

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Burnley Borough Council

Parker lane

Burnley

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Police Constable 2623 Michael Jones [on behalf of] the chief officer of police for the Lancashire Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Angel Inn
80 Accrington Road**

Post town: Burnley

Post code (if known): **BB114AU**

2. Premises licence details:

Name of premises licence holder (if known): Jackie Davies

Number of premises licence holder (if known): PLA0002

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both.

[Please read guidance note 2]

During the current Coronavirus pandemic, Lancashire Police has received numerous complaints regarding the premises not abiding by the various restrictions that have been in place at different times.

Since the introduction of restrictions in March 2020 the premises has had the highest number of reported incidents in the BB11 postcode area.

On the 17th of October Lancashire entered into Tier 3 restrictions, which amongst other restrictions restricted licence premises to only being allowed to serve alcohol as part of a substantial meal.

At 17:18 on the 17th of October 2020, the day which Lancashire entered Tier 3 restrictions, PC Dave Greenwood attended the premises following a report that it was open and not serving food with alcohol.

PC Greenwood was concerned that the Track and Trace book contained very limited details and that tables were too close together, little social distancing displayed and customers clearly not from the same household sitting together. Although the officer noted that there was a pie warmer within the premises containing pies, he could see little evidence of customers eating. The officer noted that he could see males within the games room sitting together, walking in and out without any social distancing. The officer also noted some males sitting individually opposite the bar with 4 or 5 pints of beer each lined up with little or no evidence of food consumption. The officer spoke with Jackie and Mark Davies.

At 16:55 hours on Saturday the 24th of October, just one week after the previous visit, another complaint was made regarding the suspected breaching of the restrictions.

PC Carla Martin states that she arrived at the premises but found the door to be locked. She could see that the lights were on inside and people sitting inside. The officer was allowed entry and although social distancing appeared to have improved, the officer was concerned over a lack of food being consumed. The officer noted between 20 to 30 people inside but recalls only one table eating which appeared to be a tray of pie and peas. Further investigations have identified that on that date up to 20 customers have been allowed to stay at the premises for up to 2 1/2 hours, being served alcohol but no food consumed.

On the 4th of November 2020 the latest lockdown regulations came into force requiring all hospitality premises to remain closed.

At 21:15 hours on Wednesday the 11th of November, PC Lee Ingham was tasked with conducting checks at premises within the Burnley area to ensure compliance with the lockdown regulations.

The officer will state that he attended the premises and noted that all but one of the curtains were closed but could see light from one of the windows. As he got out of his vehicle he could hear music and managed to look above an

advertisement sticker in the window and saw several people sitting drinking near to the bar. The officer observed the occupants for about five seconds before being spotted and witnessed the people run towards the rear of the pub. With the assistance of other officers, the exits were secured and PC Ingham knocked on the front door which was answered by a female after a delay of about two minutes. The female explained that she was in charge of the premises and was alone. The officer explained what he had witnessed but the female continued to maintain that she was alone and that nobody had been drinking. The officer noted that the music had stopped and glasses had been removed. Officers then conducted a search of the premises and found three people hiding in an upstairs room. All persons present were issued with Penalty Notices for the offences.

In addition to these incidents, numerous visits have been made to the venue since the summer and poor practices have been observed. This includes CCTV not working, poor track & trace recording - including offensive jokey names, Mark Davies being highly intoxicated, loud music and singing and poor social distancing.

It is the view of Lancashire Constabulary that the Designated Premises Supervisor is guilty of the Common Law offence of Public Nuisance, which, in a worldwide pandemic would constitute a serious Crime, which undermines the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance licensing objectives.

A person is guilty of the offence if he/she
(a) does an act not warranted by law, or
(b) omits to discharge a legal duty,
if the effect of the act or omission is to endanger the life, health, property, morals, or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to everyone.

It would be the recommendation of Lancashire Constabulary that serious consideration is given to suspending the premises licence, pending a full review hearing to avoid any further undermining of the licensing objectives, along with mitigating public health risks, if pubs are allowed to reopen in December.

Further evidence and information in relation to this will be provided to the Premise Licence Holders prior to the full review hearing.

Signature of applicant:
Date: 18/11/2020

 PC 2623

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address: Burnley Police Station, Parker Lane, Burnley

Telephone number(s): 01282 472035

Email: michael.jones@lancashire.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.