

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 John CORKETT on behalf of the Chief Officer of police for Suffolk Constabulary 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 Carlton Public House, 564, London Road South
Post town: Lowestoft

Post code (if known): NR33 0LF

2. Premises licence details:

Name of premises licence holder (if known): Peter Daniels T/A The Carlton

Number of premises licence holder (if known): WPREM2059

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

Y

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

[Please read guidance note 2]

The premises concerned are a public house situated at 564 London Road South Lowestoft.

On 17 July 2016 a prolonged and serious assault took place within the licensed area of the venue.

The victim of the assault sustained serious injuries that have led to him losing the sight of one eye. Medical opinion is that the damage is permanent and there is no prospect of the eye-sight being restored. The offence of GBH is a serious crime and upon conviction on indictment is punishable by a term of life imprisonment.

The offence is still under investigation and has been hampered by the reluctance of the Premises Licence holder to assist Police with the enquiry.

The assault was carried out in the presence of the licence holder and the accounts thus far obtained indicate that at least two people carried out the offence on the victim. The victim was punched and kicked in the head. The victim's friend was also assaulted but sustained only minor injury.

The Licence holder failed to obtain any medical assistance for the victim and he also failed to call the Police following the assault. The licence holder did not make any kind of report to emergency services and the matter only came to light when the victim was taken to hospital.

Initially the licence holder informed Police that CCTV footage of the incident did not exist as the system was not working at the time. This was untrue and subsequently full footage of the offence has been obtained. The Licence holder has refused to make a witness statement regarding this matter.

It is apparent that the licence holder is fully aware of the identity of the suspect(s) who have since returned to the venue or made contact with the licence holder and made various threats to ensure that there is no cooperation with the enquiry.

CCTV evidence reveals that from the time of the first assault, through to the victim being escorted unconscious from the venue some fifteen minutes elapsed. During this time the DPS would have had ample time to call the emergency services. Indeed, it would appear that the victim was lying down and unresponsive for several minutes before he was helped to his feet, it must have been obvious to anyone at the scene that some serious injury had been caused.

This was clearly a very serious offence that has resulted in life changing injury to the victim. The licence holder has failed to uphold the Prevention of Crime and Disorder objective of the Licensing Act and there are very real concerns that it will do so in the future.

It is feared that unless an expedited review takes place to address the issues raised that further even more serious incidents may take place at the venue and that these incidents will not be notified to Police. The risk of harm to members of the public is extremely high.

It is of note that the Licence holder is also the Designated Premises Supervisor and as such he has complete control of the venue and the operation of the public house. The Constabulary will say that it is too much of a risk to allow the venue to continue operating until such time as a full review can take place.

As such, by way of interim steps the Constabulary request that the premises licence is suspended until such time as a full review hearing can decide the most appropriate steps going forward. To allow the Licence holder/DPS to operate in the way evidenced by this incident would be, in the opinion of the Constabulary, negligent.

Signature of applicant:

Date:

Capacity: Suffolk Constabulary Licensing Officer

Contact details for matters concerning this application:

Address: Suffolk Constabulary Licensing Unit, Lowestoft Police Station, Old Nelson Street, Lowestoft, NR32 1PE

Telephone number(s): 01473 613888 ext 5249

Email: john.corkett@suffolk.pnn.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.