



# SUFFOLK CONSTABULARY

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~~RESTRICTED~~ / ~~CONFIDENTIAL~~

Force Licensing Unit, Lowestoft Police Station, Old Nelson Street,  
Lowestoft, NR32 1PE. Tel: 01473 613888 Ext. 3075

## 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 disorder~~.

**Premises: The Carlton Public House, 564 London Road South, Lowestoft, NR33 0LF**

Premises licence number (if known): **WPREM2059**

Name of premises supervisor (if known): **Peter John Daniels**

I am a Superintendent in the Suffolk Constabulary.

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

A serious crime of Grievous Bodily Harm occurred at the venue on 17th July 2016. A victim was assaulted by at least two suspects and as a result has lost the sight in one eye. This is a life changing injury. The offence of GBH is a serious crime and upon conviction on indictment is punishable by a term of life imprisonment.

The assaults on the victim took place over several minutes. The DPS of the venue was present at the time of the assault but has declined to assist police in providing a statement. The DPS did not assist the victim and no ambulance was called. There was no attempt made by the DPS to call Police to the venue. It is known that the DPS is aware of the identity of the suspects who were customers in the venue at the time of the offence. At least 15 minutes elapsed between the initial assault and the unconscious victim being taken out of the public house. In all that time the Licence holder/DPS made no attempt to seek help. Within minutes of everyone leaving the venue, the scene had been cleaned up thus ensuring that no forensic evidence could be found. Police were only informed about this incident the following day through the victim's family.

The DPS initially told police that CCTV of the incident was not available. This was not true and since the incident footage has been obtained. Considering all of these factors, it would seem that the Licence holder/DPS, although aware of a serious incident in his venue, has been so uncooperative, it would appear that he is trying to "cover up" the crime. What is however, clearly apparent, is that there is evidence of improper management associated with these assaults and their aftermath.

The circumstances of the assault and the subsequent investigation give real cause for concern that the venue is not being run with a view to upholding the objectives of the Licensing Act and that further serious offences will occur at the premises that will not be notified to Police. There have been other incidents at the venue within the past 7 months including other allegations of assault, breach of the premises licence regarding regulated entertainment and allegations of the supply of alcohol to persons under the age of 18 years.

In accordance with the legislation, I have given consideration to alternative powers and I have thoroughly considered the rationale for the expedited process that I am recommending. Having looked at the options, a standard review is not thought to be the appropriate course of action. This is because I have concerns regarding the DPS and his reluctance to cooperate with the Constabulary and I believe that the potential risk of serious harm to other persons remains an on-going risk while the DPS continues to have his premises licence. Should license conditions be modified, there is considerable doubt whether these would be followed, but more importantly, given the nature of this offence, there are limited control measures that could be considered to prevent further similar offences occurring. Closure Notices and Closure Orders have also been considered but in this case it is felt that an expedited review is the correct approach, considering the wider public safety factors. This is a very serious offence, which combined with the uncooperative behaviour of the DPS and their failure to get medical support for a seriously injured member of the public, raises serious doubts about their suitability to continue in this role.

Therefore, I am of the opinion that use of this power is necessary to prevent crime and disorder and that the premises licence should be suspended until such time as a full hearing can decide the most appropriate steps moving forwards. Unless swift action is taken, there is the real possibility that other crime will take place and that some other person(s) will be seriously injured, putting wider members of the public at risk of harm.

*Jennifer H Powell*

Signed)

(Date) 28.7.2016

3 Delete as applicable.

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

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

6 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.

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