

City of Lincoln Council

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

Appendix A (i)

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 Chris Haward (Chief Constable of Lincolnshire Police)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 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 Place2B The Basement Butchery Court	
Post town Lincoln	Post code (if known) LN2 1JS

Name of premises licence holder or club holding club premises certificate (if known) Simon Andrew Ward
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Number of premises licence or club premises certificate (if known) 32UD/B/2704
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**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

Lincolnshire Police
Alcohol Licensing
Myle Cross Centre
Macaulay Drive
LN2 4EL

Telephone number (if any)

101 - Lincolnshire - [REDACTED]

E-mail address (optional)

Countylicensinggroup@lincs.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 | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

This review application relates to a premises which operates as a public house/night club and has been granted a premises licence by the City of Lincoln Council. The premises licence authorises the supply of alcohol (on sale only), live music, recorded music and late night refreshment between the hours of 10:00 and 02:30 seven days a week.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in a poor manner. They have breached Annex 1 and 2 premises licence conditions which undermines the licencing objectives and is an offence under Section 136 Licensing Act 2003 – unauthorised licensing activity. This poor management has led to incidents that would likely have not occurred had the management been responsible in promoting the licensing objectives. Once these issues have been highlighted the premises management has failed to make efforts to correct them.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 9.12 states each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

Section 11.18 states that where responsible authorities such as the Police have already issued warnings requiring improvement (orally or in writing) – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat this approach and should take this into account when considering what further action is appropriate.

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Section 11.24 states that reviews do not have to be directly linked or connected with the licensable activities at any premises.

Section 11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that it is the role of the Licensing Authority to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Crime and Disorder Act 1998 Section 17

All relevant authorities, which includes town and parish councils have the duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority

Please provide as much information as possible to support the application (please read guidance note 3)

Officers from the Lincolnshire Police Alcohol Licensing Team visited the premises on Tuesday 7th September 2021 with Licensing Officers from City of Lincoln Council to conduct a routine compliance check. During the inspection PC Casey raised concerns with the premises licence holder (PLH), Mr Ward, who is also the designated premises supervisor (DPS) in relation to the clear lack of compliance with nearly all of the Annex 2 conditions on the premises licence. There was also evidence of a breach of mandatory condition 3 which stipulates that every retail sale or supply of alcohol made under the licence must be made or authorised by a person who holds a personal licence.

Following this visit letters and e-mails were sent to Mr Ward advising him of his responsibilities in relation to the licence (*See Annex A – Copy of letter sent to PLH/DPS and Annex B – Email Correspondence*).

Following on from PC Casey's visit the premises was further visited on two separate occasions by uniformed officers patrolling the night-time economy. These officers captured on body worn camera evidence of non-compliance in relation to the following Annex 2 premise licence condition:

On every Friday, Saturday, any day preceding a Bank Holiday and any evening when a live band is playing on the premises, there shall be a minimum of two door supervisors registered with the Security Industry Authority on duty on the premises from 23:00 until the premises closes. On such occasions, a minimum of one door supervisor shall remain in a prominent position whereby entry and exit to and from the premises can be controlled and shall not be used to undertake any other duties save for keeping order.

There have also been 4 separate calls for Police between PC Casey's first and second visit and a total of 8 incidents since July 2021. These incidents range from criminal damage to assault.

On 1st October 2021 Mr Ward reported that an unknown male had smashed the door at the main entrance.

On 19th November 2021 Lincolnshire Police received a report that 2 female were at the premises on their own except for staff and were allowed free access to the drinks at the bar, free of charge, which then led to a report of a criminal offence which is still under investigation.

On 5th December 2021 a male victim was assaulted in the premises and appeared to have allowed himself access to the staff area behind the bar. Police attended and located the male who was alone in the staff area, except for a friend who also freely allowed himself in and out of the area - seemingly unchallenged. Unbeknown to officers the Mr Ward was present during the incident but failed to make himself known to police or offer any support to their investigation. A member of bar staff who was spoken to at the time stated that CCTV was not working, when asked by officers.

On Tuesday 14th December 2021 officers from the Police Alcohol Licensing Team re-attended the premises to carry out further inspection. Officers were once again met by the Mr Ward as part of the pre-arranged visit. Once again, the premises was found to be largely non-compliant with Annex 2 conditions (*See Annex C – Statement of PC Casey*). During this visit the Mr Ward consented to officers swabbing the premises for drugs using the itemiser machine. Traces of cocaine were located on the premises. (*See Annex D – Itemiser results*).

Photographs were taken of various documentation which were shown to police by Mr Ward (door staff log and incident/refusal books) both items fall below the standard expected and in some areas were incomplete. (*See Annex E – Place 2B photographs from PC Casey*).

On 14th January 2022 Lincolnshire Police received a further incident relating to a concern for the safety of a female who had been found unconscious behind a skip near to Place 2B. In summary the investigation did not conclude any offences had occurred, however it did highlight some concerns with the management and practices at Place2B. The investigating officer, DC Webdill made a pocket notebook entry detailing his concerns about Place2B (*See Annex F – Pocket Notebook Entry of DC Webdill*).

Such non-compliance with the premises licence conditions is an offence under Section 136 Licensing Act 2003 – unauthorised licensable activity, thereby carrying out unauthorised licensable activity each time alcohol is sold.

As per the City of Lincoln's Statement of Licensing Policy, the current premises licence at Place2B has conditions which are appropriate and proportionate for the level of risk posed. The conditions are expressed in plain language and should be easily understood by any individual who hold responsibility under the licence, but in particular by any person who has a personal licence qualification.

Lincolnshire Police have attempted to work with Mr Ward using a stepped approach however he has failed to recognise his responsibility and failings as PLH and DPS and so there has been no improvement. Lincolnshire Police do not have confidence in Mr Ward and his ability to adhere to the premises licence conditions, which should be seen as a minimum standard, relevant to the risk posed, and therefore he has failed to promote the licensing objectives.

Lincolnshire Police request that the Licensing Sub-committee seriously consider removing Mr Ward as DPS alongside a suitable suspension time to enable the new DPS and Mr Ward to ensure the premises operates in full compliance with the licence going forward. However, Lincolnshire Police can only see this robustly promoting the licensing objectives if Mr Ward is able to acknowledge his failings, as he will still remain in overall responsibility and the new DPS will be his employee under instruction. If Mr Ward cannot accept his failings and responsibilities, then the only other option is a revocation of the premises li-

cence as the licensing objectives will, on the balance probabilities, remain consistently undermined as evidenced throughout Lincolnshire Police's interaction with Mr Ward and the premises.

***CCTV and body worn video footage is available in relation to some elements of this review document and can be made available for the committee and/or Mr Ward to view should they wish to do so. ***

***Lincolnshire Police respectfully request that should Mr Ward or his legal representative wish to submit any paperwork or evidence to support their case that they do so in advance of the hearing. This will enable the Police a suitable time to fully scrutiny and avoid any adjournments. ***

Please tick ✓ yes

Have you made an application for review relating to the premises before

N.A

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

N/A

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]
.....

Date 26/01/2022
.....

Capacity for and on behalf of Chief Constable of Lincolnshire Police
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

