumbria Constabulary.

Recommendation: -

It is recommended that the Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. Introduction

- 1.1. In accordance with Section 51 of the Licensing Act 2003 an application has been received from Cumbria Constabulary for a review of the premise licence relating to The Cumberland Inn, Botchergate, Carlisle (PL171).
- 1.2. Cumbria Constabulary have stated that the grounds for the application for the review are the current risks to the safety of the public and staff in the premises in relation to increased crime & disorder and concerns for public safety. It is stated that the management of the premises, specifically by Mr Gholamreza Mohtashami (known as “Fred”), is inadequate and unprofessional and this has led to both customers and staff at risk of harm.
- 1.3. The review application details 28 incidents between July 2020 and the current day. It should also be noted that this period included 2 national lockdowns due to Covid-19 when the premises was not permitted to open to the public for several months.
- 1.4. Full details of the application are shown at **Appendix 1**
- 1.5. Carlisle City Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act, as being entitled to make such an application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore properly made.

2. Premises History

- 2.1. The Cumberland Inn was first licensed under the Licensing Act 2003 on 24 November 2005 and the licence is held by Punch Taverns Ltd.
- 2.2. A copy of the premise licence is attached at **Appendix 2** which details the licensable activities allowed during the hours shown. The licence is also subject to a number of conditions.
- 2.3. The current Designated Premises Supervisor (DPS) is Natasha Hetherington
- 2.4. Since May 2020 the following applications have been made by Punch Taverns to nominate a DPS for the premise
 - 11/05/2020 Application to nominate Mr Gholamreza Mohtashami as DPS
 - 23/10/2020 Application to nominate Ms Heike Funke as DPS
 - 23/10/2020 Notification received from Ms Heike Funke to remove her as DPS from the premises

09/12/2020 Application to nominate Miss Jemma Walker as DPS

29/07/2021 Application to nominate Miss Natasha Hetherington as DPS

- 2.5. As detailed above Mr Mohtashami was DPS for the premises from 11th May 2020 until 23rd October 2020. He is also the current leaseholder of the premises from Punch Taverns.

3. Application

- 3.1. A notice stating a Review application had been made was issued by Carlisle City Council's Licensing Department and delivered to the premises by the Council's Licensing Manager on 11th August 2021. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested representations should be made by 8th September 2021 to Carlisle City Council in writing. All Statutory consultees were served a copy of the Review application.
- 3.2. Sgt Blain, on behalf of Cumbria Police states in the application that there have been continued issues with the Cumberland Inn following its reopening in July 2020 under the management of Gholamreza Mohtashami.
- 3.3. The application details a number of incidents of disorder at the premises, failed attendance at prearranged meetings by Mr Mohtashami, breaches of Covid regulations and concerns that the licence holder, Punch Taverns, have failed to direct and control accordingly the actions of the leaseholder.
- 3.4. Details are provided at Appendix 1(a) of information that is available, or will be made available at the hearing, to support the application including statements PC Dodd, PC McCulla and PS Greenhow.
- 3.5. Officers from Cumbria Police will be present at the Sub-Committee meeting to address members and present their application.
- 3.6. The following representations have been received by the Licensing Authority

23 rd August 2021	Local resident SB	Appendix 3
24 th August 2021	Fred Watson, Licensing Officer on behalf of the Licensing Authority	Appendix 4
31 st August 2021	Stuart Strange, Environment Health Officer on behalf of the Environmental Health Department	Appendix 5

27 th August 2021	Licensing Lawyers acting on behalf of Mr Mohtashami	Appendix 6
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Representation from local resident (Appendix 3)

- 3.7. SB states that they have been a customer since 2010 and writes in support of the premises.

Representation from the Licensing Authority (Appendix 4)

- 3.8. Mr Watson, Licensing Officer has submitted a representation on behalf of the Licensing Authority as a Responsible Authority. The representation details his involvement with the Cumberland Inn from August 2020 to the present day.
- 3.9. In August 2020 Mr Watson and PC Dodd arranged to meet with Mr Mohtashami, who was DPS at that time, for a periodic inspection of the premise and Mr Mohtashami did not turn up. The visit was rearranged to 11th September 2020 and Mr Watson details his concerns from the visit regarding Mr Mohtashami's poor management of the premises, lack of knowledge of the Licensing Act and conditions on the Premises Licence for the Cumberland Inn. He details how he raised concerns about Mr Mohtashami's management with the premises licence holder in October 2020 and as a result Punch Taverns removed him as DPS.
- 3.10. Mr Watson also details that he has been made aware by staff that Mr Mohtashami dismissed a member of staff due to them "calling the police" and not for the reason that he had given to Punch Tavern, the licence holders.
- 3.11. The representation from Mr Watson also notes that the premise employed an unlicensed door supervisor on 31st July 2021 and this has been passed to the Security Industry Authority (SIA) as the relevant enforcement body. Mr Watson comments that this highlights the continued mismanagement of the premise and a total disregard to legislation.

Representation from Environmental Health Department (Appendix 5)

- 3.12. Mr Strange, Environmental Health Officer has submitted a representation on behalf of the Environmental Health Department as a Responsible Authority. The representation details a summary of interactions between the Department and the Cumberland Inn involvement of the Department with the Cumberland Inn from July 2020.

- 3.13. Mr Strange notes that the Environmental Health Department were responsible for enforcing Coronavirus Business Regulations and the representation details concerns raised over the period July 2020 – December 2020 regarding the premise's compliance with, and breaches of, Coronavirus restrictions.
- 3.14. Mr Mohtashami was served a Prohibition Notice on 11th September 2020 under the provisions of the Health Protection (Coronavirus Restrictions) (No 2) (England) Regulations 2020. This was in relation to offences which occurred on Saturday 5th September 2020 and the notice prohibited dancing and the playing of loud music within the Cumberland Inn, so long as those Coronavirus restrictions were in place.
- 3.15. On 6th November 2020 Mr Mohtashami was served a Fixed Penalty Notice for £500 for contraventions observed on 17th October 2020 under the Health Protection (Coronavirus, Local COVID Alert Level) (Medium)(England) Regulations 2020. Mr Mohtashami admitted the offence and paid the FPN.
- 3.16. The representation from Mr Strange states that Mr Mohtashami failed to act in a responsible manner to take the necessary steps to prevent the potential spread of Coronavirus during the pandemic and placed customers and staff of the premises at risk.
- 3.17. Mr Strange will be attending the hearing.

Representation from Licensing Lawyers (Appendix 6 & 6(a))

- 3.18. Licensing Lawyers are instructed by Mr Mohtashami to lodge a representation on his behalf.
- 3.19. The representation states that Mr Mohtashami would wish to respond to each of the incidents raised in the original application from Cumbria Police.
(Appendix 6)
- 3.20. A bundle was received to support Mr Mohtashamis representation (**Appendix 6(a)**) which includes a response to each of the incidents cited in the application for review. Also included are policies for the premises, a COVID assessment framework, an example of a door supervisor log and the management structure.
- 3.21. Statutory Declarations are also included from Mr Mohtashami and Natasha Hetherington (DPS) describing their respective roles within the premises and declaring that Mr Mohtashami's will not be involved in the day to day operation of the premises.

- 3.22. A further statement from the Assistant Manager is to follow.
- 3.23. Mr Mohtashami and his representative will be attending the hearing.

Response from the Premises Licence Holder

- 3.24. A response on behalf of the Licence Holder, Punch Taverns, from TLT Solicitors is to follow and will be attached at **Appendix 7**.

4. Policy Framework

- 4.1. Paragraph 5.2.1 of the Carlisle City Council Statement of Licensing Policy states 'The authority will view seriously applications for the review of any premises licence where it involves:
- Persistent failure to comply with licence conditions
 - Actions or omissions by the licensee (or his staff) which undermine the licensing objectives, particularly where they endanger public safety, expose children to harm or cause public nuisance'.
- 4.2. Paragraph 5.2.2 goes on to say that the authority will also view particularly seriously, any applications for review where the police have frequently been called to attend incidents of disorder at the premises.
- 4.3. Licensing Act 2003 Guidance - Guidance is offered to licensing authorities under Section 182 of the Act, by the Secretary of State in relation to the review of premises licences.
- 4.4. The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 4.5. The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 4.6. However, where responsible authorities such as the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to

address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

4.7. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- to suspend the licence for a period not exceeding three months.
- to revoke the licence

4.8. In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

4.9. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

4.10. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

4.11. Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a

temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

4.12. In undertaking its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

4.13. When determining an application for the review of a premises licence, Section 4 of the Licensing Act 2003 provides that in carrying out its functions, a licensing authority must have regard to the Council's Licensing Policy and the Secretary of State's Guidance issued under section 182.

5. Legal Position

- 5.1. The licensing authority must determine the application in accordance with Section 52 of the Act, which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
- 5.2. Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 5.3. In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may consider documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties at the hearing.

- 5.4. The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.
- 5.5. An appeal may be made to the Magistrates' Court against the decision of the authority by the responsible authority, interested party or premises licence holder, within 21 days from the date of being notified.
- 5.6. Section 52(11) provides that a determination under this section does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

6. Risk Management Implications

- 6.1. By determining the application in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state, the licensing authority is ensuring that all of the licensing objectives are considered fully.

7. Reason for Decision/Recommendation

- 7.1. The Licensing Authority has received an application from the Cumbria Constabulary for the review of the premises licence relating to the premises the Cumberland Inn, Botchergate, Carlisle. They have stated that the grounds for the review are the current risks to the safety of public in relation to increased crime & disorder.
- 7.2. The application will be determined in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state

8. Recommendation

- 8.1. The Licensing authority must, having regard to the application, the Licensing Objectives and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives.
- 8.2. It is recommended the Committee determines the application in accordance with one of the following actions:

- take no further action
- to modify the conditions of the licence.
- to exclude a licensable activity from the scope of the licence.
- to remove the designated supervisor.
- to suspend the licence for a period not exceeding 3 months.
- to revoke the licence
- Issue an informal warning to the Licence holder and/or to recommend improvement within a particular period of time

Contact Officer: Nicola Edwards Ext: 7025

**Appendices
attached to report:**

1. Application for the review of a premises licence
2. Cumberland Inn Premises Licence PL171
3. Representation from local resident (SB)
4. Representation from the Licensing Authority, Carlisle City Council
5. Representation from the Environmental Health Department, Carlisle City Council
6. Representation from Licensing Lawyers
7. Response from Premises Licence Holder (to follow)

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS:

LEGAL – By determining the application in accordance with the relevant sections of the Act and the statement of licensing policy and guidance offered by the Secretary of State the licensing authority is ensuring that all of the licensing objectives are considered fully.

FINANCE – none

EQUALITY – none

INFORMATION GOVERNANCE – none

CA12

Carlisle City Council
 Licensing Manager, Civic Centre, Carlisle CA3 8QG
 Tel: 01228 817523 Fax: 01228 817023
 Email: licensing@carlisle.gov.uk



[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Sergeant 603 Christopher James Blain

(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

The Cumberland Inn
 22 Botchergate

Post town Carlisle

Post code (if known) CA1 1QS

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

Punch Taverns Ltd.

Number of premises licence or club premises certificate (if known)

PL171

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)

April 2017

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

Sergeant 603 Christopher James Blain
Local Focus Hub
4th Floor
Civic Centre
Carlisle
CA3 8QG

Telephone number (if any)



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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

There have been numerous issues with the Cumberland Inn since it reopened in July 2020 under the management of Gholamreza Mohtashami who is known to his staff and customers as 'Fred'. I make this application in respect to breaches of two of the licensing objectives, the prevention of crime & disorder and also public safety.

City Council Licensing Officers, Environmental Health Officers and the Police have had on occasion to visit the premises in relation to COVID breaches, disorder and a breach of the licence conditions. Whilst Mr Mohtashami insists he will make improvements, the everyday running of the premises is totally inadequate and unprofessional when he is involved. His decision making has put his customers and staff at risk of harm and I do not see him as a fit and proper individual to continue in his position.

The premises licence holder is Punch Taverns Ltd and the current DPS is now Miss Natasha Louise Hetherington. It is our understanding that Mr Mohtashami attends the premises from Thursday afternoon through to Sunday as he remains the leaseholder of the premises and remains in control of the premises.

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

The Cumberland Inn is a traditional pub located on Botchergate in Carlisle. Within this area there are approximately another 20 licensed premises. During the last 12 months there are been more reported incidents at the Cumberland Inn than any other premises.

Number of incidents since the inception of Mr Mohtashami as Leaseholder - July 2020 to Full Lockdown Covid closure = 13

Number of incidents from Covid re-opening to present day = 14

1. Following the closure of premises due to the pandemic, the Cumberland Inn, along with many other licensed premises, reopened on Saturday 4th July 2020. On that date a toilet attendant and a member of the door staff were assaulted by a customer. One male was arrested. Complaints were also received in relation to COVID breaches and staff were asked not to allow customers to stand at the bar. Environmental Health reviewed the premises' COVID risk assessment and advised accordingly.
2. On Saturday 18th July 2020 a report was received in relation to Mr Mohtashami pouring shots into the mouths of customers.
3. Police were called on Sunday 2nd August 2020 in relation to a customer refusing to leave. The customer left prior to police attendance and no offences were disclosed.
4. On Monday 6th July 2020 criminal damage was caused to a CCTV camera by one of the regular customers. He was arrested and agreed to pay for the damage.
5. On Sunday 16th August 2020 two female customers were arrested for being drunk and disorderly and for assaulting an emergency worker.
6. On Friday 21st August 2020 City Council Licensing and the Police attended for a pre-arranged meeting. Mr Mohtashami failed to attend.
7. On Friday 11th September 2020 a joint visit was carried out by Environmental Health, City Council Licensing and the Police. It was evident in the meeting that Mr Mohtashami did not understand the conditions of his licence. COVID breaches were addressed, and a prohibition notice was served.
8. On Sunday 13th September 2020 police were called to the premises after three customers were causing issues. They were dealt with for public order and drug offences.
9. On Friday 25th September 2020 a male was arrested for being drunk and disorderly.
10. On Sunday 4th October 2020 a male challenged staff for serving at the bar for not wearing facemasks. He reports having had his drink taken off him, his photo taken and being asked to leave the premises.
11. On Saturday 10th October 2020 a fight occurred between two females. One was interviewed and cautioned for the offence.
12. On Friday 16th October 2020 officers from Environmental Health, Licensing and Police attended the premises for a pre-arranged meeting. Mr Mohtashami failed to attend.

13. On Saturday 17th October 2020 a police evidence gatherer captured footage of COVID breaches within the premises. Later that day, officers captured further body worn video of continued COVID breaches. Statements and body worn video were shared with Environmental Health. The premises were forced to close early after a dispute between the door supervisors and Mr Mohtashami led to the security company withdrawing their staff.
14. On Monday 16th November 2020 a fixed penalty notice was served on Mr Mohtashami by Environmental Health for failure to comply with the requirements of Tier 1 restrictions. This fixed penalty relates to the evidence captured on 17 October 2020 and payment has been made.
15. On Friday 26th February 2021 a window was smashed at the premises whilst the premises were closed.
16. On Tuesday 23rd March 2021 a burglary was reported at the premises.
17. On Wednesday 19th May 2021 two males were arrested for fighting at the premises, both were charged. A member of staff was injured whilst trying to break up the fight.
18. On Tuesday 25th May 2021 a member of staff was spat at and a customer was assaulted. A male was arrested for ABH (Actual Bodily Harm).
19. On Friday 18th June 2021 Police and City Council Licensing attended the premises following information that door staff with expired licences were working at the premises. A request was made to inspect the door staff register, the requirement to maintain a register being one of the conditions of the premises licence. Staff advised that Elite Security had their own register, but that they had taken this with them when they terminated their contract and that no register had been adopted since.
20. On Saturday 26th June 2021 a group of males were asked to leave due to their rowdy behaviour. Against the staffs wishes Mr Mohtashami allowed the group back into the premises to continue drinking. Later that evening a fight erupted inside the premises involving the same group that had earlier been ejected and let back in. Mr Mohtashami's actions put his staff and customers at risk of injury. The staff member who reported the incident to the Police was subsequently dismissed by Mr Mohtashami. Following enquiries by officers from licensing and the police it is believed by staff members at the pub that the female member of staff was simply sacked for contacting the police when the fighting took place. This witness is prepared to speak with Licensing and Punch Taverns if necessary.
21. On Tuesday 29th June 2020 CCTV of the disorder was requested from Mr Mohtashami who failed to respond. The footage was later provided by the then DPS, Jemma Walker. The footage shows female staff members having to deal with the disorder as no door supervisors were on duty. No staff members should have been put in this position which show Mr Mohtashami's lack of duty of care to staff as well as customers.
22. On Saturday 3rd July 2021 Police were asked to assist ejecting males from the premises. The males were ejected without officers having to enter.
23. On Saturday 10th July 2021 Police were called to assist door staff struggling with a female who had been refused entry. The same female later reported having been assaulted by the door staff and that her phone had been damaged. No offences, door staff acted lawfully.
24. On Saturday 31st July 2021 a customer was refused entry and then assaulted a male outside the premises. He was arrested and has also received a Pubwatch ban.

25. On Sunday 1st August 2021 a packet of white powder was found in the toilets and handed to the police.
26. On Wednesday 4th August 2021 youths were throwing bricks, cones and glass into the beer garden. No suspects at this time.
27. On Thursday 5th August 2021 a male complained about a member of door staff who had asked him to leave the premises. No formal complaint made.
28. On Saturday 7th August 2021 door staff contacted the police in relation to ongoing disorder. One male was arrested for ABH (assault occasioning actual bodily harm) and remains under investigation.

Mr Mohtashami is the Leaseholder of the premises only. He has no role within the Licensing Act and it appears no action can be taken against him in relation to the premises licence. It appears Punch Taverns have leased the premises to an individual who has now placed the premises licence at risk.

The Premises Licence Holder is Punch Taverns, they are overall responsible for the actions and behaviour of the Leaseholder and the DPS.

Current DPS is Miss Natasha Louise Hetherington. Her expected role is to be responsible for all sales of alcohol as well as the day to day running of the premises. The issue is that she is employed by Mr Mohtashami. He pays the wages of staff and employs the door staff.

I believe that Punch Taverns have failed to direct and control accordingly the actions of the Leaseholder and the efficiency and effectiveness of their DPS is thereby hampered. Offences covering various legislation have been identified which are in breach of the Licensing Objective 'the prevention of crime or disorder'. As a result the premises are not run in accordance with the expectations and standards of a Licence. The vast majority of incidents of disorder or non-compliance with COVID / Licensing issues have been whilst or during the time he has been present at the premises. As such it is believed that the everyday running of the pub with Mr Mohtashami's involvement is inadequate. His decision making and management compromises both customer and staff safety and causes a public nuisance. The responsible authorities have the support of the DPS and staff, however we have no confidence in Mr Mohtashami and do not deem him to be a fit and proper individual to continue with his close involvement with the Cumberland Inn. Punch Taverns whose responsibility it is to co-ordinate with Mr Mohtashami have failed to address our concerns and therefore I have no other option than to ask for a licensing review of the premises licence. It is our belief that the only solution available due to Mr Mohtashami being the leaseholder would be to revoke the licence.

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

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

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, 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 

Date **11/08/2021**

Capacity **Police Sergeant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. 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.

From: [Cumbria Police Licensing Contact](#)
To: [Nicola Edwards](#)
Cc: [Blain, Chris](#)
Subject: Cumberland Inn
Date: 06 October 2021 12:07:08
Attachments: [MG11 Cumberland Inn.docx](#)
[MG11 PC2249 MCCULLA CUMBERLAND 191020.docx](#)
[MG11 - 2311 - Cumberland Inn Covid breach.doc](#)

Morning Nicola

In relation to the review of the Premises Licence for the Cumberland Inn we will have available for the panel the following documentation and footage –

Point 1 – Incident log + 2 statements

Point 2 – no documentation

Point 3 – Incident log

Point 4 – Incident log – please note the actual date for this incident should read 06/08/2020.

Point 5 – Incident log

Point 6 – Email correspondence with Mr Mohtashami

Point 7 – Social media footage + statement (copy attached)

Point 8 – 2 Incident logs + 2 statements

Point 9 – Incident log

Point 10 – Incident log

Point 11 – Incident log

Point 12 – verbal evidence

Point 13 – Incident log, Body Worn Video x 3 + statement x 2 (copies attached)

Point 14 – no documentation

Point 15 – Incident log

Point 16 – Incident log

Point 17 – Incident log + statement x 4

Point 18 – Incident log + statement x 2

Point 19 – Incident log

Point 20 – Verbal evidence

Point 21 – CCTV

Point 22 – Incident log

Point 23 – Incident log x 2

Point 24 – Incident log

Point 25 – Incident log

Point 26 – Incident log + email correspondence

Point 27 - Incident log

Point 28 – Incident log

Please let me know if you require any additional information.

Julie

Julie Dodd
Police Constable 1190
Licensing Officer
Local Focus Team, Carlisle

T: 101 option 2 extension 41190

E: [j](mailto:julie.dodd@cumbriapolice.uk)

Find us on...

W: www.cumbria.police.uk

Facebook: www.facebook.com/cumbriapolice

Twitter: www.twitter.com/cumbriapolice

Carlisle Police Station, Brunel Way, Durranshill Industrial Estate, Carlisle, CA1 3NQ

Cumbria Constabulary - Safer Stronger Cumbria

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WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980, s. 5B

URN

03			
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Statement of: Julie Dodd

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: J Dodd Date: 13.10.2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Constable 1190 Julie Dodd. I am employed as a Licensing Officer by Cumbria Police.

At 2010 hours on Thursday 17 September 2020, having received a video file via Facebook Messenger, I used the built in screen recording function on my iPhone to capture the video footage which related to the Cumberland Inn, Carlisle.

At 0839 hours on Friday 18 September 2020 I then forwarded the screen recording via email to Andrew Smith, Environmental Health, Carlisle City Council. I can exhibit the screen recording of the video file as exhibit JD1.

Signature: J Dodd Signature witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980, s. 5B

URN	03			
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Statement of: PC2249 MCCULLA

Age if under 18: O-18 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: H.MCCULLA Date: 19/10/2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC2249 MCCULLA currently based at Whitehaven police station attached to the Copeland Pro-active team.

This is my statement in relation to a COVID breach at the CUMBERLAND Public House on Botchergate Carlisle.

On SATURDAY 17TH OCTOBER 2020 I was in full uniform Code 2 PSU on foot patrol in the area of Botchergate monitoring the pubs regarding any potential public order.

At approximately 18:40 hours I was in company with PS2311 GREENHOW, whilst walking past the front of the CUMBERLAND I could see in the windows and seen several people stood at the bar being served by a female member of bar staff. I entered the pub and activated my bodyworn camera which I exhibit as HM02/171020. As I approached the bar there were a couple of people stood at the bar appearing waiting to be served. There was a male stood being directly served by a female member of bar staff. I observed the male had full new drinks waiting in front of him and the bar woman was in the process of pouring pint which was then handed to the customer. This was a clear breach of COVID regulations which stipulates licensed premises must provide table service only. PS2311 GREENHOW Identified the licensee who was stood behind the bar. It was identified to him that serving people at the bar was a COVID breach to which he confirmed that he knew, he then went on to state that he was unable to provide table service as he did not have enough members of staff on and would also have to turn the music down. I was then asked by a member of the door staff to assist with a female customer who had fallen down the stairs. PS2311 GREENHOW remained with the licensee who was issued a COVID fixed penalty ticket. After dealing with this female I then left the pub, I was then made aware that one of the two door staff had left and was refusing to come back after a fall out with the licensee. The head of security a short time later attended the CUMBERLAND and spoke to the

Signature: _____ Signature witnessed by: _____

licensee stating he was no happy to have one door staff working alone so was advised to close. Customers then began leaving the premises and the doors were closed and remained closed for the rest of the night. I had no further dealings with the premises.

Signature: Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980, s. 5B

URN

03	ww		
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Statement of: PS 2311 GREENHOW

Age if under 18: o'18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____ Date: Monday 19th October 2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Sergeant Nathan GREENHOW 2311 currently based at Whitehaven Police Station of Cumbria Constabulary.

This is my statement in relation to attending The Cumberland Inn, Botchergate, Carlisle in relation to a breach of Coronavirus regulations.

The people I will mention in this statement are myself, PC 2249 MCCULLA, PC 1837 SCOTT and Gholamreza MOHTASHAMI.

This occurred at the Cumberland Inn which is a licensed Public House, with a number of tables and a bar selling alcoholic beverages. The bar is to the right of the premise as you enter with tables to the left hand side.

On Saturday 17th October 2020 at approximately 18:43hrs I was on foot patrol on Botchergate Carlisle along with PC 2249 MCCULLA as part of a PSU deployment. At this time I was walking past the Cumberland Inn towards Carlisle Train Station with the Cumberland Inn to my immediate left hand side. I looked through the window as I walked passed and I saw 3 persons stood at the bar, with drinks in front of them, with bar staff pouring drinks from the pumps. I entered the premise with PC MCCULLA and attended the bar. As I was stood there, the female bar staff continued pouring a pint and I explained that the rules were table service only and asked who the licensee was and she pointed towards a male I now know to be Gholamreza MOHTASAHMI 15/03/1965. At this time there were 3 persons stood at the bar, 2 of them were wearing masks and one male was not.

I spoke with MOHTASHAMI and challenged him about the rules in relation to table service only. I explained that the rules were very clear and he was in clear violation of them. He replied, "I DON'T HAVE THE STAFF TO DO TABLE SERVICE, PEOPLE COME TO THE BAR WEARING MASKS AND ONLY ONE AT A TIME AND TAKE DRINKS STRAIGHT BACK TO THEIR TABLE." I explained that this was a clear breach of the rules and was not acceptable. I explained that if he didn't have sufficient staff, he must reduce the numbers coming into the bar or increase his staff. He then said, "IF I DO TABLE SERIVCE I WILL HAVE TO TURN THE MUSIC DOWN AND EVERYONE WILL LEAVE AND I WILL HAVE NO CUSTOM." Again I explained that whilst I

Signature: _____ Signature witnessed by: _____

Continuation of Statement of: PS 2311 GREENHOW

understood this, my concern was for the health and wellbeing of customers and the compliance with the laws in place. I explained that the one person at the bar was not wearing a mask and I challenged this male who explained he had asthma, which again showed the risk to customers. I told MOHTASHAMI to ensure everyone was sitting at the tables and only getting orders and service from tables. I explained that i would be issuing a Fixed Penalty Notice for the offence which was a £1000 fine. He repeatedly asked for a warning, but I explained this was not possible. He also explained that he had previously been served a Prohibition notice by the council. I explained that whilst talking to him, further people were still going to the bar, with little enforcement by staff to ensure people remained seated.

At this point door staff requested assistance due to a female that had fallen down the stairs so I requested the assistance of PC 1837 SCOTT inside the premise with me. In PC SCOTT's present I completed the Fixed Penalty Notice with MOHTASHAMI. He continued asking for a warning. During this I saw a male on the fruit machines not wearing a mask and challenged this telling him to put his mask on and return to his table.

I issued the Fixed Penalty Notice to MOHTASHAMI and reported him for the offence and cautioned him to which he made no more reply.

I left the premise and stood outside the premise for approximately 20 minutes. During this time I could see people still approaching the bar, but they were then being sent back to tables. The door staff however, were telling people to put a mask on before going to the bar. I never heard any customers being asked or told to complete the track and trace, although the NHS bar code was present inside. The bar staff were in and out and often there was no one on the door with people coming and going as they pleased, meaning there was no way they could be aware of the amount of people inside. They had no counting equipment to keep records of who was inside.

There was a clear dispute between the door staff and bar staff. There had been 2 door staff on but following this dispute one left to speak with his own manager. The door staff manager then removed the other door staff member and advised MOHTASHAMI to close which he did. When closing people were exiting not wearing masks and were finishing their drinks whilst stood up at the bar.

It was apparent throughout there was a clear disregard to the risks of coronavirus, and disregard to the laws in place which puts its customers at risk.

Signature:

Signature witnessed by:

City of



Carlisle

Licensing Act 2003

Premises Licence

PL171

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Cumberland Inn

22 Botchergate, Carlisle, Cumbria, CA1 1QS.

Telephone 01228 536900

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indoors)				
	LIVE MUSIC BY UP TO TWO PERFORMERS			
	Sunday	10:00am	2:00am	
	Monday to Wednesday	10:00am	12:30am	
	Thursday	10:00am	2:00am	
	Friday	9:30am	3:00am	
	Saturday	9:30am	4:00am	
	Friday to Monday			Terminal hour extended 1 hour BH wknd exc...Easter
	Thursday to Monday			Terminal hour extended by 1hour Easter weekend
	Christmas Eve			Terminal hour extended by 1 hour
	Boxing Day			Terminal hour extended by 1 hour
	New Years Eve			Through to start of permitted hours next day
F. Playing of recorded music (Indoors & Outdoors)				
	Sunday	10:00am	2:00am	Outdoor area ceases 11pm
	Monday to Wednesday	10:00am	12:30am	Outdoor area ceases 11pm
	Thursday	10:00am	2:00am	Terminal hour extended 1 hour Easter weekend
	Friday	9:30am	3:00am	Outdoor area ceases 11pm
	Saturday	9:30am	4:00am	
	Friday to Monday			Terminal hour extended 1hour BH wknd exc..Easter
	Thursday to Monday			Terminal hour extended 1

NOT Printing Summary





Licensing Act 2003

Premises Licence

PL171

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors) continued ...	Christmas Eve		hour Easter wknd Terminal hour extended by 1 hour
	Boxing Day		Terminal hour extended by 1 hour
	New Years Eve		Through to start of permitted hours next day
J. Supply of alcohol for consumption ON and OFF the premises	Sunday	10:00am	2:00am
	Monday to Wednesday	10:00am	1:00am
	Thursday	10:00am	2:00am
	Friday	9:30am	3:00am
	Saturday	9:30am	4:00am
	Friday to Monday		Terminal hour extended 1 hour BH Wknd exc..Easter
	Thursday to Monday		Terminal hour extended 1 hour Easter weekend
	Christmas Eve		Terminal hour extended by 1 hour
	Boxing Day		Terminal hour extended by 1 hour
	New Years Eve		Through to start of permitted hours next day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday	10:00am	2:30am
Monday to Wednesday	10:00am	1:30am
Thursday	10:00am	2:30am
Friday	9:30am	3:30am
Saturday	9:30am	4:30am
Friday to Monday		Terminal hour extended 1 hour BH wknd exc.. Easter
Thursday to Monday		Terminal hour extended 1 hour Easter weekend
Christmas Eve		Terminal hour extended by 1 hour
Boxing Day		Terminal hour extended by 1 hour
New Years Eve		Through to the start of permitted hours next day

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NOT Printing Summary





Licensing Act 2003

Premises Licence

PL171

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Punch Taverns Ltd Jubilee House, Second Avenue, Burton on Trent, Staffordshire, DE14 2WF.
Telephone 01283 501 600

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Ltd 03512363

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Natasha Louise HETHERINGTON 25 Newtown Close, Carlisle, Cumbria, CA2 7EH.
Telephone 07398857929

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1842 Issued by Carlisle

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions are subject to amendment by central government. It is the licence holder's responsibility to ensure that they are up to date with any changes in legislation.

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where Door Supervisors are provided

(Except theatres, cinemas, bingo halls and casinos)

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Act 2001 (PSIA); or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Licensing Act 2003
- (2) But nothing in subsection (1) above requires such a condition to be imposed:

NOT Printing Summary





ANNEXES continued ...

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the PSIA 2001 (premises with premises licences authorising plays or films); or
- (b) In respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by the club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act)
- (3) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purpose of that Act,
 - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The following conditions shall apply from 28th May 2014

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.





ANNEXES continued ...

- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of 14 days beginning on the second day.

The following conditions shall apply from 1st October 2014

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18





ANNEXES continued ...

years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The prevention of crime and disorder**CD1**

A method of communicating with other participating licensed premises by way of text / pager or radio links shall be provided at the premises.

CD2

Any text / pager or radio link provided for communication with the other licensed premises shall be kept in good working order at all times.

CD3

When the premises are open to the public, the communications link with other participating licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff.

CD4

Every incident of crime or disorder in the premises shall be reported via the text / pager to other participating licensed premises by the Designated Premises Supervisor or a nominated member of staff.

CD11

**ANNEXES continued ...**

No drink shall be removed from the premises in an unsealed container.

- The CCTV system installed at the premises will be maintained to the satisfaction of the Cumbria Police Licensing and Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.
- At all times when the premises are open there shall be present in the premises a member of staff who is trained in the operation of the CCTV installed at the premises and downloading of data images onto a recording format.
- The images will be retained for a minimum period of 14 days and will be made available to the Police and authorised officers of the Licensing Authority upon a request being made pursuant to the Data Protection Act 1998. Any images required for police investigation will be supplied to police officers on demand or by close of business at the latest.
- An incident book shall be maintained to record any activity of a violent, criminal or antisocial nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken, and details of the person responsible for the management of the premises at the time of the incident.
- An incident book shall be available for inspection at all times a licensable activity is being conducted by an authorised officer of a relevant responsible authority. The records will be retained for at least 12 months.
- Door supervisors shall be provided at the premises to such a number as are sufficient to control the entry of person to the premises and for seeking to keep order in the premises including the beer garden when they are used for a licensable activity.
- Door supervisors will seek to ensure the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises .
- Where door supervisors are employed, a register shall be maintained confirming the full name and SIA badge number and time of deployment. The register shall be signed by each supervisor, confirming the hours worked and the register shall be retained for a period of not less than one calendar year.
- All staff involved in the sale of alcohol shall be trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
- All staff involved in the sale of alcohol shall be trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.
- Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

The prevention of public nuisance**PPN3**

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.





ANNEXES continued ...

PPN4

All external doors and windows shall be kept closed when regulated entertainment is being provided except to facilitate access and egress.

PPN5

The noise level from the premises whilst being used for public entertainments purposes, shall not cause nuisance to noise sensitive dwellings in the vicinity.

PPN8

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

PPN9

There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

PPN10

Where there are any offensive smells created on the premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to nearby premises.

PPN11

There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Outdoor Music when provided will cease no later than 11pm and no nuisance shall be caused from noise coming from the outdoor area.

The designated premises supervisor shall conduct regular assessments of the noise coming from the premises during regulated entertainment. A written record of checks will be maintained.

All the above will be adhered to.

The protection of children from harm

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable



City of



Carlisle

Licensing Act 2003

Premises Licence

PL171





Licensing Act 2003

Premises Licence Summary

PL171

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Cumberland Inn

22 Botchergate, Carlisle, Cumbria, CA1 1QS.

Telephone 01228 536900

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)			
	LIVE MUSIC BY UP TO TWO PERFORMERS		
	Sunday	10:00am	2:00am
	Monday to Wednesday	10:00am	12:30am
	Thursday	10:00am	2:00am
	Friday	9:30am	3:00am
	Saturday	9:30am	4:00am
	Friday to Monday		Terminal hour extended 1 hour BH wknd exc...Easter
	Thursday to Monday		Terminal hour extended by 1hour Easter weekend
	Christmas Eve		Terminal hour extended by 1 hour
	Boxing Day		Terminal hour extended by 1 hour
	New Years Eve		Through to start of permitted hours next day
F. Playing of recorded music (Indoors & Outdoors)			
	Sunday	10:00am	2:00am
	Monday to Wednesday	10:00am	12:30am
	Thursday	10:00am	2:00am
	Friday	9:30am	3:00am
	Saturday	9:30am	4:00am
	Friday to Monday		Terminal hour extended 1hour BH wknd exc..Easter
	Thursday to Monday		Terminal hour extended 1

Printing Summary





Licensing Act 2003

Premises Licence Summary

PL171

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors) continued ...	Christmas Eve		hour Easter wknd Terminal hour extended by 1 hour
	Boxing Day		Terminal hour extended by 1 hour
	New Years Eve		Through to start of permitted hours next day
J. Supply of alcohol for consumption ON and OFF the premises	Sunday	10:00am	2:00am
	Monday to Wednesday	10:00am	1:00am
	Thursday	10:00am	2:00am
	Friday	9:30am	3:00am
	Saturday	9:30am	4:00am
	Friday to Monday		Terminal hour extended 1 hour BH Wknd exc..Easter
	Thursday to Monday		Terminal hour extended 1 hour Easter weekend
	Christmas Eve		Terminal hour extended by 1 hour
	Boxing Day		Terminal hour extended by 1 hour
	New Years Eve		Through to start of permitted hours next day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday	10:00am	2:30am
Monday to Wednesday	10:00am	1:30am
Thursday	10:00am	2:30am
Friday	9:30am	3:30am
Saturday	9:30am	4:30am
Friday to Monday		Terminal hour extended 1 hour BH wknd exc.. Easter
Thursday to Monday		Terminal hour extended 1 hour Easter weekend
Christmas Eve		Terminal hour extended by 1 hour
Boxing Day		Terminal hour extended by 1 hour
New Years Eve		Through to the start of permitted hours next day

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Printing Summary





Licensing Act 2003

Premises Licence Summary

PL171

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Punch Taverns Ltd

Jubilee House, Second Avenue, Burton on Trent, Staffordshire, DE14 2WF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Ltd

03512363

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Natasha Louise HETHERINGTON

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



From: [Licensing Team](#)
To: **NE** Cumberland 23
Subject: August 2021 09:18:02
Date:

E-mail:

Phone:

Hi

I have been customs since 2010, and I have nothing and complan over. There are acceptable dance floor and nice beer garden. Door men/women are nice and staff are nice. When people coming in staff can not tell if someone can not behave or have not learned good manners.

If Cumberland close staff have not work to go to, and it is problem and find job in this days, and we som use Cumberland almost every days we have nowhere to go. Don't close Cumberland.

Redgards

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Governance and Regulatory Services

Licensing

Corporate Director of Governance and Regulatory Services:

M D Lambert LLB (Hons), MBA.

Civic Centre Carlisle CA3 8QG • Telephone (01228) 817200

Document Exchange DX 63037 Carlisle • Type talk 18001 01228 817200 •

Nicola Edwards
Licensing Manager
Carlisle City Council
Civic Centre
Rickergate
Carlisle
CA3 8QG

Please ask for: Licensing
Direct Line: 01228 817523
E-mail: licensing@carlisle.gov.uk
Your ref:
Our ref:

Date: 24th August 2020

Dear Nicola

Representation on behalf of Licensing Authority – The Cumberland Inn (PL171)

Following an application by Cumbria Police to review the premises licence of the Cumberland Inn Botchergate Carlisle I make this representation being the Licensing Officer who has dealt with various issues at the premises since Mr Mohtashami took control. I can confirm that I have and will remain independent of the administration and process of placing the Cumbria Police review application before this committee.

Punch Taverns are the premises licence holder for the Cumberland Inn Botchergate Carlisle and they leased the premises to a Mr Mohtashmi who runs and manages the premises. Punch Taverns nominated him as the Designated Premise Supervisor (DPS) in May 2020.

On 21st August 2020 a meeting had been arranged between the Licensing Office/Police Licensing Officer to visit the Cumberland Inn, Botchergate. The purpose of the visit was to carry out a periodic inspection which included inspecting the premises, ensuring correct signage was in place, policies and procedures were in place, staff had received suitable training, staff were aware of Mandatory Conditions and other conditions attached to the Premises Licence. These inspections are aimed to educate and risk assess the premises as well as point out possible failings and rectify them in order that the premises are well run. The inspection was agreed between Mr Mohtashami, the manager and DPS and the Licensing Officers.

On the morning of 21st August 20 the relevant officers arrived outside the Cumberland Inn to carry out the agreed inspection to find the premises closed and Mr Mohtashami not present. I returned to my normal duties. I was advised that Mr Mohtashami had forgotten about the inspection.

At 1100hrs on 11 September the Police licensing officer PC Julie Dodd, Alex Kemp, Regulatory Compliance Officer from Licensing and myself attended a meeting with Mr Mohtashami, the DPS and Manager at the Cumberland Inn. Also present were two officers from Environmental Health department who also wished to speak to Mr Mohtashami about an incident that had occurred on the 7th September. The Environmental Health Officers waited in the bar area whilst I carried out the periodic inspection that should have taken place on 21st August.

During this inspection I became increasingly concerned as to the lack of knowledge shown by Mr Mohtashami in relation to the management of his premises and even worse his lack of knowledge in relation to the Licensing Act 2003. He had literally no knowledge of Mandatory conditions or other conditions attached to the Cumberland Inn premises licence. I had to explain the role of a Designated Premises Supervisor. It was evident that no policies or procedures were in place for the running of these premises. He couldn't locate a Fire Risk assessment for the premises but believed the premises did have one, but no fire drills/training had been provided for staff since he took over. It was noted that the premises did have CCTV in place but Mr Mohtashami had not registered with the Information Commissioner's Office which is a requirement in law and is an offence. He was informed how to register with the Information Commissioner's Office. On conclusion of the inspection Mr Mohtashami was advised of my concerns regarding the above issues and was warned that breaches of conditions attached to his premises licence were offences under the Licensing Act 2003 which could attract severe penalties and could lead to a review of the premises licence. Alex Kemp and myself then left the premise allowing the Environmental Health officers to speak to Mr Mohtashami.

I was later made aware that The Cumberland Inn, Botchergate, Carlisle was issued a Prohibition Notice by the Council on Friday 11 September 2020 following evidence showing that the pub was not controlling the risks associated with Coronavirus.

The premises was also being investigated for breaches of the Health and Safety at Work Act 1974 for failing to protect both staff and members of the public from the risks associated with Coronavirus.

A follow up meeting with Licensing Officers was arranged to be held on Friday 16th October 2020. Mr Mohtashami failed to attend this planned meeting at the Cumberland Inn.

I was made aware that on Saturday 17 October 2020 during the afternoon police patrols covering football disorder noted that persons were standing at the bar of the Cumberland Inn with no social distancing and was dealt with by police.

Punch Taverns (being the premises licence holder) including their solicitor were contacted by myself in October 2020. They were made aware of the incidents/offences and breaches to COVID regulations that had occurred at the Cumberland Inn including poor management of the premises. They were informed that a review of the premises licence was being considered. As a result Punch Taverns solicitors informed the council that they wished to avoid a review of the premises licence and the area manager would investigate and take whatever actions required.

On 9th November 20 Mr Mohtashmi was removed as the Designated Premises Supervisor (DPS) at the Cumberland Inn by Punch Taverns (the premises licence holder) and their Area Manager was installed as the Designated Premises Supervisor. The Area Manager then

immediately resigned that post leaving the premises without a Designated Premises Supervisor which meant alcohol could not be sold at the premises resulting in its closure.

On 14th December 2020 an application was made by Punch Taverns to nominate Jemma Walker (who worked at the premises) as the Designated Premises Supervisor at the Cumberland Inn. I must point out that Mr Mohtashami remained the leaseholder of the premises and therefore maintained control of the premises. He hired, fired and he paid the wages of the staff at the premises.

On Friday 18th June 2021 I attended the Cumberland Inn with PC Julie Dodd when we spoke to the Designated Premises Supervisor in relation to issues regarding door supervisors. I requested to view the premises log- book used for keeping details of door supervisors working at the premises. They did not have the required log- book and were instructed to obtain one as soon as possible as this was a breach of a condition attached to the premises licence (which is an offence). The designated Premises Supervisor did later confirm that she had purchased a log- book which would be used.

I was made aware of an incident at the Cumberland Inn which occurred on Saturday 26th June 21 when a group of rowdy males were requested to leave by staff but were later allowed back into the premises by Mr Mohtashami against staff wishes. Later the same evening those group of rowdy males started fighting again inside the premises and police were called upon to attend. I was informed that members of staff had to attempt to control the disorder as no door supervisors were on duty at the premises. I believe this was during the European football Championship which was televised. This incident sums up the lack of any management within those premises or any consideration relating to the protection and safety of the public or indeed staff at the premises.

I am also aware that the female member of staff who contacted the police making them aware of the fighting in relation to the above incident has since been sacked by Mr Mohtashami. Staff at the premises informed me that they believed the female member of staff had been sacked for 'calling the police' and not for the reason Mr Mohtashami had given to Punch Taverns. He had been complaining all day about the police being called prior to sacking her. Again, this highlights that his management falls below the required standard.

On 29 July 2021 Jemma Walker resigned as Designated Premises Supervisor at the Cumberland Inn. She stated that Mr Mohtashami was still running the premises and she wasn't willing to be treated with disrespect by him. Punch Taverns appointed another personal licence holder named Natasha Hetherington as the Designated Premises Supervisor the same day.

On Thursday 12th August 2021 I visited the Cumberland Inn to check the door supervisor log in relation to an incident that had occurred outside the premises on 31st July 21. On viewing the log I noted that a door supervisor employed at the premises on the day in question was an unlicensed door supervisor. I confirmed this with the Security Industry Authority the following day. This is a breach of a Mandatory Condition attached to the premises licence. The maximum penalty for such an offence is 6 months imprisonment and/or an unlimited fine. Whilst at the premises I was informed of an assault that took place within the premises on the evening of Saturday 7th August 2021. This again highlights mismanagement and total disregard of legislation.

The Licensing Act 2003 provides a clear focus on the promotion of the four licensing objectives which must be addressed when licensing functions are undertaken. These are 'The prevention of crime and disorder', 'Public Safety', 'Prevention of Public Nuisance' and 'Protection of children from harm'. Each objective is of equal importance.

I believe the number of offences occurring at the Cumberland Inn by Mr Mohtashami, whether they be in contravention of the Licensing Act 2003 or other relevant legislation are and can lead to offences which will fall under the objective 'The prevention of Crime and disorder. I would also argue that consideration to the safety of the public entering those premises is lacking due to mismanagement by him as I am aware of three assaults in the premises and within a period of 6 weeks. These assaults are only what we have been made aware of. I believe the failure to execute fire drills with staff for over a period of 16 months clearly falls within the licensing objective 'Public Safety'.

I wish to point out that the appointment of a number of Designated Premises Supervisors at the same premises within short periods of time should be treated with caution as it may well indicate poor practice and management at those premises. It is my opinion that these premises managed under Mr Mohtashami proves that point. It concerns me regarding offences identified at these premises such as breaches of conditions attached to the premises licence, breach of a Mandatory condition in relation to SIA door supervisors, breach of the Data Protection Act 2018 in relation to CCTV, disorder within the premises and failure to carry out fire safety drills which obviously falls under the objective 'Public Safety'.

I believe the police are acting correctly in requesting the Cumberland Inn premises licence to be revoked as Punch Taverns are the premises licence holder. They lease the Cumberland Inn to Mr Mohtashami who has control of the premises and staff. There is little we can do to remove Mr Mohtashami from the premises which means there is no alternative other than to revoke the premises licence.

It is Licensing Authority's duty to ensure that the licensing objectives are adhered to in order that the public of Carlisle as well as visitors to Carlisle can enjoy a safe late- night economy.

Yours sincerely

Fred Watson

Licensing Officer

Carlisle City Council
Local Environment Directorate
Environmental Health

INTERNAL MEMORANDUM

From: Environmental Health	Please ask for:	Stuart Strange
To: Licencing Manager	Extension:	01228 817338
FAO:	E-mail:	EnvironmentalHealth@carlisle.gov.uk
	Your ref:	N Edwards / Cumberland
	Our ref:	R:133171
		31 August 2021

CONSULTATION ON PREMISES LICENCE REVIEW – THE CUMBERLAND INN, 22 BOTCHERGATE, CARLISLE, CA1 1QS

I write with regard to your request for comments following the application for a premises licence review of the Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS, by Cumbria Police.

The Environmental Health department of Carlisle City Council is one of the “Responsible Authorities” who are consulted on premises licence applications etc and so will consider such applications with reference to the licensing objectives. The Environmental Health department will usually comment on matters which are related to “The Protection of Public Safety” or “The Prevention of Public Nuisance”.

When the Coronavirus pandemic occurred, the government gave principal responsibility for enforcing the various restrictions on businesses to environmental health departments. It is within this context, together with working alongside the local contact tracing team, that has required officers from this department to have several interactions with the Cumberland Inn during the pandemic.

Given that the business restrictions, which were legislated for by the government during the pandemic, were intended to limit the transmission of Coronavirus it can be seen that effective compliance with them was necessary for “the Protection of Public Safety”. Any failures in adherence to the terms of the restrictions should be considered as contrary to that element of the licensing objectives.

Below is a summary of the interactions between Carlisle City Council Environmental Health (enforcing Coronavirus business restrictions regulations) and the Cumberland Inn, Botchergate,

Carlisle (business owner Mr Gholamreza Mohtashami) during the period of the Coronavirus restrictions in 2020.

6th July 2020 – After the initial lockdown period hospitality venues were allowed to reopen with certain stipulations. A Complaint was received by the Environmental Health department from Cumbria Police concerning lack of social distancing and control within the Cumberland Inn. Conversations took place between S Strange (EHO) and Mr Moshtashami (DPS) regarding Covid controls required and the requirement to produce a Covid risk assessment. Following difficulty communicating with Mr Moshtashami and attendant IT issues a risk assessment was eventually submitted. This contained a lack of detail specific to the premises in question, although Mr Moshtashami appeared to have some understanding of what was required. Given this, eventually a meeting with him was arranged for July 23rd.

22nd July 2020 – A complaint received by Carlisle City Council Environmental Health about a lack of cleanliness and the display of customer details from previous days in track and trace log. This was a common issue at the time as businesses got to grips with track and trace requirements.

23rd July 2020 – A meeting was held at the Cumberland Inn between S Strange and Mr Moshtashami to discuss Covid controls and give Mr Moshtashami opportunity to demonstrate his procedures etc. onsite. He was also advised regarding track and trace.

5th September 2020 – A covid monitoring visit was carried out by A Smith (PEHO). He observed a general lack of control and social distancing in the Cumberland Inn. Following this visit A Smith was passed video of the Cumberland Inn from Cumbria Police which also showed a serious breach of Covid business restrictions and general lack of adherence to Coronavirus regulations.

7th September 2020 – A complaint was received by Carlisle City Council Environmental Health concerning lack of Covid control and adherence to requirements for T and T.

11th September 2020 – A meeting was convened at the Cumberland Inn with Mr Moshtashami, Cumbria Police, A Smith and U Seddon (EHO). Mr Moshtashami was served with a Part B Search Notice under the Police and Criminal Evidence Act 1984. As part of the search, CCTV was reviewed on site for the alleged offences during the early hours of Saturday 5th September 2020. Recoded CCTV coverage did confirm the offences. Copies of the CCTV coverage were obtained and surrendered by Mr Moshtashami. The CCTV coverage was taken as evidence by A Smith. A Smith served a Prohibition Notice on Mr Moshtashami, under the provisions of the Health Protection (Coronavirus Restrictions) (No 2) (England) Regulations 2020. The notice

prohibited dancing and the playing of loud music within the Cumberland Inn, so long as those Coronavirus restrictions were in place.

17th October 2020 – A Covid monitoring visit was carried out by M Cunningham (EHO) who observed a lack of Covid control within the Cumberland Inn.

6th November 2020 – M Cunningham served a Fixed Penalty Notice for £500, under the The Health Protection (Coronavirus, Local COVID Alert Level) (Medium) (England) Regulations 2020, on Mr Moshtashami for the contraventions observed on 17th October. Mr Moshtashami admitted the offence and subsequently paid the Fixed Penalty.

10/12/20 – S Strange was informed by the Licensing department that a new DPS was now in place at the Cumberland. The new DPS was named as Gemma Walker. S Strange contacted her and was informed by her that she was acting as DPS. She was keen to improve the Cumberland and so a meeting was arranged, to discuss what would be required for the Cumberland Inn to open under the restrictions (alcohol sales to accompany food) which were in place at the time. A constructive meeting took place but during the meeting it was revealed that Mr Moshtashami still had a controlling financial stake in the business and so would need to approve any changes made. Before the Cumberland could carry out the necessary works to provide a suitable food offer the national lockdown came into force and all of the public houses were required to close.

In summary, it is clear that the failure of Mr Moshtashami to act in a responsible manner and to take the necessary steps to prevent the potential spread of Coronavirus during the pandemic placed his customers and staff at risk and so was contrary to the Protection of Public Safety objective. The service of a Fixed Penalty Notice and his subsequent payment of the penalty, whilst confirming the foregoing, demonstrates that he was in contravention of the Coronavirus regulations. It should be borne in mind that failure to comply with the regulations constitutes a criminal offence and so, I presume, would be contrary to the “Prevention of Crime and Disorder” objective as well. Both of these objectives require effective and responsible management of premises and in this case this was clearly lacking.

Stuart Strange
District Environmental Health Officer



The Licensing Authority
Carlisle City Council,
Civic Centre,
Carlisle, CA3 8QG

Tel : 0844 556 1191
Fax: 0844 272 5591

Web: www.licensinglawyers.co.uk
E-mail: enquiries@licensinglawyers.co.uk

27 August 2021

Our Ref : MOHO1102/21

Your Ref:

Dear Sirs,

RE: Review Application : Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

We are instructed by Mr Mohtashami of the above premises to lodge a representation on the current application for a Review that has been submitted to you. Please would you therefore take this letter as his representation.

Having seen the application, our client notes the incidents that have been reported and wishes to respond to each one of them. His view is that the licensing objectives are promoted at the premises and that some of the incidents demonstrate that correct actions are being taken by the management of the premises. As examples, on 31st July 2021 a customer was rightly refused entry and on 2nd August 2020 the police were called to assist in relation to a person who refused to leave the premises. You will appreciate that these are relevant to the prevention of crime and disorder objective. We will expand on other examples in due course, which will touch on the other objectives.

Our client, who holds a lease to the premises, has policies, procedures and practices in place to promote all four of the licensing objectives and maintains that the revocation of the licence is not a proportional response to the application. We will prepare documentary evidence to expand on this representation in the form of a bundle that will be served as soon as possible, once any further evidence has been received from any party. There is also likely to be footage from the CCTV system at the premises and would be grateful if arrangements can be made to show this at the hearing.

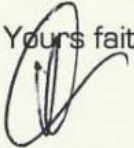
In order to ensure a fair hearing, we would be grateful to receive all evidence upon which any party seeks to rely and to be allowed a reasonable period of time to respond to such.

At the moment, we only have the application form itself and we would suggest at this juncture that a three week period from the receipt of any evidence is reasonable to respond to it. As you will be aware, there is a power to extend time limits in the public interest under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 and we would suggest that holding a fair hearing is entirely within this ambit.

We would respectfully ask that any hearing avoids the following dates during September and October; 20-23 September, 27-30 September, 1 October, 21-22 October, 26-29 October.

We can provide dates to avoid in November, although we anticipate that the Council will wish to have concluded the hearing by then.

Yours faithfully,



Licensing Lawyers

Direct Line : 0844 556 1192

Email : jp@licensinglawyers.co.uk

LICENCE REVIEW

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

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Alcohol sales

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

Staff are instructed never to serve customers who are or appear to be drunk, under any circumstances.

Staff will not serve a person who appears to be attempting to purchase for on or on behalf of a person who is or appears to be drunk.

The final decision on who can be served rests solely with the Designated Premises Supervisor, or the Assistant Manager in the absence of the DPS.

If a customer who is or appears to be drunk asks for an alcoholic drink they will be offered a soft drink. If they refuse a soft drink and then this persist in requesting alcohol, they will be asked to leave the premises.

If the behaviour of any person gives staff reason to believe that by refusing service they may endanger the safety of staff or customers then police will be called as part of that person being asked to leave.

Any person under 18 years of age or who cannot prove that they are 18 years or older will not be sold alcohol under any circumstances.

Staff will use the Challenge 25 scheme and will ask any person who, in their opinion looks under 25 for proof of age.

Forms of identification used by our staff to recognise and accept proof of age are UK photo driving licence, UK passport and/or pass card.

A customer who is or appears to be under 18 years will be requested to leave the premises if they attempt to purchase alcohol.

If we have reason to believe that someone is attempting to purchase alcohol for, or on behalf of, a person who is or appears to be under 18 years of age, they will be refused to service.

If no proof of age can be produced, then under no circumstances will only person who looks 25 or under to be served alcoholic drinks.

Breach of this policy is considered to be a serious disciplinary matter and can result in a member of staff being dismissed.

Glass Policy

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

Bottle bins will be emptied on a regular basis before they are full and overflowing. All staff on duty are expected to monitor bins and take action where required.

Glass bins will not be emptied after hours where the noise would cause a nuisance

It is the duty of all members of staff to proactively collect glasses. Any unattended drinking vessels must be collected as soon as possible to avoid the risk of injury.

We prohibit glass bottles or vessels being removed from the premises. Were a customer attempts to remove glass bottles or drinking vessels, the staff member observing should politely ask the customer not to do so, or report the matter to the door supervisors on duty.

Any incidents of broken glass are to be immediately cleared to avoid the risk of injury.

Drinking vessels are to be checked for faults or damage during the washing process by bar staff. Any vessels found with a fault will be disposed of.

When an event is held, the Designated Premises Supervisor will evaluate the need for toughened glass and/or alternative drinking vessels to be used. If it is decided to implement a no-glass policy for the event, this will be communicated by the DPS to the team on duty.

Refusal of Service

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

The decision to refuse service is one that can be made by any member of staff who is employed to sell alcohol. Once a decision to refuse service is made by any member of staff, that decision is binding for the remainder of the day or until the Designated Premises Supervisor (“DPS”) or Assistant Manager (if the DPS is not present) is satisfied that enough time has elapsed for the person not to be drunk.

The DPS and Assistant Manager always retain the ultimate ability to make the decision as to whether someone should be refused service. If either make the decision not to serve, this refusal will be binding.

When you refuse a customer service for being drunk you have at that very moment identified that they are vulnerable. It is not simply a case of refusing them and asking them to leave. We have a duty of care to every customer.

If you have refused someone service, the first action to take is to inform your manager or supervisor and they will deal with the situation. If for some reason a manager is not able to deal with it (for example, they are dealing with a similar situation elsewhere), there are a few simple steps that you can take ;

1. If the customer is with a group of friends, assess whether they are capable of taking the customer home. Only do this if you are confident that the customer is with these people and they are sober.
2. Inform agencies such as the street pastors, who are often outside of the premises on busy nights.
3. Do not hesitate to phone an ambulance if you believe the customer needs one.
4. Inform the police if there is concern over the persons welfare or behaviour.

It is essential that all staff can identify respond and record any incidents involving disorderly or drunken behaviour at the premises what to look out for ;

- disruptive behaviour
- Raise voices, arguments and aggressive body language
- People playing up or showing off to others
- Stumbling, slurred speech, glazed eyes and struggling to hold up their own body weight
- Customers buying drinks in quick succession
- Customers buying excessive amounts of drink
- Customers falling asleep

Often it is just a case of simply keeping an eye on your customers as well as checking in with them (having a conversation) can help identify customers that have had too much to drink, who are likely to cause trouble and this also gives you the chance to prevent problems by stepping in early and preventing all of the above.

It is always better to intervene too early. Often a quiet word with a customer can prevent a problem.

If you are uncertain if someone's drunk, a conversation can often help you to gauge whether they are or not. If it is still uncertain, speak to the Designated Premises Supervisor or the Assistant Manager. Please use your manager as a form of communication if you feel uncomfortable with certain customers. Firmly but politely inform the customer that you cannot serve them any more alcohol. Do not become aggressive or annoyed with a customer.

Use the pub watch radio or inform the police if a customer's behaviour escalates.

Do not serve if you're unsure

In case of violence

If a violent situation arises how you deal with it will depend on how the premises are staffed at that particular time.

If there are no door staff working, do not hesitate to call 999. Do not put yourself in danger.

Do your best to ensure the safety of other customers and once the police are contacted use the pub watch radio if needed. Log all incidents in the incident report book stating the descriptions, names of possible, what happened all number and instant log number from the police

When there are doorstaff present, there is a bell situated behind the bar. Ask the manager if you are not aware where this is. The bell is to be used only in an emergency as the bell alerts the door staff to an emergency within the premises. Make sure you make the door staff aware of where the emergency is as they enter the premises. Do not ring the bell and carry on serving.

In the case of an emergency, especially involving violence, the music is to be cut off and the lights turned on. This gives the door staff a better idea of where the incident is and can often help to defuse the situation. Management will assess what emergency services are required and they asked staff to cordon off as crime scene if there is one.

Every incident involving a refusal of service, drunkenness disorderly and violent behaviour must be recorded in the instant book. The DPS will regularly review this and take corrective actions as needed.

DISORDER

CUSTOMERS WILL BE ADVISED THAT IF THEIR BEHAVIOUR IS JUDGED TO BE HAVING AN ADVERSED AFFECT ON OTHERS, THEY MUST STOP OR THEY WILL BE ASKED TO LEAVE.

STAFF ARE MADE AWARE THAT THE PREVENTION OF DISORDER IS THE RESPONSIBILITY OF EVERYONE EMPLOYED IN THE PREMISES.

ALL STAFF ARE INSTRUCTED TO BE VIGILANT FOR ANY VERBAL DISPUTES TAKING PLACE INSIDE THE PREMISES AS WE ACKNOWLEDGE THAT VERBAL DISPUTES CAN ESCALATE INTO MORE SERIOUS INCIDENTS.

STAFF ARE INSTRUCTED TO INTERVENE IN VERBAL DISPUTES ONLY WHEN THEY BELIEVE THAT BY DOING SO THEY WILL NOT PUT THEMSELVES, OTHER STAFF OR CUSTOMERS, IN DANGER OF PHYSICAL ASSAULT.

ANY INSTANCES OF PHYSICAL VIOLENCE OCCURING INSIDE THE PREMISES, STAFF ARE INSTRUCTED TO DIAL 999 FOR POLICE ASSISTANCE.

A RECORD WILL BE KEPT OF ANY INCIDENTS INVOLVING DISORDER IN A DESIGNATED LOG.

Challenge 25 Policy

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

The Challenge 25 policy applies to all age related sales on the premises. You are obliged to apply Challenge 25 when any customer who looks under the age of 25 attempts to buy these products, particularly alcohol.

Selling alcohol to an underage person is breaking the law and the consequences are very serious including being fined and or prosecuted. The premises, the DPS and owner could also face prosecution or having its/their license suspended or revoked.

Challenge 25 is a simple yet effective concept to ensure that you do not end up breaking the law. It involves three simple steps;

1. Assess the age of every customer that attempts to buy alcohol on the premises.
2. If you think that the customer looks under the age of 25, ask for proof of age.
3. If the customer cannot produce an acceptable proof of age refuse the sale of alcohol.

What is an acceptable proof of age? We accept a UK driving licence or provisional driving licence Passports and 'Pass' Cards that carry the "PASS" hologram.

If you are unsure about the type of ID used or the legitimacy of it do not accept it check with your manager or supervisor. Please see the separate guidance on documents and checking them.

Challenge 25 applies **all of the time** even if -

- There are Door staff working.
- The bar is busy.
- You believe you have seen an acceptable form of ID previously.

Using challenge 25 not only ensures that underage drinking does not occur on your premises, it also protects you as a member of staff ensuring that you don't get caught out and prosecuted.

If in any doubt, you should always contact the Designated Premises Supervisor ("DPS") or the Assistant Manager. The final decision on whether a customer should be served will always rest with the DPS or Assistant Manager and no-one else.

Proof of Age

It is illegal to –

- To sell alcohol to someone under 18 anywhere, and can lead to a maximum fine of £20,000 ¹ for bar staff/managers or premises may eventually be shut down.
- For an adult to buy or attempt to buy alcohol on behalf of someone under 18*.
- For someone under 18 to buy alcohol, attempt to buy alcohol or to be sold alcohol.

Retailers can reserve the right to –

- Refuse the sale of alcohol to an adult if they're accompanied by a child and think the alcohol is being bought for the child.

Acceptable forms of ID to prove you are over 18 include -

- A photo driving licence
- A passport
- A proof of age card, such as the PASS card from the national **Proof of Age Standards Scheme**.





It's a criminal offence to use false or borrowed ID to gain entry to licensed premises or to buy alcohol. The maximum penalty is a £5,000 fine and up to 10 years in prison.

Licensing objectives

General measures to comply with the licence

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

The prevention of crime and disorder

Door staff are required to be on duty over weekend evening trading

All Pubwatch breaches are to be recorded and notified to the Designated Premises Supervisor.

Incident books are to be completed for any incidents as well as reporting any criminal offences to the police.

There is zero tolerance for drug use

Pubwatch radio to be signed on at the start of every working day

There will be monthly attendance at pub watch meetings

Admissions policy and premises licence to be adhered to at all times

CCTV fitted as a deterrent and for recording purposes

Public safety

Ensure numbers books are completed regularly to ensure capacity is not breached

Conduct regular checks all fire exits

Conduct weekly checks of fire alarm and extinguishers

Regular checks of all surfaces inside and outside the premises

Regular and flexible risk assessments to be carried out

Prevention of public nuisance

Outside music to be turned off by 11 pm

All windows and doors to be shut by 11 pm

Regular checks for are both at the back and the front of the premises.

Bins and bottles to be emptied quietly and at a sociable time.

Outside bins to be sealed all times.

Protection of children from harm

Zero tolerance for drug use

Challenge 25 is used to ensure customers buying alcohol are old enough

Children to be accompanied by a responsible adult and out of the premises by 7 pm (4 pm on Saturday)

Refusals to be recorded

Any concern for vulnerable children to be reported.

Admissions policy

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

The Cumberland Inn aims to work in association with Carlisle City Council and within the requirements set by the Licensing Act 2003.

The premises has a zero tolerance approach to any antisocial behaviour, both security staff and bar staff are trained on how to deal with all circumstances. Customers may be refused entry or asked to leave if they do not adhere to the admissions policy. The absolute discretion on admission rests with the Designated Premises Supervisor, or the Assistant Manager in the absence of the DPS. Once the DPS has made a decision on excluding a person on a particular day or for a particular period, this may not be changed except by the DPS or a court of law.

We reserve the right to refuse entry to any person at our sole discretion, providing that the refusal is within the law and does not discriminate on a protected characteristic.

Age

The premises run a challenge 25 policy, meaning that anyone looking under the age of 25 will be asked to provide proof of age. Anyone unable to provide proof of age will not be served alcohol. Children are allowed on the premises at certain times but must be supervised by an adult. Children are not normally allowed on the premises after 6 pm (4 pm on Saturdays) and staff have the right to refuse access to children if they believe it to be unsuitable for them to be on the premises at any time.

Searches

Door staff have the right to conduct searches if they believe it necessary. By entering on the premises customers consent to a search being carried out and signs are in place to this effect. Refusing a search will result in customers not being able to enter the premises or being required to leave.

Our search procedures are within the legal rights of the venue and it is a condition of entry to the venue that all customers agree to be searched prior to entry and throughout the duration of their attendance at the venue (if we should deem necessary). By entering, customers give permission to search outer clothing, the pockets of inner clothing and any bags or other items that are carried.

These procedures are put in place for the safety of all our customers. Customers will only be searched by a member of the same sex.

The decision on whether to search rests solely with the door supervisor who is on duty at the public entrance, the Designated Premises Supervisor or Assistant Manager. Door

supervisors are briefed to rely on their training and experience to consider whether to carry out a search and the extent of that search but will also act if suspicions are expressed to them by a member of staff or management. Indicators such as the behaviour or conduct of the customer, clothing that does not appear to fit correctly and may give an indication of a concealed item shall be used in the door supervisor's assessment.

All searching must be conducted in a clear view of CCTV cameras and in the presence of another witnessing doorman or staff member. A high level of dignity and respect must be maintained by the searchers towards the customers at all times. Nobody may be searched without their consent.

Dress code

Clothing must be kept on inside the premises. Removal of clothes could result in customers being asked to leave. Shoes must be worn at all times.

Tracksuit bottoms are not permitted at certain times; door staff or bar staff will inform you if tracksuits are not permitted.

Behaviour

Customers must behave in a way that does not put themselves or other customers in danger. There is a zero tolerance approach to the use of drugs. Antisocial or disorderly behaviour will not be tolerated. Anyone acting in such a manner may not just be asked to leave, but may also be reported to agencies such as Cumbria Police and Pubwatch.

Safeguarding and vulnerable persons policy

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

Safeguarding is a term used to describe how we protect adults and children from abuse or neglect. In providing safeguarding it is important to be able to identify vulnerable people and different forms of abuse and neglect.

Alcohol can often make people more vulnerable. Remember when you refuse someone at the bar for being too intoxicated have you identified whether or not they are vulnerable.

Abuse and neglect

Abuse can lead to a violation of someone's human and civil rights by another person or persons. Abuse can be physical, financial, verbal or psychological. It can be the result of an act or a failure to act. It can happen when an adult at risk is persuaded into a financial or sexual exchange they have not consented to, or can't consent to.

Abuse can occur in any relationship and may significant harm or exploitation. Some types of abuse are illegal and the people subject to this abuse are protected by law. These people must be safeguarded.

The Designated Premises Supervisor must be notified as soon as possible and will be responsible for informing the Police of any suspected abuse or neglect. The incident must be logged.

It is essential and the responsibility of staff to ensure that any form of abuse is reported immediately and discreetly to the manager on shift. The manager will then co-ordinate with the Designated Premises Supervisor on actions that are needed.

Ask for Angela

"Ask for Angela" is an initiative designed to protect people that may be on a date or a night out with someone and they want to weigh out. This may be for various reasons. The initiative is simple and proven to be effective.

If you as a member of staff are approached by a customer who is asking for Angela it is your responsibility to discreetly take this person away from harms way. If a manager is present, inform the manager straight away. If the manager is not present take the person into the staff seating area downstairs and ask another member of staff to find the manager to organise transport away from the situation. Everything must be logged.

Children on the premises

[Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS](#)

Children are allowed to be on the premises; however, it is your responsibility to ensure that they are safe on the premises.

Children cannot be on the premises after 8 pm (4 pm on Saturday). This is a guideline and if the pub is busy or you feel that it is not a safe environment for a child, for example there are a crowd of sports fans in the premises, you have the right to refuse them entry. You must act in accordance with the Designated Premises Supervisor, or the Assistant Manager if the DPS is not present.

Children must be supervised. Parents or adults who are supervising the children are allowed an alcoholic beverage, however, if you believe the adult responsible for a child on the premises is already drunk or becoming drunk, then they must be refused service.

If you have any doubt that a parent or guardian of a child on the premises is incapable of looking after the child and there is a risk to the child, the police must be informed. Such issues should be reported immediately to the DPS or Assistant Manager on duty so that reporting can take place. Always err on the side of caution and report issues to the DPS or Assistant Manager if you are concerned.

Noise and Nuisance Policy

[Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS](#)

Our aim is to ensure a friendly relationship with local residents, businesses and the Council. We operate a good neighbour policy.

Signage throughout the premises makes the customer aware of the fact that noise levels need to be kept to a minimum especially at later times and more so in the outside areas of the premises.

It is the responsibility of the staff to remind customers of this approach and address any excessive noise or nuisance behaviour and make a log of it in the noise/nuisance book.

It is the responsibility of the staff on shift to ensure that music levels are kept at the appropriate level for the time of day. If in any doubt, reference should be made to the Designated Premises Supervisor (“DPS”) or Assistant Manager, who have ultimate responsibility to ensure that sound levels are controlled. Where a third party brings in sound equipment and is unwilling to comply with the directions of the DPS, our policy is to disconnect the equipment unless doing so would cause issues of disorder. In such instances, we will always call the police for support.

Excessive noise and nuisance behaviour from customers can have an impact on the community as well as the standing and reputation of the business within the community. For this reason, we have policies on dispersal from the premises and noise control more generally. Control measures that are implemented will depend on the circumstances at the time, but may include using a sound limiter, closing doors and windows or monitoring from the outside and then taking corrective action as needed.

Capacity Policy

[Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS](#)

Preventing overcrowding of the premises is one step to ensure that our premises is a safe and welcoming and enjoyable venue. We will assess the maximum number of customers that can be in the premises by considering the number of exits that are available, the available floorspace, the number of staff present, the profile of the customers anticipated and the activity being undertaken. In relation to floorspace, we will calculate the maximum number on the basis of 1.5 persons per square meter and disregard any space taken up by furniture that is not capable of being moved.

The decision on any capacity will rest with the Designated Premises Supervisor, within the limits that are set by law. Where we conduct a specific assessment, we will record the number that we consider to be safe in the premises log book.

There are a number of actions that we take to prevent overcrowding;

- Furniture is spread out throughout the premises: This furniture can be moved at peak times if certain areas of the premises are more prone to congestion.
- On peak days, door staff will be on shift and it is their responsibility to record capacity in accordance with our assessment and control it.
- The numbers of staff will be calculated on the likely capacity throughout the trading period
- Regular checks will be made to ensure that fire exits are not over crowded and are being kept clear
- Entry into the premises may be restricted at peak times, with a 'one out, one in' arrangement being used. Security staff will be engaged where this is required.

Anti-Drugs Policy

Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS

The possession and use of illegal drugs is a criminal offence and thus the premises has a zero tolerance for the possession and use of illegal substances. At no instance is it permitted for any staff or customers to possess or be under the influence of illegal substances. It is expected of all staff from bar staff, door staff and management to be vigilant for -

- Signs of drug dealing;
- The equipment used in drug taking; and
- The signs and symptoms of drug use.

Signs of Drug Dealing

Someone making frequent trips to the toilets, beer garden or any of the lanes car parks outside of the premises especially if they are making these trips with different people, and
People having lots of brief meetings
Large quantities of money or wraps.
People looking nervous or shifty.

Equipment

Wraps or bags, folded paper/tin foil/torn plastic bags that drugs are sold in.
Torn up beer mats or 'Rizzlas' packets, used for rolling joints.
Tin foil/spoons/syringes used for taking drugs.
Rolled up bank notes and straws, used for sniffing powder.
Traces of powder on bank notes handed over the bar
Traces of powder in the toilets.

Symptoms of Drug use

Acting irrationally, excited, aggressively or in an excessive manner.
Bloodshot eyes, enlarged pupils.
Traces of powder on nostrils.
Excessive gurning.
Excessive sweating.
Drinking lots of soft drinks.

Confiscating drugs

If illegal drugs are found in consented searches or in routine running of the premises and it is safe to do so, the drugs should be confiscated and logged in the incident book. The drugs must be locked in the secure area by the Designated Premises Supervisor or the Assistant Manager and arrangements then made for them to be collected by or delivered to the Police

If someone suspected of drug use or possession refuses a search, they are to be refused service and asked to leave. A report is to be made in the log book and the police are to be informed. A description of the person is to be put on the Pub Watch Radio. At the end of the day or by the end of the next day, the CCTV footage for the period is to be secured to determine if there is any evidence that might be of assistance.

Dispersal Policy

To ensure that the Pub stays a welcomed part of the community there are a few steps to be followed when closing the pub and dispersing customers. Following these steps will help minimise anti-social behaviour on the street after the pubs closing time, keep the neighbours happy and make closing time as safe as possible for not only customers but staff as well.

- Appropriate signage is placed at all exits of the premises requesting that customers leave quietly and to respect the rights of our neighbours.
- A list of taxi companies available for all customers to see.
- Glass bottles disposed of at a reasonable time.
- Outside music turned completely off at 11pm. Music indoors to be at a respectable noise level until premises license permits.
- All doors and windows to be closed at 11pm.

The steps to follow when closing up.

1. Allow a drinking up period 'Last Orders', this will help disperse customers quietly and orderly. To signal last orders the music is turned down and the bell rang once. If it is a weekend shift the same procedure stands but the DJ will also announce it over the microphone and management may ask for staff to let people in the beer garden know.
2. During last orders which lasts normally between 15 and 30 minutes a strong staff presence is required to ensure noise levels stay appropriate and there is no disorderly behaviour.
3. After last orders are finished lights will be turned on music off and the bell rang twice. At this point no more drinks are to be ordered and customers will be informed that they have a further ten minutes to finish their drinks. A further emphasis on staff presence is required particularly looking to pick up any empty drinking vessels and politely thank the customers but request they leave quietly.
4. Staff are particularly looking out for any customers that are displaying problem behaviour or who appear to be vulnerable. Follow the relevant policies if this is the case.

By signing this document I acknowledge that I have read, been trained and understand the dispersal policy and my responsibilities during closing up time.

INTRODUCTION AND EXPLANATION

This document has been developed to form a framework for Punch businesses to use as an industry-specific template to carry out an assessment of risk of COVID-19 in their business and determine the controls necessary to reduce risks to those who work in and enter the premises. It differs to a "normal" risk assessment because this is a unique situation. The hazard, (SARS-CoV-2) is the same throughout, and the risks depend on the activities at various stages of the customers' or workers' journey in the premises.

Whilst every business in hospitality is different, and there are many different sectors, there are two groups of people in common to consider: those who work in the business (including staff, maintenance personnel and visitors) and the customers. Both groups will have 'journeys' through the premises. Some worked examples can be found on the HSE website here; [Risk assessment: Template and examples - HSE](#)

The main aim is to demonstrate that the business has considered the routes people take through the business and the hazard and risks encountered by both customers and the staff; confidence in management can be achieved by demonstrating the implementation of necessary controls. Tracing the routes that people will typically take, either to carry out their jobs or as customers, will help inform what risks from COVID-19 are involved, and subsequently how to take action to reduce these risks. The steps shown may need to be adjusted if it is found that the route or journey needs to be changed to ensure a safer environment.

THE PURPOSE OF THIS RISK ASSESSMENT DOCUMENT

By setting concerns and control measures out in a logical way this will give confidence to enforcement officers and customers to show that due consideration has been undertaken. Similarly, staff can be reassured that every aspect of their work has been considered in relation to COVID-19, and they will understand the measures you will take together to ensure safety of them and the customers. Punch have consulted with their primary authority on the development of this risk assessment, and it has received assured advice from East Staffordshire Borough Council. The template used has been developed in conjunction with UK Hospitality and has been approved by government as a trade template.

HOW TO USE THIS DOCUMENT

- This document should form part of your Health & Safety management system and be referenced within your business/organisation's Health and Safety policy.
- After thinking about all the steps staff and customers do and could take in your business, check the steps on the first column and add or delete as appropriate to your business.
- Then decide which of the potential controls are suitable for your business which may be listed in the second column or may come from other resources such as the UKH sector specific guidelines. Transfer these into the third column.
- Once you have completed the risk assessment and entered of all your controls into the third column you can delete the second column.
- The remaining document is your personalised risk assessment.
- You can support this document with photographs of your control measures where appropriate and this would be useful for any discussions with the EHO which would have to take place virtually.
- Staff briefing and training on your controls is an essential part of this process and should be documented. HSE has guidance on talking to you employees.

<https://www.hse.gov.uk/coronavirus/working-safely/talk-to-workers.htm>

- Once this is done, you can communicate the message to customers to ensure that they understand that you are behaving responsibly with everyone's safety in mind, and everyone knows what to expect and how to behave.
- Review the document frequently.

Note: in this time of uncertainty, Government Guidance may change, so it is important to always check to ensure that your document is kept reviewed in the light of any changes to Regulations or Guidance.

Whilst businesses will need to implement changes in relation to Covid-19, they must also continue to follow normal food safety and health and safety policies and procedures and ensure that any new controls do not in themselves cause conflict with those necessary for other legal or licensing requirements.

RISK ASSESSMENT TEMPLATE

Business Name and Address:

Head Office Details (If relevant):

Name of Person who has developed this document:

THE HAZARD

SARS-CoV-2 is a respiratory disease that can invade a host via the respiratory route or via hand to eye / mouth / nose contact.

People who appear healthy may be carrying and shedding the virus, which can be passed on either directly or indirectly to others. This means we need to assume that anyone could be carrying the virus.

THE ROUTES OF TRANSMISSION (HOW THE HAZARD CAN CAUSE HARM – THE RISKS)

- Direct contact to face – eyes, nose from droplets spraying from an infected person onto another person who is in close contact.
- Contamination via droplets from sneezing and coughing landing on surfaces and then transferring via hands on to eyes and nose and mouth. Other means of secretions getting on to surfaces could be from infected people touching their eyes, nose and mouth and then touching surfaces with contaminated hands.
- Contaminated hands of infected people can transfer the virus directly to others (e.g. handshakes) or on to hand contact surfaces which can be picked up by other people's hands and transferred to their eyes, nose or mouth
- Possible transmission from faeces to hands and then directly or indirectly to the body via hands and hand contact surface transfer.

The controls set out in this document will be specific for this operation, taking into account how the business operates, and how customers and staff use the premises and interact.

LIVING DOCUMENT

This is a living document that will be continuously edited and updated as understanding of the virus improves, government guidance changes and UKH members develop improved solutions.

PREREQUISITES

These are controls which will work throughout the system and are not specifically part of the staff or customer journey, they are also your policy on some important matters.

ITEM (Amend as necessary)	POTENTIAL CONTROLS / POLICY (Pick controls that suit your business from the suggested list, or from the UKH Sector specific protocols or other guidance)	CONTROLS IN MY BUSINESS (Insert controls here from Column 2 or other controls that suit your business or delete the item if it does not apply).
<p style="text-align: center;">FACE COVERINGS - STAFF</p>	<ul style="list-style-type: none"> • After discussing the matter of face coverings with staff our policy is that- • No staff will wear face coverings. • Staff will wear a face covering if they wish. • Staff will wear a face covering when in an area where they may come into close contact with customers e.g., behind the bar. 	
<p style="text-align: center;">VENTILATION</p> <p style="text-align: center;">IDENTIFYING AREAS WITH POOR VENTILATION</p> <p style="text-align: center;">CO2 MONITORS</p>	<p>We will maximise the ventilation within the business by-</p> <ul style="list-style-type: none"> • Leave windows and doors open when conditions allow. • Use external extractor fans to keep spaces well ventilated and make sure that ventilation systems are set to maximise the fresh air flow rate. • Heating and cooling systems can be used at their normal temperature settings. • Encourage the use of outside areas. • We are waiting for the results of the Punch trial of CO2 monitors before deciding on their use. 	
<p style="text-align: center;">DISINFECTION / CLEANING</p>	<ul style="list-style-type: none"> • The importance of cleaning and disinfecting any surface that may be touched by staff or customers has been highlighted to cleaners. • Hand contact points are disinfected regularly (give detail). • The inside areas used by customers heightened disinfection needs to be undertaken to disinfect all frequently touched areas such as bar surface, tables, chairs, counters tills, card machines, awp machines etc. 	
<p style="text-align: center;">KITCHEN CLEANING</p>	<ul style="list-style-type: none"> • Follow existing policy on cleaning food preparation and food service areas. • Recognising that cleaning measures are already stringent in kitchen areas, consider the need for additional cleaning and disinfection measures. • Having bins for collection of used towels and staff overalls. • Wash hands before handling plates and cutlery. • Continuing high frequency of hand washing throughout the day. 	

ITEM (Amend as necessary)	POTENTIAL CONTROLS / POLICY (Pick controls that suit your business from the suggested list, or from the JKH Sector specific protocols or other guidance)	CONTROLS IN MY BUSINESS (Insert controls here from Column 2 or other controls that suit your business or delete the item if it does not apply).
<p>HAND HYGIENE</p>	<ul style="list-style-type: none"> • Remind all staff of the importance of thorough and frequent handwashing at key points. • Provide handwashing facilities, or hand sanitiser where not possible at staff entry and exit points. • Staff wash hands before changing into uniform. • Wash hands after putting deliveries away. • Ensure that delivery drivers or riders maintain good hygiene and wash their hands regularly. • Wash hands or use sanitiser regularly and after handling used crockery / cutlery etc from cleared tables. • Wash hands after using the toilet and sanitise hands again before starting work. • Staff wash hands before leaving work. • Hand sanitiser located at customer entry and around the building. • Wash your hands sign in toilets 	
<p>RAPID LATERAL FLOW TESTS</p>	<ul style="list-style-type: none"> • We encourage team members to take advantage of these tests. The link is at: <u>Find a rapid lateral flow test site in your area - GOV.UK (www.gov.uk)</u> • Staff should not use this service or go to a test site if they have a high temperature, a new continuous cough, or a loss or change to your sense of smell or taste. Order a test for people with symptoms online or call 119. 	
<p>SELF-ISOLATION</p>	<ul style="list-style-type: none"> • Businesses must not require a self-isolating worker to come to work, and should make sure that workers and customers who feel unwell do not attend the venue. 	
<p>NHS QR CODE POSTER</p> <p>NHS COVID-19 APP</p>	<ul style="list-style-type: none"> • The NHS QR code poster will be made available to all customers and staff. • Customers will be encouraged to use the QR code. • On arriving at work staff will check in using the NHS QR code. Staff will leave their phones in their lockers or designated safe place whilst working and will pause the contact tracing function. • If a member of staff comes into close contact with a customer who later tests positive the business will be informed by test and trace via the QR Code venue function and the members of staff will self-isolate. 	

ITEM (Amend as necessary)	POTENTIAL CONTROLS / POLICY (Pick controls that suit your business from the suggested list, or from the JKH Sector specific protocols or other guidance)	CONTROLS IN MY BUSINESS (Insert controls here from Column 2 or other controls that suit your business or delete the item if it does not apply).
WHEN STAFF FEEL UNWELL	<ul style="list-style-type: none"> • The normal procedures for infectious diseases as detailed in the company policy should apply. • If the member of staff has symptoms of Covid-19 then: <ul style="list-style-type: none"> • Separate the ill person from others by at least 2m. • Dial 111 or use 111 online to obtain the correct advice. • If possible, the ill person should wear a face covering. 	
REPORTING CASES OF COVID-19	<ul style="list-style-type: none"> • When two or more cases of Covid-19 occur with a direct link to the business we will inform the local Public Health Authority and follow their advice / instructions. 	

CUSTOMER JOURNEY RISK ASSESSMENT

STEPS OF CUSTOMER JOURNEY (amend as necessary)	POTENTIAL CONTROLS (Pick controls that suit your business from the suggested list, or from the UKH Sector specific protocols or other guidance)	CONTROLS IN MY BUSINESS (insert controls here from Column 2 or other controls that suit your business or delete the step if it does not apply).
<p align="center">BOOKING</p>	<p>Pre-booking (If applicable)</p> <ul style="list-style-type: none"> • Timed slot • Timed booking, given table number. • Stagger booking / time slots to avoid congestion. <p>Customer Information</p> <ul style="list-style-type: none"> • What the customer can expect when they visit and what you expect from them. 	
<p align="center">ARRIVAL OUTSIDE VENUE</p>	<ul style="list-style-type: none"> • Notices to customers informing of them of what you expect them to do when visiting your venue. • Confirmation that they are not ill, and that no-one in the household is ill. • Hand sanitiser station located before entering the venue 	
<p align="center">ENTERING THE BUSINESS</p>	<ul style="list-style-type: none"> • Separate entrance and exit with clear signage. • Staff to control entrance and exit. • NHS QR code to be available for staff & customers when entering the business. 	
<p align="center">WALKING INSIDE OR OUTSIDE</p>	<ul style="list-style-type: none"> • Hand sanitiser throughout the building • One-way system with signage. 	
<p align="center">ORDERING FOOD AND DRINKS</p>	<ul style="list-style-type: none"> • Order at table apps. • Avoid handling menus by using disposable menus, customer to take away with them or menus on chalk boards. • Sanitise non disposable menus between uses • Minimise the amount of POS used. • Allergen information must be made available as before. 	
<p align="center">FOOD AND DRINKS SERVICE</p>	<ul style="list-style-type: none"> • Customers pick up food and drink from a screened collection point (describe how they are notified) • Individually wrapped condiments and sauces could be offered on request and put with the plated food on the customer's tray, otherwise they could be contaminated by other customers' hands. • Sauce and condiment containers to be sanitised between use • Cutlery to be brought to the customer with the food and condiments rather than customers helping themselves or left on the table. 	
<p align="center">BAR SERVICE</p>	<ul style="list-style-type: none"> • Do not permit service at the bar (table service only). • Face coverings to be worn by staff • Face coverings to be worn by customers • Install sneeze screens. • Staff have been briefed to minimise time spent face to face in close contact with customers. 	

CUSTOMER JOURNEY RISK ASSESSMENT

STEPS OF CUSTOMER JOURNEY <small>(amend as necessary)</small>	POTENTIAL CONTROLS <small>(Pick controls that suit your business from the suggested list, or from the UKH Sector specific protocols or other guidance)</small>	CONTROLS IN MY BUSINESS <small>(insert controls here from Column 2 or other controls that suit your business or delete the step if it does not apply)</small>
<p>CLEARING THE CUSTOMER TABLE</p>	<ul style="list-style-type: none"> • Customers take tableware / glassware to a drop off point. • Staff wait until the customer has departed before clearing tables. • Staff have been briefed to spend as short a time as possible in close face to face contact with customers whilst clearing tables. 	
<p>GOING TO THE TOILET</p>	<ul style="list-style-type: none"> • Queuing system so people in the queue do not cause a risk to others whilst waiting. • Consider leaving some doors open where not necessary for fire or other safety purposes to reduce hand contact. • Clear signage asking customers to wash their hands. 	
<p>PAYING</p>	<ul style="list-style-type: none"> • Use a pay at table app. • All payment to be contactless, no cash. • Contact payment at a terminal • Terminal to be placed on bar or surface to allow social distancing to take place (describe how it is done) 	
<p>LEAVING THE BUSINESS</p>	<ul style="list-style-type: none"> • Staff to control movement and exit. • Separate entrance and exits if possible. 	

STAFF / OTHER WORKER ASSESMENT

STAFF JOURNEY	POTENTIAL CONTROLS <small>(Pick controls that suit your business from the suggested list, or from the UKH Sector specific protocols or other guidance)</small>	CONTROLS IN MY BUSINESS <small>(Insert controls here from Column 2 or other controls that suit your business or delete the step if it does not apply).</small>
PRE-ARRIVAL	<ul style="list-style-type: none"> • Staff must not work if they display the COVID-19 symptoms or are in close contact with somebody who has symptoms. • Staff should not work if they have been asked to self-isolate by Test & Trace. 	
ARRIVAL	<ul style="list-style-type: none"> • NHS QR code to be available for staff & customers when entering the business. • Review the fitness to work of all staff daily. • Carry out daily briefings for all staff and review problems and issues that occurred during previous service sessions. • Remind all staff of your covid safe procedures. • Remind all staff of the importance of thorough and frequent handwashing. • Make face coverings available to all staff if it is your policy to wear them. • Staff wash hands immediately on arrival at work. 	
UNIFORM CHANGE	<ul style="list-style-type: none"> • Staggering of use of the changing room. • Wash hands before changing into uniform. • Change into clean uniform on arrival at work. • Dirty uniform to be bagged at end of shift. • Wash uniform on site. 	
FOOD OFFER (MENU)	<ul style="list-style-type: none"> • Menus should be designed, and where necessary simplified and reduced, to ensure that team members can work a safe distance apart from each other in the kitchen. • Where necessary allocate working areas in the kitchen and assess the workflow to ensure that staff do not need to cross over when working. • It may be necessary to stagger or allow additional shifts to normal to ensure that there are not too many team members working in any area at the same time. • As far as possible, manage shift rotas so that the same individuals work together (cohorting), so that where social distancing measures are always not possible, any close contact happens between the same individuals. 	

STAFF / OTHER WORKER ASSESMENT

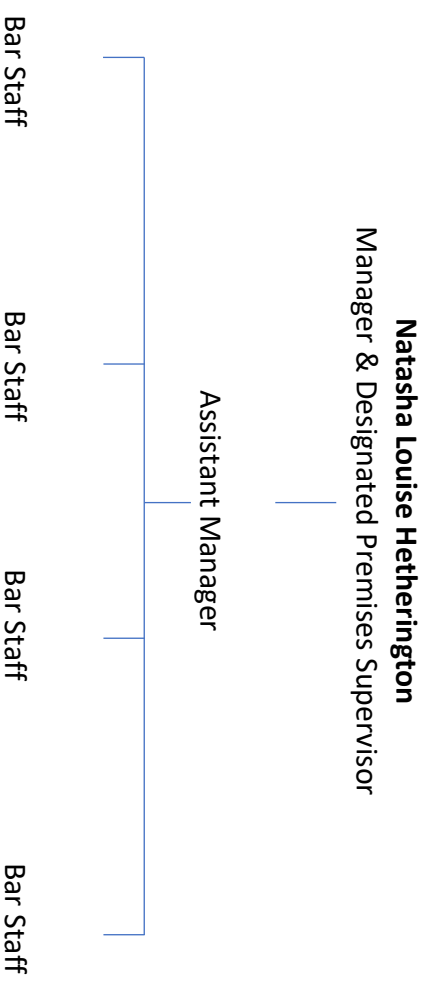
STAFF JOURNEY	POTENTIAL CONTROLS <small>(Pick controls that suit your business from the suggested list, or from the JKH Sector specific protocols or other guidance)</small>	CONTROLS IN MY BUSINESS <small>(Insert controls here from Column 2 or other controls that suit your business or delete the step if it does not apply).</small>
FRONT OF HOUSE	<ul style="list-style-type: none"> • A safe distance must be kept between staff and customers. • A suitably high Perspex / plexiglass screen is used to separate staff and customers where a safe distance cannot be achieved. • Step back after placing foods / drinks / payment machine in front of the customer. • Wash hands or use sanitiser after handling used crockery / cutlery etc. from cleared tables. 	
TOILET USE	<ul style="list-style-type: none"> • Queuing system so people in the queue do not cause a risk to others whilst waiting. • Consider leaving some doors open where not necessary for fire or other safety purposes to reduce hand contact. • Clear signage asking staff to wash their hands. • Wash hands after using the toilet and sanitise hands again before starting work if you have touched any surfaces such as door-knobs on the way. 	
INTERACTION WITH CUSTOMERS	<ul style="list-style-type: none"> • Keep a safe distance between you and the customer. • Keep behind screens. • Where food is being passed through a pick-up point, place food and step back. The same applies to payment. • Disinfect the card machine between uses with a suitable disinfecting wipe. 	
USING THE STAFF OFFICE	<ul style="list-style-type: none"> • Limit the number of people in the office at any one time. • Disinfect any equipment using a suitable disinfecting wipe before and after using - remember the office phone, desk, keyboard, and mouse. 	
UNIFORM REMOVAL	<ul style="list-style-type: none"> • Keep a safe distance in the changing room. • Place used uniform in a bag and seal. • Leave uniform in a demarcated part of the building for laundering. • It is advised that staff remove work clothes and shower on arrival at their homes. 	
STAFF REST ROOMS	<ul style="list-style-type: none"> • Stagger breaks to allow for safe distancing. • Ensure there is hand sanitiser available in the room. • Ensure there is disinfectant available, and staff disinfect chairs and tables before and after using. • If staff smoke, they must wash their hands before leaving the building and only smoke in the designated area with a safe distance between them and others. • Staff must wash their hands upon re-entry to the workplace or use a hand sanitiser. 	

Company	Name	Badge number	Date	Time in Time out
NW Property care			23/7/2021	19:00:30
NW Property care			23/7/2021	19:00:30
NW Property care			23/7/2021	18:00 - 00:30
NW Property care			23/7/2021	18:00 - 00:30
NW Property care			24/7/2021	16:00 - 01:30
NW Property care			24/7/2021	16:00 - 01:30
NW Property care			25/7/2021	18:00 - 00:30
NW Property care			25/7/2021	18:00 - 00:30
NW Property care			29/7/2021	19:00 - 00:00
NW Property care			29/7/2021	19:00 - 01:00
			29/7/2021	18:00 - 00:30
NW Property care			30/7/2021	18:00 - 00:30
NW Property care			30/7/2021	18:00 - 00:30
NW Property care			31/7/2021	16:00 - 02:30
NW Property care			31/7/2021	16:00 - 02:30
NW Property care			01/8/2021	18:00 - 22:30
NW Property care			01/8/2021	18:00 - 22:30
Complete security & complet			05/8/21	14 - 01
			05/8/21	"
comAct			05/8/21	18:00 - 09:00
comPkt			05/8/21	20:30 - 00:00
comPRE			24/5/22	16:00 - 00:00
Complete			06/08/21	16:00
Complete			08/08/21	17:00
Complete			"	"
Complete			12/8/21	19:00
Complete			13/8/21	18:00 - 01:00
Complete			"	" - 01:00
Complete			14/8/21	16:00 - 01:00
Complete			14/8/21	16:00 - 01:00
Complete			15/8/21	18:00 - 01:00
Complete			19/8/21	19:00 - 02:30

Company	Name	Badge Number	Date	Time In Time out
Complete			3 20/8/21	15:00 20:30
Complete			386 20/8/21	15:00 03:30
Complete			3 21/8/21	16:00 - 00:30
Complete			6 21/8/21	18:00 - 00:30
Complete			21 21/8/21	16:00 - 00:30
Complete			4 22/8/21	19:00 -
Complete			3 22/8/21	19:00 -
Complete			7 26/8/21	19:00 - 00:60
Complete			7 26/8/21	19:00 - 00:00
Complete			597 27/8/21	18:00 - 1
Complete			363 27/8/21	18:00 - 19:30 ?
"			7 28/8/21	17:00
"			67 29/8/21	15:00
Complete				2/9/21 19:00/22:00
"			3 3/9/21	18:00/21:00
"			7 3/9/21	18:00/21:00
"			5 3/9/21	19:00/21:00
Complete				4.9.21 16:00/1:30
"				4.9.21 16:00/01:30
"				4.9.21 19:00/01:30
Complete				2.9.21 19:00/22:00
Complete			13 9.9.21	19:00/22:30
Complete			3 9.9.21	19:00/22:30
Complete				10.9.21 18:00/21:00
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Complete				11.9.21 19:30/23:00 23:00
Complete				12.9.21 18:00/22:00
Complete				12.9.21 18:00/22:00

Cumberland Inn

Staffing and Management Structure



STATUTORY DECLARATIONS ACT 1835

STATUTORY DECLARATION

OF

([REDACTED]

I Gholamreza Mohtashami

of The Cumberland Inn 22 Botchergate, Carlisle, CA1 1QS

Do solemnly and sincerely declare as follows ;

My name is Gholamreza Mohtashami and I am the the director of the current leaseholder of the premises known as the Cumberland Inn, 22 Botchergate, Carslile, CA1 1QS.

For at least the last 4 Month, I have not been involved in the day to day management of the business at these premises and particularly have not been involved in the decisions that are made during the hours of trading on such issues as who should be admitted, who should be served alcoholic beverages or other products that are sold, checking that staff are performing their duties on any particular day, implementing the policies that have effect at the premises or making immediate decisions on anything that occurs within the premises. These functions I have entirely given to the Designated Premises Supervisor for the Premises, Natasha Louise Hetherington. I further declare that during the period of the current lease to my company, I shall not re-assume such of the specified duties that I have said that I am not performing, unless otherwise agreed in writing with the landlord and the licensing authority.

I declare that henceforth the only functions that I will perform at the premises during the period of the lease to my company are general management ones, which primarily relate to accounting, ordering stock, appointment or dismissal of staff in consultation with the Designated Premises Supervisor and co-ordinating with the landlord and responsible authorities for the purposes of the Licensing Act 2003.

I further declare that I shall not interfere with the decisions made by the Designated Premises Supervisor in relation to matters that concern the promotion of the Licensing Objectives as set out in the Licensing Act 2003, unless it is clear that those licensing objectives are undermined. Should the latter occur, I will see professional advice before taking any action unless the matter is one of urgency.

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT 1835

DECLARED THIS 27th DAY OF SEPTEMBER 2021



Before me, Taylor Anne Charter



Solicitor/Notary/Commissioner of Oaths

at

Cartnell Shepherd, Uinduct House, Carlisle, CA3 8EZ

Address

STATUTORY DECLARATIONS ACT 1835

STATUTORY DECLARATION

OF

NATASHA LOUISE HETHERINGTON

I Natasha Louise Hetherington

of

Do solemnly and sincerely declare as follows ;

My name is Natasha Louise Hetherington and I am the Designated Premises Supervisor, for the purposes of the Licensing Act 2003, of the premises known as the Cumberland Inn, 22 Botchergate, Carlisle, CA1 1QS.

For at least the last 8 weeks, I have been made responsible by the director of the company that holds the lease for the premises, Mr Gholamreza Mohtashami, for decisions that are made during the hours of trading on such issues as who should be admitted, who should be served alcoholic beverages or other products that are sold, checking that staff are performing their duties on any particular day, implementing the policies that have effect at the premises or making immediate decisions on anything that occurs within the premises. Mr Gholamreza Mohtashami has not been involved in such decisions over this period and has rarely visited the premises during trading hours.

The management structure that is currently in place for day-to-day operations is attached in the Appendix to this declaration.

I further declare that in the event that Mr Mohtashami should interfere with any decision that I make that could adversely impact upon the Licensing Objectives as set out in the Licensing Act 2003, I shall as soon as reasonably practicable inform the Licensing Authority or the legal advisors that are instructed to act on behalf of the leaseholder of the premises. In the event that I should consider that there is repeated interference in my decisions that could prohibit my proper operation of the premises and the promotion of the licensing objectives, I shall resign the position of Designated Premises Supervisor.

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATIONS ACT 1835

DECLARED THIS 27th DAY OF SEPTEMBER 2021

Before me, *Taylor Anne Clarke*

Solicitor/Notary/Commissioner of Oaths.

at

Kwintell Sleptord, Viaduct House, Carlisle, CA3 8EZ

Address

From: Jon Payne jp@licensinglawyers.co.uk
Subject: Re: Cumberland Inn, Carlisle
Date: 3 September 2021 at 14:27
To: Blain, Chris chris.blain@cumbria.police.uk
Bcc: Cumberland Inn, Carlisle, Fred Clio Maitdrop MOH01102/21 08e20f265+matter2577043@maildrop.clio.eu

Chris,
Thank you for this and I am understanding the context with the licence holder, although Mr. Moltashami through his company is of course the one in occupation and conducting licensable activities. Would you therefore be willing to consider proposals that we make so that we can then pass them through the Licence Holder to try and achieve an agreement, or participate in some form of round-table discussion with the relevant parties to see if a solution can be found that does not involve revocation of the licence? It would, for instance, be helpful to know if the issues could be resolved by Mr. Moltashami not being involved in the day-to-day running of the premises.
Regards

Jon Payne
Solicitor
Licence Solicitors
Bromley, Surrey

Secure Court Email: jon.payne@licensinglawyers.co.uk



Correspondence address:
The Old Counting House, 82e High Street, Wellingford, Oxfordshire, OX10 0BS
Tel: 01491 729454

Head Office:
Penna House 1 267 Barbury Road | Oxford | OX2 7HT
Meeting facilities by appointment at:
Upper Berkeley St | Marble Arch | London | W1H 5QL
Note that we do not accept service of any document by email or any other electronic means.

On: 2 Sep 2021, at 11:29, Blain, Chris <chris.blain@cumbria.police.uk> wrote:
Jon,

As you have pointed out in your email the fact Fred Moltashami is the leaseholder and I accept this does complicate matters, however, I have taken advice from my supervisor who is aware of the matters and the issues the Cumberland Inn has caused and feel we do not have any other options but to take Punch Tavern to review.

Fred has been given assistance and advice on numerous occasions however this has not heeded to this and has continued to breach licensing objectives.

I am unable to disclose any information to yourself or Fred as we are dealing with Punch Tavern who are the premises licence holders.

Kind Regards

PS 603 Chris Blain

From: Jon Payne <jp@licensinglawyers.co.uk>
Sent: 01 September 2021 16:28
To: Blain, Chris <chris.blain@cumbria.police.uk>
Subject: Cumberland Inn, Carlisle

Following on from my phone message last week, I wonder if we could schedule a call to discuss the application for review of the above premises please?

We have been asked to represent Mr. Moltashami and it might be useful if in these slightly unusual circumstances we could see if there are solutions other than revocation of the licence that could be agreed on to settle your concerns. With him not being the licence holder, but nevertheless the leaseholder, and having had experience of this situation before, I can see that there are perhaps some legal issues that will complicate matters at a hearing.

As you can imagine, we are in contact with the licence holder's solicitors. I have also spoken to licensing and will follow up with them on Friday.

I am in a hearing all day tomorrow but could do Friday if that is suitable for you.

Regards,

Responses to incidents cited in Application for Review

<p>1. Following the closure of premises due to the pandemic, the Cumberland Inn, along with many other licensed premises, reopened on Saturday 4th July 2020. On that date a toilet attendant and a member of the door staff were assaulted by a customer. One male was arrested. Complaints were also received in relation to COVID breaches and staff were asked not to allow customers to stand at the bar. Environmental Health reviewed the premises' COVID risk assessment and advised accordingly.</p>	<p>The staff and Mr Mohtashami were acting in a way that they understood was legal at the time. When guidance and advice was provided, this was then complied with. The staff acted appropriately in calling the police to deal with the incident, rather than causing it to escalate by dealing with it themselves.</p>
<p>2. On Saturday 18th July 2020 a report was received in relation to Mr Mohtashami pouring shots into the mouths of customers.</p>	<p>This is denied.</p>
<p>3. Police were called on Sunday 2nd August 2020 in relation to a customer refusing to leave. The customer left prior to police attendance and no offences were disclosed.</p>	<p>The staff took the correct action in calling the police rather than trying to physically force the person to leave.</p>
<p>4. On Monday 6th July 2020 criminal damage was caused to a CCTV camera by one of the regular customers. He was arrested and agreed to pay for the damage.</p>	<p>Premises are closed on a Monday</p>
<p>5. On Sunday 16th August 2020 two female customers were arrested for being drunk and disorderly and for assaulting an emergency worker.</p>	<p>It is understood that the police were called by staff and in making the call, the staff were acting correctly under the circumstances.</p>
<p>6. On Friday 21st August 2020 City Council Licensing and the Police attended for a pre-arranged meeting. Mr Mohtashami failed to attend.</p>	<p>Details will be provided at the hearing</p>
<p>7. On Friday 11th September 2020 a joint visit was carried out by Environmental Health, City Council Licensing and the Police. It was evident in the meeting that Mr Mohtashami did not understand the conditions of his licence. COVID breaches were addressed, and a prohibition notice was served.</p>	<p>The staff and Mr Mohtashami were acting in a way that they understood was legal at the time. As a result of the visit, Mr Mohtashami reviewed the conditions of the licence, which is not in fact held by him but is instead held by the landlord.</p>
<p>8. On Sunday 13th September 2020 police were called to the premises after three customers were causing issues. They were dealt with for public order and drug offences.</p>	<p>The customers have now been placed on the PubWatch banned list as a result</p>
<p>9. On Friday 25th September 2020 a male was arrested for being drunk and disorderly.</p>	<p>Details are no longer available, but it is understood that the police were proactively called by the premises staff</p>
<p>10. On Sunday 4th October 2020 a male challenged staff for serving at the bar for not wearing facemasks. He reports having had his drink taken off him, his photo taken and being asked to leave the premises.</p>	<p>This is not correct. A customer, who was tall with grey hair and wearing a football shirt was asked to leave after an allegation was made that drugs were being offered.</p>
<p>11. On Saturday 10th October 2020 a fight occurred between two females. One was interviewed and cautioned for the offence.</p>	<p>The police were understood to called by staff, which was an appropriate action in the circumstances.</p>
<p>12. On Friday 16th October 2020 officers from Environmental Health, Licensing and Police attended the premises for a pre-arranged meeting. Mr Mohtashami failed to attend.</p>	<p>Details will be provided at the hearing</p>

<p>13. On Saturday 17th October 2020 a police evidence gatherer captured footage of COVID breaches within the premises. Later that day, officers captured further body worn video of continued COVID breaches. Statements and body worn video were shared with Environmental Health. The premises were forced to close early after a dispute between the door supervisors and Mr Mohtashami led to the security company withdrawing their staff.</p>	<p>The staff and Mr Mohtashami were acting in a way that they understood was legal at the time. When guidance and advice was provided, this was then complied with.</p>
<p>14. On Monday 16th November 2020 a fixed penalty notice was served on Mr Mohtashami by Environmental Health for failure to comply with the requirements of Tier 1 restrictions. This fixed penalty relates to the evidence captured on 17 October 2020 and payment has been made.</p>	<p>The staff and Mr Mohtashami were acting in a way that they understood was legal at the time. When guidance and advice was provided, this was then complied with.</p>
<p>15. On Friday 26th February 2021 a window was smashed at the premises whilst the premises were closed.</p>	<p>This was not relevant to a licensable activity being undertaken.</p>
<p>16. On Tuesday 23rd March 2021 a burglary was reported at the premises.</p>	<p>This is evidence of correct action being taken by the staff.</p>
<p>17. On Wednesday 19th May 2021 two males were arrested for fighting at the premises, both were charged. A member of staff was injured whilst trying to break up the fight.</p>	<p>There was a minor altercation between two customers which then escalated into a fight. Staff attempted to intervene and the customers were separated. The police were called by the manager and one of the customers. Both customers were arrested. It was appropriate for the staff to try and intervene in the way that they did to prevent the incident escalating further.</p>
<p>18. On Tuesday 25th May 2021 a member of staff was spat at and a customer was assaulted. A male was arrested for ABH (Actual Bodily Harm).</p>	<p>A customer at the premises did not comply with COVID-19 measures in place and spat at a staff member. He was initially approached and asked to leave. The customer approached other customers and was 'horrible' to them, so was again asked to leave. The police were called and he was arrested. The correct action was taken in this incident.</p>
<p>19. On Friday 18th June 2021 Police and City Council Licensing attended the premises following information that door staff with expired licences were working at the premises. A request was made to inspect the door staff register, the requirement to maintain a register being one of the conditions of the premises licence. Staff advised that Elite Security had their own register, but that they had taken this with them when they terminated their contract and that no register had been adopted since.</p>	<p>There was a dispute with the previous company but a register is in place (example copies provided)</p>
<p>20. On Saturday 26th June 2021 a group of males were asked to leave due to their rowdy behaviour. Against the staffs wishes Mr Mohtashami allowed the group back into the premises to continue drinking. Later that evening a fight erupted inside the premises involving the same group that had earlier been ejected and let back in. Mr Mohtashami's actions put his staff and customers at risk of injury. The staff member who reported the incident to the Police was subsequently dismissed by Mr Mohtashami. Following enquiries by</p>	<p>The customers were required to leave initially because they did not comply with the COVID-19 rules in place. Having left, they started fighting with another group outside the premises. There was an attempt made at entry by both groups and service was refused. A fight then commenced in the doorway and the police were called.</p>

<p>officers from licensing and the police it is believed by staff members at the pub that the female member of staff was simply sacked for contacting the police when the fighting took place. This witness is prepared to speak with Licensing and Punch Taverns if necessary.</p>	<p>It is not correct that the member of staff was dismissed for calling the police. It is agreed that calling the police was the correct action to take.</p>
<p>21. On Tuesday 29th June 2020 CCTV of the disorder was requested from Mr Mohtashami who failed to respond. The footage was later provided by the then DPS, Jemma Walker. The footage shows female staff members having to deal with the disorder as no door supervisors were on duty. No staff members should have been put in this position which show Mr Mohtashami's lack of duty of care to staff as well as customers.</p>	<p>CCTV is available at the premises and is available for officers to view. The incident is too old for Mr Mohtashami to recall and it was appropriate to make the request of the DPS, this being the person designated to liaise with the Responsible Authorities. The footage was disclosed to the police as requested. The position in relation to door staff has been reviewed and the policies in place revised to address this issue.</p>
<p>22. On Saturday 3rd July 2021 Police were asked to assist ejecting males from the premises. The males were ejected without officers having to enter.</p>	<p>The correct action was taken by staff at the premises. This should be taken as an example of the premises operating correctly.</p>
<p>23. On Saturday 10th July 2021 Police were called to assist door staff struggling with a female who had been refused entry. The same female later reported having been assaulted by the door staff and that her phone had been damaged. No offences, door staff acted lawfully.</p>	<p>This is an example of the premises operating correctly. Seven women were refused entry, five of which left and two stayed outside. The police were called and arrived after about 2 hours. They looked at the CCTV footage and agreed that the door staff had acted appropriately.</p>
<p>24. On Saturday 31st July 2021 a customer was refused entry and then assaulted a male outside the premises. He was arrested and has also received a Pubwatch ban.</p>	<p>The correct action was taken in refusing entry. The premises were at capacity and it would have not been appropriate to let the customer in. The customer objected at not being allowed entry and became aggressive, resulting in the police being called by premises staff</p>
<p>25. On Sunday 1st August 2021 a packet of white powder was found in the toilets and handed to the police.</p>	<p>This was the correct action to take and the police were called.</p>
<p>26. On Wednesday 4th August 2021 youths were throwing bricks, cones and glass into the beer garden. No suspects at this time.</p>	<p>A 999 call was made to the police by premises staff and the matter reported, but there was no response made to the call</p>
<p>27. On Thursday 5th August 2021 a male complained about a member of door staff who had asked him to leave the premises. No formal complaint made.</p>	<p>The customer had been 'horrid' to other customers and was asked to leave. The customer spat in the face of the Assistant Manager and the police were called. The staff at the premises acted correctly in dealing with an incident as soon as possible. The person's details were passed on to PubWatch for a ban to be imposed.</p>
<p>28. On Saturday 7th August 2021 door staff contacted the police in relation to ongoing disorder. One male was arrested for ABH (assault occasioning actual bodily harm) and remains under investigation.</p>	<p>The door staff took the correct action in calling the police. This was an appropriate response to the situation.</p>



BY EMAIL ONLY

Chairs of Licensing Committees

08 April 2020

Dear Councillor

The coronavirus outbreak is causing enormous disruption to all businesses, public services and to individuals across our nation. Local authorities are playing a key role in our response and are under significant pressure. I therefore think it timely to write to you to set out some key areas where licensing authorities may wish to consider a pragmatic and more flexible approach during this outbreak, while ensuring the licensing objectives are safe-guarded.

I appreciate that licensing teams, as well as other local authority services, may now be subject to redeployment or operating with a reduced staff. I would like to express my gratitude to those staff and councillors who are ensuring that the licensing system continues to operate.

The regulations do allow for many hearings to be deferred during the period of social distancing. However, my view is that hearings should proceed, wherever possible. As you may be aware, the Coronavirus Act 2020 provides express provision for remote licensing hearings to take place. Regulations commencing those provisions were published last week.

Local authorities have discretion when considering non-payment or late payment of an annual premises licence fee or a late-night levy charge. While section 55A of the Licensing Act 2003 requires that the licence be suspended, it is possible to delay when that suspension takes effect. Where businesses are experiencing difficulties, I would expect them to make their licensing authority aware. The authority should consider delaying any suspension of the licence where the delay in payment or non-payment is related to COVID-19.

Those premises that remain open during the outbreak may well have key personnel who are self-isolating in line with Government guidance or unwell. It is important that matters such as varying the premises designated premises supervisor are dealt with as promptly as possible.

Retailers may be operating under licences with conditions that may prove difficult to comply with in the current period due to absenteeism. These include, but are not limited to, conditions that mandate the minimum number of staff or door supervisors on site, training

requirements or attending external meetings (such as Shopwatch). A considered and pragmatic approach should be taken to breaches of licence conditions and procedural defects caused by the COVID-19 pandemic, particularly where these breaches or defects do not have a significant adverse impact on the licensing objectives. Licence holders must rectify any breaches as soon as reasonably practicable.

Some licensed premises have restrictions on deliveries as a licence condition. Where this is so, I would urge licensing authorities to follow the wider advice and derogations set out by the Department for Business, Energy and Industrial Strategy. Allowing deliveries outside normal delivery times will be essential in some stores in ensuring adequate supply.

During the current period it may not be possible for applications to be advertised in local newspapers. The regulations provide for flexibility in such cases to advertise in a local newsletter, circular or similar document. I recommend that authorities make applicants aware of this. Authorities should also consider advertising all applications on local authority websites. With blue notices less likely to be seen, authorities should, at a minimum, inform local ward councillors and, where established, local resident groups of all applications relating to premises in their vicinity (for example by email) so they are made aware of relevant applications and are able to make representations in response during the consultation period if they so wish.

These are extremely challenging times. With the right spirit of collaboration, communication and pragmatism, I believe that we can get through them with minimum damage to businesses and to the licensing objectives.

A handwritten signature in blue ink, appearing to read 'Kit Malthouse', with a long horizontal flourish extending to the right.

KIT MALTHOUSE MP
Minister of State for Crime and Policing

8 July 2021

To the Chairman of the Licensing Committee

Dear Councillor

The coronavirus pandemic has caused unprecedented disruption and hardship since March 2020. The impacts have affected many businesses, and the hospitality industry in particular, with limited opportunities to react and adapt. As we emerge from this exceptionally difficult time, many of these impacts will continue.

One of the key problems that hospitality businesses now face is a lack of resources including staff. This is a particularly serious problem when it comes to complying with licence conditions that depend upon staff resources.

The night-time economy is in the middle of a particular crisis concerning security professionals. There is a grave shortage of security staff available for work, and this has been compounded by more stringent new training standards introduced by the Security Industry Authority for those wishing to enter. Even the limited numbers coming forward to qualify are too often failing to do so. Often, the numbers are simply not there to service full licence requirements, and there is nothing that the security industry, or the licensees can do about it. This problem is not going to go away.

The Government recently announced its consultation on the Duty to Protect. This aspiration to increase security provision in the public and private sector is only going to deepen the crisis.

We are writing to you at this time to make you aware of the issues, and to ask that you take them into account in making case by case licensing decisions.

On 8 April 2020, Kit Malthouse, the Minister of State for Crime and Policing wrote to the Chairs of Licensing Committees, to invite them to take “a pragmatic and more flexible approach” to licensing while the outbreak was ongoing.

He said: “Retailers may be operating under licences with conditions that may prove difficult to comply with in the current period due to absenteeism. These include, but are not limited to, conditions that mandate the minimum number of staff or door supervisors on site, training requirements or attending external meetings.... A considered and pragmatic

approach should be taken to breaches of licence conditions and procedural defects caused by the COVID-19 pandemic, particularly where these breaches or defects do not have a significant adverse impact on the licensing objectives. Licence holders must rectify any breaches as soon as reasonably practicable.”

This continues to be very important even as we emerge from the worst restrictions of the pandemic. Partnership working with businesses, to allow them to recover and make their contribution to the economy has never been more important. We hope that highlighting this crisis will assist in making informed and proportionate decisions.

Sincerely



Daniel Davies
Chairman
Institute of Licensing



Michael Kill
CEO Night Time Industries Association /
Chairperson UK Door Security Association