

RESTRICTED (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: Simon LYNCH

Age if under 18: >18 (if over 18 insert 'over 18')

Occupation: Police Sergeant

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Signature] (witness) Date: 24/06/2019

I am Police Sergeant 2813 SIMON LYNCH of the Lancashire Constabulary based at Greenbank, Blackburn, Lancashire. Periodically owing to my level of qualification and experience I am authorised to act in the rank of Inspector.

During April 2019 in my rank of Divisional Response Inspector I was on patrol in Accrington town centre on a night shift that ended at 0700hrs. I was on uniformed mobile patrol and began to check on licensed premises.

In respect of the 'IBAR' on Warner Street, Accrington I checked on the license conditions and noted that recorded music should end at 0500hrs, alcohol operating hours end at 0530hrs and that the doors should be closed at 0600hrs.

On this occasion (April 2019) I attended in a liveried police vehicle and parked directly outside between 0500hrs and 0530hrs and noted that music was being played. I chose not to intervene and monitor the further adherence or lack, further. The music continued to be played beyond 0530hrs upon which I spoke to the person who identified himself in charge of the premises in respect of the 'DPS', namely a 'DANIEL FOX'. The conversation was cordial and I explored his understanding of the conditions. He told me that he thought he could play music until the doors closed. I explained the conditions to him and showed him a scanned copy of the premises licence with the conditions clearly marked. He did not disagree with me and having re-entered the premises he ensured that the music was ended.

During April 2019 I revisited the IBAR and noted that the conditions were not being adhered to. Namely that music was being played beyond 0500hrs that required an intervention from me to ensure that it stopped. Again the conversation with Mr FOX was cordial but his demeanour was one of annoyance although he ensured that music stopped.

Signature: [Signature] Signature Witnessed by

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On April 27th 2019 I was on uniformed mobile patrol when I returned to monitor the IBAR and the license conditions. At 0505hrs I made a formal entry on the 'INNKEEPER' system as follows:


'BREACH OF CONDITIONS IN RESPECT OF MUSIC BEING PLAYED. BAR SUPERVISOR DANNY FOX REMINED TO TURN IT OFF AT 0500HRS. HE CONSIDERS THAT THE LICENCE IS 0530HRS FOR MUSIC. I INFORMED HIM (AGAIN) AND SHOWED HIM (AGAIN) THE PREMISES LICENCE AND REMINDED HIM OF THE CONDITIONS. I MADE ANOTHER VISIT APPR 10 DAYS AGO IN SIMILAR CIRCS.'

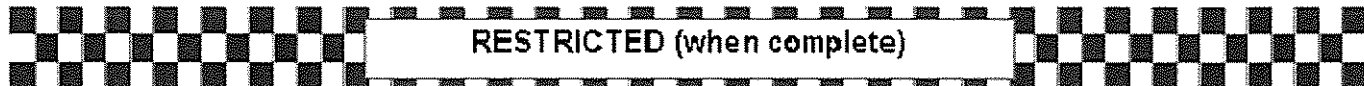
On April 28th 2019 I attended the IBAR once more and made a visited note on INNKEEPER as follows:

'SECOND VISIT IN 2 DAYS. (3RD VISIT IN THE LAST 10 DAYS APPR). MUSIC WAS BEING PLAYED LOUDLY IN CONTRAVENTION OF THE PREMISES LICENCE. I AGAIN SPOKE TO DANNY FOX 24/4/91 AND REMINDED HIM FIRMLY AND UNEQUIVOCALLY OF THE LICENCE CONDITIONS AND REQUIRED HIS NAME. HIS RESPONSE WAS THAT MY APPROACH WAS ARROGANT AND HE WAS BUSY AT THE TIME - I SAW THAT HE WAS INDEED HAVING AN APPARENT SOCIAL CONVERSATION. IT IS CLEAR THAT AS BAR SUPERVISOR HE HAS NO REGARD FOR CONDITIONS OR THE AUTHORITY THE POLICE HAVE. HE WAS GIVEN 5 MINS TO COMPLY TO TURN OFF THE MUSIC WHICH HE DID AND THEN HE PROVIDED HIS PERSONAL DETAILS. IN MY VIEW, AS THIS IS THE THIRD VISIT WHERE NON-COMPLIANCE IS OBSERVED UNDER FOX HE IS UNFIT TO BE A BAR SUPERVISOR AND AS A MINIMUM HIS EMPLOY NEEDS REMOVING FROM THESE PREMISES AS A SUPERVISOR IN ANY CAPACITY'

As noted this was my 3rd visit and I was direct in my approach to Mr FOX. Having made informal approaches previously to ensure adherence I was somewhat surprised to find further breaches that I decided to formally record.

On May 5th 2019 I was made aware by colleague Sergeant 3707 HENNIGHAN of a 'Facebook' post made by a 'DANNY FOX'. It was timed at 0533hrs and said 'MUST BE PC DICKHEADS DAY OFF TODAY'. I cannot say if that referred to me. Nonetheless what I read into that post was a disregard for the authority of the office of police constable which is reflected in his previous license breaches and deportment towards me.

Signature..........Signature Witnessed by





PS HENNIGHAN asked me to make further checks on his behalf and on May 16th 2019 he asked me to check if an outside smoking area had been put in place.

I replied by email to my colleague on May 18th at 0229hrs from outside the IBAR. There was no visible smoking area I could see on either Warner St or Church St (the corner on which IBAR stands). Furthermore I saw a number of persons leave the premises by the front door, smoke and discard their cigarettes onto the road or pavement before returning inside. I saw no marked smoking area or any effort by door staff to direct smokers away from the pavement adjacent to the front door.

On speaking to door staff they told me to the effect that they were "SUPPOSED TO SORTING IT OUT BUT IT'S NOT HAPPENED YET AND WON'T BE TONIGHT".

In all I have witnessed limited positive adherence to conditions imposed by the courts and been unprofessionally rebuffed by the person in charge of the premises. I have made a number of visits in the intervening period prior to today and whilst there has been some compliance I am left wondering if that is merely by my personal presence.

Signature..........Signature Witnessed by

