

LICENSING ACT 2003 SUB COMMITTEE

Friday, 20th November, 2020
1.00 pm





LICENSING ACT 2003 SUB COMMITTEE

REMOTE MEETING VIA WEBEX

Friday, 20th November, 2020 at 1.00 pm

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting

2) *Apologies for Absence*

To receive any apologies for absence

3) *Determination of an Expedited (Summary) Review Application - The Angel Inn,80 Accrington Road, Burnley, BB11 4AU*

3 - 26

To determine an Expedited (Summary) Review Application submitted by Lancashire Police in respect of The Angel Inn,80 Accrington Road, Burnley, BB11 4AU in advance of a full review hearing which will be held within 28 days of the application being made (i.e. on or before 16th December).

4) *Written Representations*

To Follow

The Police and Premises License Holder have been invited to submit written representations for consideration. If received these will be forwarded.

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker
Councillor Ivor Emo

Councillor Arif Khan
Councillor Margaret Lishman

REPORT TO LICENSING SUB-COMMITTEE
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DATE	Friday 20 th November 2020
PORTFOLIO	Community & Environment
REPORT AUTHOR	Karen Davies
TEL NO	0114 3999061
EMAIL	kdavies@burnley.gov.uk

Licensing Act 2003 Determination of interim measures in advance of a full Review of Premises Licence application under the Expedited (Summary) Review process

PURPOSE

1. To advise members of the requirement to determine the request for interim measures to be imposed under the Expedited (Summary) Review process under Section 53 A-C of the Licensing Act 2003. There then will be a full Review Hearing for the Premises and this will be subject of a hearing within 28 days, and that will have all the usual relevant papers and reports circulated prior to that full hearing.

2. The premises is The Angel Inn, 80 Accrington Road, Burnley, BB11 4AU.

RECOMMENDATION

3. Members are recommended to make a determination at the conclusion of the hearing as required by legislation.

Having considered all relevant facts, the interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5. The Licensing Objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

This premises holds a Premises Licence issued by Burnley Borough Council, PLA 0002.

The Premises Licence Holder and the DPS is Jackie Davies, who resides at the same address as the Pub.

Jackie Davies also holds a Personal Licence which was issued by Burnley Council on the 11th November 2015.

A copy of the Premises Licence is attached at Appendix A.

6 At 3pm on the Wednesday 18th November 2020, the Licensing Authority received an application from PC Michael Jones, Lancashire Constabulary Licensing Unit, Burnley Police Station for an expedited (summary) review of the Angel Inn, Burnley.

This is attached at Appendix B

This was accompanied by a signed Certificate from a Senior Police Officer authorising the application, under section 53A(1)(b) of the Licensing Act 2003.

This is attached at Appendix C

The grounds for the application are outlined in the papers (Appendix B & C)

The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

The Police are requesting that the interim steps are that the Premises Licence is suspended pending the full licensing hearing.

From the Licensing Authorities perspective :-

The premises have come to the adverse notice of the Licensing Authority on several occasions in the last few months and these have resulted in the below sanctions :-

On the 6th August 2020 Angela Davies was given a Community Protection Warning – this related to

The failure to take reasonable steps to keep workers (including volunteers), customers and visitors safe during the COVID-19 pandemic by complying with the relevant government social distancing guidelines, on or at the premises as described above (‘the premises’).

On the 22nd September 2020 Angela Davies was given a community Protection Notice which related to

Despite being warned that your *conduct* on or at The Angel Inn (‘the premises’), was having a detrimental effect on the quality of life of others in the locality and having been issued with a Community Protection Warning Notice by the Council on 6th August 2020, you have continued to:

Fail to take reasonable steps to keep workers (including volunteers), customers and visitors safe during the COVID-19 pandemic by complying with the relevant government social distancing guidelines, on or at the premises.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. The following paragraphs from Burnley Borough Council’s Statement of Licensing Policy are relevant to this application:

1.10 We will endeavor to carry out our licensing functions in a way that:

- ensures public safety
- supports well managed premises where licence holders seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses
- protects residents’ quality of life.

3.10 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of performers appearing at any premises and any

staff.

7.7 Where there is evidence that one or more licensing objectives would be undermined, a responsible authority, authorised person or interested party (Since the introduction of the Policing and Crime Act 2009 the definition of “interested Parties” has been extended to include – “a member of the relevant Licensing Authority”) has the ability to object to the issue or variation of a licence or request a review of an existing licence.

13.4 The holder of a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times.

13.5 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

14.4 The Violent Crime Reduction Act 2006 has amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.

14.5 A new power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

Human Rights Act Considerations

Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).

DETAILS OF CONSULTATION

9. The Premises Licence Holder and DPS Jackie Davies was made aware of the application on the same day as it was received and accepted by the Licensing Authority and she was advised to get urgent legal advice, and also was given the opportunity to make written representations for this hearing.

BACKGROUND PAPERS

10. [Burnley Borough Council Statement of Licensing Policy.](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Summary Review Guidance – issued by the Home Office – Sec 53 A-C Licensing Act 2003](#)

FURTHER INFORMATION

PLEASE CONTACT:

John Clucas ext 249061

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Licensing Act 2003

Premises Licence

PLA0002

Part 1 - Premises Details

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

Angel Inn

80 Accrington Road, Burnley, Lancashire, BB11 4AU.

Telephone J4kkx1@gmail.com

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- 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
A. Performance of a play (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
C. Indoor sporting event	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am

Licensing Act 2003

Premises Licence

PLA0002

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)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
G. Performance of dance (Indoors)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	2:00am
	New Years Eve From the start of Permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	2:00am
New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years 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

Part 2

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

Jackie Davies
j4kkx1@gmail.com

Angel Inn, 80 Accrington Road, Burnley, Lancashire, BB11 4AU.
Telephone mjdgroundworks@gmail.com or Mark Davies husband Jacki

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

Licensing Act 2003

Premises Licence

PLA0002

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

Jackie DAVIES

Angel Inn, 80 Accrington Road, Burnley, Lancashire, BB11 4AU.
Telephone mjdgroundworks@gmail.com or Mark Davies husband Jacki

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. PA0961

Issued by Burnley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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.
3. (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 -

Licensing Act 2003

Premises Licence

PLA0002

ANNEXES continued ...

- (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).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (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 licences 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 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

Licensing Act 2003

Premises Licence

PLA0002

ANNEXES continued ...

birth and either:-

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

6. The responsible person shall 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; and
- (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.

Minimum Drinks Pricing

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

ANNEXES continued ...

- (ii) D is the amount 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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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 the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a

Licensing Act 2003

Premises Licence

PLA0002

ANNEXES continued ...

condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision
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 such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

Licensing Act 2003

Premises Licence

PLA0002

ANNEXES continued ...

(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 club with club premises certificate, under a temporary event notice authorising plays or 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 purposes of that Act, (see Section 3(2) of that Act) and

(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.

ANNEX 2 - Conditions consistent with the Operating Schedule

CCTV shall be installed to the satisfaction of the police and that all recorded images shall be retained for a period of 28 days and must be made available to the police or licensing authority on request.

Whenever the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage the premises.

Notices shall be displayed on the premises requesting customers to leave quietly.

The Challenge 21 scheme shall be implemented at the premises.

Only the UK photo driving licence, passport or government approved PASS cards shall be accepted as proof of age.

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed

ANNEX 3 - Conditions attached after a hearing by the licensing authority

None

Licensing Act 2003

Premises Licence Summary

PLA0002

Premises Details

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

Angel Inn

80 Accrington Road, Burnley, Lancashire, BB11 4AU.

Telephone J4kkx1@gmail.com

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- 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
A. Performance of a play (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
C. Indoor sporting event	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	10:00am	1:00am

Licensing Act 2003
Premises Licence Summary **PLA0002**

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)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
G. Performance of dance (Indoors)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	2:00am
	New Years Eve From the start of Permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am
	New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	2:00am
New Years Eve From the start of permitted hours on New Years Eve to the end of permitted hours on New Years 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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jackie Davies Angel Inn, 80 Accrington Road, Burnley, Lancashire, BB11 4AU.

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



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

Tel: 01282 425011
Web: www.burnley.gov.uk

Licensing Act 2003

Premises Licence Summary

PLA0002

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

Jackie DAVIES

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



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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.

Lancashire Constabulary
Greenbank Police Station
Whitebirk Drive
Blackburn
BB1 3HP

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

THE ANGEL INN,
80 ACCRINGTON ROAD,
BURNLEY
BB11 4AU

Premises licence number (if known): PLA0002

Name of premises supervisor (if known): JACKIE DAVIES

I am a Superintendent ³ in the Lancashire Constabulary police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The pub has come to police attention on a number of occasions since lockdown measures were introduced in March 2020. Police and Council officials have tried to work with the pub on a number of occasions for a period of time and advice has not been heeded - with fines now being issued at the venue for breaching regulations.

The pub has had the highest number of reported incidents in the BB11 postcode area since March and the owners are clearly flouting the guidance and

¹ Delete as applicable.

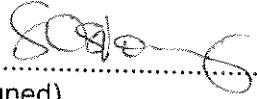
² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

regulations around Covid-19.

Police are now seeking a review of the current licence as it is felt immediate action needs to be taken. The use of a standard review application in relation to this premises would potentially allow them to operate as they have been doing if lockdown measures are relaxed in December until a hearing can be heard. This undermines the licensing priorities as well as the bigger picture of public health issues.


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(Signed) (Date) 18/11/20

SUPERINTENDENT SASIA OSLOWY