

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

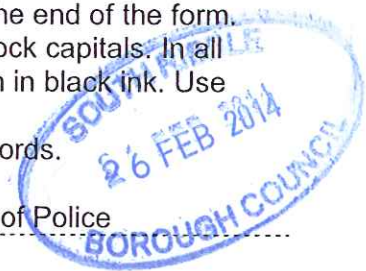
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 PS 1506 Anthony John Bushell on behalf of the Chief Officer of Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Sumpter Horse 235 Leyland Road Penwortham	
Post town Preston	Post code (if known) PR1 9SY

Name of premises licence holder or club holding club premises certificate (if known) Peter McDonnell
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Number of premises licence or club premises certificate (if known) PREMA0131
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional) anthony.bushell@lancashire.pnn.police.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

These premises have come to light as a result of a number of crimes that have occurred at, and in connection with, these premises. When attempts have been made to investigate these crimes difficulties have arisen in that customers and staff are not willing to provide statements through fear of reprisals from those involved. This is compounded by the fact that although CCTV is fitted in the premises it does not seem to be operating correctly, furthermore the operators of the premises do not know how to operate the system. This has seriously hampered the police ability to investigate these crimes and bring offenders to justice.

The police now have concerns regarding what appears to be ineffective management of the premises and it's customers by the Premises Licence Holder and this along with the the failure to operate and maintain an effective CCTV system seriously undermines the Prevention of Crime and Disorder objective.

In order to support the premises in promoting this licensing objective, the police seek a review of this premises licence with the recommendations that conditions relating to the operation of a CCTV system, an underage policy, the maintaining of an incident book be imposed and that the DPS is removed.

Please provide as much information as possible to support the application
(please read guidance note 2)

These premises have the benefit of a Premises Licence which was granted on 20th September 2005, as a result of an application to convert and vary the premises licence under the transitional provisions of the Licensing Act 2003.

The Premises Licence Holder is Peter McDonnell who is also the Designated Premises Supervisor who was the licensee of the premises prior to the conversion to the 2003 Act. He is assisted in the management and running of the premises by his wife Marilyn McDonnell.

With regards this application the police ask for a number of sanctions to be considered by the licensing committee, these being

1. The imposition of conditions onto the premises licence governing the installation, maintenance and operation of a CCTV system,
2. The removal of Peter McDonnell as Designated Premises Supervisor
3. The premises adopts an underage policy
4. The premises maintains an incident book

The rationale for requesting these sanctions are outlined below;

1. IMPOSITION OF CCTV CONDITIONS.

Over the past two years there have been a number of incidents reported to the police relating to these premises and in particular over the past 12 months there have been 4 crimes reported at the premises. It is these crimes that has prompted this application, the circumstances of which are outlined below.

At 02:59 hours on Sunday 31st March 2013, police received a call from the ambulance service stating they were attending the premises as a result of a male having been assaulted. The report stated this male had serious bleeding from his face and upon police arrival it was established that the aggrieved had been involved in an argument with the offender inside the premises. The aggrieved has then left the premises followed by the offender who has then punched him, knocking him to the ground whereupon he kicked the aggrieved in the face causing serious injury and has then made off from the scene.

When spoken to, both McDonnells stated they had not witnessed the incident as it occurred outside the premises, however some other customers and bar staff did witness it but refused to provide statements for fear of reprisals from the offender.

The aggrieved attended the hospital and police commenced the investigation, during this it transpired that there was no CCTV coverage outside the premises that captured the incident. Enquiries with the staff also established that the offender had been earlier witnessed fighting with another male inside the premises and that the aggrieved had intervened in this. No report of this was made by the management and it would appear no management intervention had taken place and there was no internal CCTV available.

Subsequent enquiries led to the arrest of a male suspected of committing the assault, however due to the lack of witnesses and CCTV no charges were brought and the offence remains undetected.

At 01:25 hours on Sunday 15th December 2013 police received a call from a female stating she had been assaulted by a male whilst inside the premises. Police attended

but the offender had left the premises prior to their arrival. The officers spoke to the female who was drunk and established that she had been stood at a table near the bar when she had been hit in the face by the offender. Customers were spoken to at the time as was the landlord and the barman all of whom stated they had not seen the assault. The officers made enquires into the CCTV in the premises and were informed it was not working so no evidence of the assault was able to be obtained. The aggrieved was taken home by officers and whilst obtaining the statement she refused to continue with the complaint stating she did not want to go to court.

At 21:59 hours on Thursday 16th January 2014 police received a Call from Marilyn McDonnell stating there were 6 fighting outside the premises. This call was one of three received by the police relating to this incident, one of which stated a woman had been hit and that there a group of 15 fighting outside the premises, with a male on the floor being kicked.

On police arrival the incident had calmed down and it was established that a 57 year old woman had been assaulted and that the offender had left the scene. Further enquiries established that the landlord had been in the process of ejecting the male offender who had taken a swing at him, he had managed to avoid the punch but in doing so a female customer was hit instead.

Further enquiries managed to locate a male believed to have been responsible and he was arrested, this male was drunk and it was established he was 17 years old and had been drinking inside the premises.

The officers continued to make enquiries into the offence and to try and obtain further evidence of the offence enquiries were made to try and establish if CCTV was available, however it was subsequently established that the CCTV system although operating was not recording correctly and that the DPS did not know how to operate the system. He did state that the footage would be retained on the system for 31 days, however enquiries with the Police Forensics officer established that footage was only kept for 14 days on the system so would now be lost.

It can be seen that there is a common theme with these incidents and that is that the CCTV inside the premises is ineffective and as such severely hinders the detection of offences and the prosecution of offenders. This also impacts on the safety of not only the customers in the premises but on that of the staff and management should they be victims of criminal activity.

2. REMOVAL OF DPS.

The police have no faith in the ability of the DPS to properly manage these premises or it's customers. As can be seen he has failed to maintain an effective CCTV system, which although not a condition on the licence should still be maintained for security purposes.

With regards the most recent incident above the officer in the case left a message the following day for Mr McDonnell to contact her re CCTV however no contact was made. This prompted a phone call two days later which was not answered. The officer eventually managed to speak to Mr McDonnell on 28th January, where she was informed that he had not viewed the CCTV and didn't know if it covered the incident. He further stated he didn't know how to work the system, that he was expecting a man to come over the weekend to check the system and would contact the officer with an update.

On Friday 7th February the officer in the case, having had no contact from Mr McDonnell, attended the premises in company with the Police Licensing Sergeant

and the Council Licensing Enforcement Officer.

It was established that he still could not operate the system and was unable to obtain the required footage. When asked why he had not contacted the officer to update her as agreed he stated he had forgotten.

Further conversation was had regarding the operation and lack of maintenance of the system and the fact that due to the incidents that had occurred at the premises this was undermining the licensing objectives.

At 04:02 hours on Monday 17th February 2014, police received a report of an arson at the premises, this was in fact a car that had set abaze on the car park of the premises.

As part of the investigation the police enquired with Mr McDonnell as to the availability of CCTV on the car park. The officer was informed that the camera did not work and gave the excuse that this was as a result of the police seizing the system previously.

The police would say this further highlights Mr McDonnell's failure to promote the licensing objectives as despite having been spoken to about the system he has still not seen fit to have it repaired.

Prior to this the Police and Local Authority had received complaints that the premises was operating after it's permitted hours.

Further to this in the early hours of Sunday 8th July 2013 the South Ribble Licensing Enforcement Officer witnessed licensable activity being provided from the premises in excess of the hours permitted.

As a result Mr McDonnell was interviewed under caution for the offence where he admitted the offence and received a police caution.

The police have real concerns over the ability of Mr McDonnell to manage the premises and do not feel he is taking his management responsibilities in relation to protecting his customers and promoting the licensing objectives seriously.

3. THE PREMISES ADOPTS AN UNDERAGE POLICY

Whilst speaking with Mr McDonnell it was pointed out that the offender from the incident on Thursday 16th January 2014 was drunk and had been drinking in the premises but was underage. It was stated that his ID had been checked however he was unable to produce any documentary evidence of this.

Mr McDonnell was advised that if there was no record of any challenges he would be in a difficult position to prove that he or his staff challenged persons who appeared under age.

To this end it is felt that, in order to promote the licensing objective of the protection of children from harm, the premises adopts a suitable challenge policy together with appropriate staff training.

4. THE PREMISES MAINTAINS AN INCIDENT BOOK

The police, in looking into the incidents at these premises, have somewhat formed the view that there may be incidents occurring inside the premises that are not being reported or dealt with effectively.

As a result the incidents are escalating into more serious matters and as such it is necessary that any interaction the staff or management may have with regards the behaviour of customers should be recorded.

At the meeting with Mr McDonnell on Friday 7th February 2014, he was given the option of making a variation of his licence rather than the Police submitting a review application. The advice was to insert some robust CCTV conditions and upgrading his current system.

Mr McDonnell stated he would speak to his solicitor re this and was advised that he should do so and instruct his solicitor to contact the police licensing officer the following week to discuss the way forward.

Contact was subsequently made by the solicitor who was advised of our concerns and provided with a copy of the conditions the police would want imposing on the licence.

At time of writing it has been over 2 weeks since the initial conversation regarding the variation to the licence, in that time there has been another incident at the premises as stated above.

The police have a real concern that it may only be a matter of time before another serious incident occurs at the premises and that they have allowed sufficient time for the premises to address these issues.

Therefore the police they have no option but to enforce the imposition of these conditions by way of review proceedings.

The list of conditions the police would look to have imposed on the licence are attached at Appendix 1.

Please tick yes

Have you made an application for review relating to this 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 this 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 24/02/14

Capacity Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) As Above	
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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix 1

- The Premises Licence Holder will operate and maintain the CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows;
 - i. The system shall cover all entrances and exits from the premise, in addition to covering all internal and external areas of the premises used to supply or consume licensed products.
 - ii. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises
 - iii. The system will be capable of accurate time and date stamping recordings and retaining said recordings for at least 21 days.
- The Data Controller shall make footage available to a police officer or authorised officer, where such a request is made in accordance with the Data protection Act 1998.
- The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority
- The Premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or photocard driving licence.
- Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.
- All staff will be subject to on-going training in relation to age related sales. This training will be recorded and made available, on request to any responsible authority.

