

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

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 Sergeant 3707 Gary Hennigan (on behalf of the Chief Constable of Lancashire Constabulary)

(Insert name of applicant)

apply for the review of a premise licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Duke of Wellington Blackburn Road	
Post town Great Harwood	Post code (if known) BB6 7DE
Name of premises licence holder or club holding club premises certificate (if known)	
Baron & Douglas LTD	
Number of premises licence or club premises certificate (if known)	
PL0217	

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

I am 18 years old or over

Please tick ✓ yes

**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

Name and address Sergeant Gary Hennighan Lancashire Constabulary EAST Division Licensing Clitheroe Police Station King Street Clitheroe BB7 2EU
Telephone number (if any) 01254 353625
E-mail address (optional) gary.hennighan@lancashire.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

X

X

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

The prevention of crime & disorder licensing objective

It is the view of Lancashire Police that criminal associates have been involved with the running of this venue for a number of years and, despite a review application in 2017, that people who were involved with the pub at that time are still involved now and nothing has changed thus the licensing objective of the prevention of crime and disorder is being seriously undermined at the premises.

The public safety objective

It is the view of Lancashire Police that there is no strong management at the venue – along with an absent Designated Premises Supervisor – which has led to public safety risks since pubs were required to close during the Covid-19 crisis. There have been two occasions in which the ‘manager’ has breached lockdown requirements and Covid regulations during this period.

The above two objectives have been further undermined by a Designated Premises Supervisor who has never truly been involved with the day-to-day running of the venue, along with a Premises Licence Holder who has failed to address this issue or other concerns regarding the running of the venue by police and partner authorities.

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

The licensed premise known as the Duke of Wellington Bar is located on Blackburn Road in the centre of Great Harwood – on the junction with Delph Road. The Premises Licence is held by Baron & Douglas LTD.

The premises is licensed for sale by retail of alcohol between the following hours:

Monday-Wednesday – 9.00am-1.30am (Open until 2am)

Thursday – Sunday – 9.00am-2.00am (Open until 2am).

The Designated Premises Supervisor is Jason Fenn.

There has been a recent history of criminality related to the premises and the previous manager Nathan Bowen, who police suspect is still linked to the venue despite being in prison. Bowen served a sentence for a S18 assault outside another licensed premises in the town. Under Bowen's management, a review application was submitted by police in May 2017. This was in relation to crime and disorder issues but, primarily, information that the premises was openly being used to take and supply drugs. The key aspect being that in March 2017, a drugs warrant was executed which indicated the supply of Class A drugs, namely cocaine, was occurring. Cocaine, scales and snap bags were seized as part of the warrant. At the time Jason Hall was the DPS but his brother Jack Hall was running the venture jointly with Bowen.

Jason Fenn is the DPS, however I have only ever met him once at the premises. During this meeting, it was clear that he wanted to have no involvement moving forwards. However, despite advice, no application to vary DPS has come in and I fear that Mr Fenn will still be used by the persons involved with the premises in name alone with no real responsibility being taken. Fenn became DPS in September 2017 but during this time, prior to his imprisonment, Bowen was seen at the pub on occasions.

My understanding is that Baron & Douglas are the licence holders. They own the building and neighbouring unit TJs, along with residential space above and aren't directly involved with the running of the pub. I have had many conversations with John Baron about Fenn's lack of involvement with him. Fenn has had a long lease at the venue which is due to end in September and Baron is considering a long-term lease with a male called Sean Taylor.

The person claiming to be the business owner of the pub is Sean Taylor. Taylor has been involved with the pub for a few years. Taylor is also best friends with the former DPS Bowen. There is also graded police intelligence alleging that Taylor has been involved with the supply of Class A drugs at the pub.

The person involved with running of the pub is Patrick Brizio. Brizio formerly ran The Walmesley Arms pub in Great Harwood with his mother Mary Walsh the named DPS.

Collectively, with the Licensing Department at Hyndburn Borough Council, I have had some issues regarding the running of the Duke of Wellington. Conversations were held with Baron to try and improve matters by suggesting some fresh conditions to the licence via a minor variation. This was to offer improved, responsible, proportionate conditions for the DPS and licence holder, along with some peace of mind to the authorities due to a lack of compliance and complaints. However, nothing has been taken forward by the licence holder in relation to this.

I would have expected the unfortunate situation of Covid-19 and the subsequent pub closure to allow them to keep a low profile until pubs were allowed to reopen – however this has not been the case here.

On 3rd April 2020, I was passing the pub and could hear loud music and lights on inside the venue. Both the front door was locked and side gate was locked and there was no reply to my knocking. A passer-by told me that they were hosting a DJ live stream on Facebook. I looked on the Facebook page and saw a live feed with Brizio DJing. Also of concern, Taylor was present on the live stream, along with a male called Tom who had helped set up the technical side of things.

This was during the time of early lockdown when there were strict guidelines around gatherings, along with people not making essential journeys. Given that none of the people lived at the pub, this was not an essential journey and was a private gathering of three people.

Another live stream took place on 4th April 2020, which led to concerns from the public: Log no LC-20200404-0086 and LC-20200403-1484 refer.

I spoke with Brizio on 9th April 2020 and recorded the conversation details as follows on the police Innkeeper system:

CHAT WITH PADDY BRIZIO REGARDING HIS LIVE STREAM. HIS PLAN WAS TO DO MORE THIS WEEKEND AND SUBSEQUENT WEEKENDS. I INFORMED PADDY THAT I WOULDN'T ADVISE IT AND THAT THERE WAS A WARNING LETTER FROM HBC WAITING AT THE PUB (HE HADN'T HAD SIGHT AS YET). I EXPLAINED THAT TRAVELLING TO AND FROM WORK HAD TO BE "ABSOLUTELY NECESSARY" AND THAT HE COULDN'T LEAVE THE PLACE WHERE HE LIVED WITHOUT "REASONABLE EXCUSE". PADDY TRIED TO APPEAL THAT IF HE WAS GOING TO CHECK ON THE SECURITY OF THE PUB - WHAT DIFFERENCE WOULD IT MAKE FOR HIM TO LIVE STREAM WHILE THERE. I TOLD HIM THAT CHECKING ON SECURITY COULD BE ARGUED AS "ABSOLUTELY NECESSARY" BUT A LIVE STREAM WOULD NOT BE "ABSOLUTELY NECESSARY. MY ADVICE WAS TO EITHER DO IT FROM HOME, OR NOT AT ALL. I EXPLAINED THAT THE FACT THAT TWO OTHER PEOPLE (SEAN TAYLOR AND TOM BARTON) WERE WITH HIM ON FRIDAY NIGHT COULD BE DEEMED AS A "GATHERING" AND EXPLAINED TO HIM THE RISK OF COVID-19 SPREAD AMONGST OTHERS. I INFORMED HIM THAT WE COULD HAVE BEEN WITHIN OUR RIGHTS TO FINE HIM AT THE WEEKEND JUST GONE. PADDY CONFIRMED NOBODY WAS LIVING ABOVE THE PUB. PADDY ASKED IF HE COULD PUT A BACKDROP BEHIND HIM SO NOBODY TELL IT WAS THE PUB - I AGAIN SAID THIS WAS UNSUITABLE. I TOLD PADDY THAT IF HE DID GO AHEAD THEN HE WOULD LIKELY GET A FINE AND, IF HE WISHED TO CONTEST IT, HE COULD EXPLAIN TO A COURT WHY A LIVE STREAM WOULD BE "ABSOLUTELY NECESSARY". ALTHOUGH HE EVENTUALLY SEEMED TO TAKE IT ON BOARD, WE WILL WAIT AND SEE WHAT HAPPENS NOW. PADDY SAID IT WAS THE ONLY THING HE HAD TO LOOK FORWARD TO...

Following this, Brizio took my advice on board and streamed his sets from what I believe to be his home address. However, on 5th June 2020, log LC-20200605-1228 refers to a report of the pub having a gathering. PCSO 7765 McCarroll visited at 2020hrs as takeaway was being delivered and was met by Brizio, who invited him in and there was only family on site.

However, a further visit was carried out by police at 2320hrs and the following was recorded on the police Innkeeper system:

RECEIVED INTELLIGENCE THAT THE DUKE OF WELLINGTON IN GREAT HARWOOD IS HAVING LOCK INS. ARRIVED AND INITIALLY HEARD MUSIC FROM OUTSIDE. KNOCKED ON AND THE LANDLORD ANSWERED. INSIDE THERE WAS 8 PEOPLE AND THERE WAS A MALE PLAYING THE GUITAR AND TAKEAWAYS/FOOD, ALCOHOL DRINKS. THE LANDLORD WAS AMICABLE AND WAS UNDER THE IMPRESSION HE COULD HAVE PEOPLE OVER FOR DRINKS/FOOD AND MUSIC.

GATHERING HAS BEEN SPLIT UP AND EVERYBODY SENT HOME. NO COVID TICKETS ISSUED AS EVERYBODY WENT ON THEIR WAY. LANDLORD SENT TO HOME ADDRESS. FURTHER FROM PC RIDING - THIS CAME FROM A TIP-OFF. POLICE ATTENDED AND COULD HEAR MUSIC. KNOCKED ON AND THERE WERE FIVE PEOPLE INSIDE BUT THREE HAD RUN OUT THE BACK BUT WERE BROUGHT BACK IN TO SPEAK WITH POLICE. PADDY BRIZIO SPOKEN TO. ALSO CONFIRMED PRESENT WAS WIFE DAWN, SON AND HIS FRIEND. OTHER PEOPLE UNKNOWN AT THIS STAGE BUT ONE FEMALE WAS OBSTRUCTIVE AND ASKING WHY

POLICE WEREN'T SOCIALLY DISTANCING. PADDY CLAIMED THE PEOPLE THERE WERE DOING RENOVATION WORK AHEAD OF OPENING BUT THERE WAS NO SIGN OF ANY WORK TAKING PLACE. TAKEAWAY WRAPPERS PRESENT AND PEOPLE WERE DRINKING COCKTAILS. PC RIDING BELIEVE THIS WAS BEING SERVED UP BEHIND BAR AS EQUIPMENT WAS THERE AND PLENTY OF SPIRITS TO MIX. UNKNOWN IF ANY MONEY CHANGED HANDS.

Attached is a police statement from PC Riding detailing his visit.

The day before, police received another log – LC-20200605-1285 stating that the pub is holding an illegal party with the owner and friends.

I spoke with Baron twice following this incident to let him know what had happened. He was unaware. My suggestion was that Fenn needs removing as DPS as he clearly has no involvement with the premises and that consideration needs to be given to getting Taylor and Brizio away from any involvement and find someone new. However, Baron told me that he would be allowing Fenn to continue with his lease until September and he would be open-minded to Taylor entering into a lease agreement following this. In fact Taylor has already been asking about a lease agreement and has for a number of months.

There have been a number of concerns in relation to the pub including failing to provide CCTV footage when requested, unlicensed door staff working at the venue and no door staff working during times they are expected to as per licence conditions.

Further information in relation to the above concerns will be shared ahead of any potential hearing and presented as such to the committee.

The following options are available to the committee:-

- 1) Do nothing – However the sheer number and seriousness of the offences causes grave concern for no action.**
- 2) Modify the conditions of the licence – The Police feel that modifying the conditions may have some impact in promoting the Licensing Objectives but these modifications will have to be robust and proportionate.**
- 3) Remove the Designated Premises Supervisor**
- 4) Suspend the licence for a period not exceeding three months**
- 5) Revoke the premises licence so that no alcohol can be sold at all.**

In the opinion of Lancashire Police the information presented here indicates the total undermining of the Prevention of Crime Licensing and Public Safety objectives. Despite discussions between police, licensing authority and people involved with the pub, there has been no realistic outcome in securing responsible management and control at the venue.

Lancashire Police respectfully requests that the committee considers whether revocation of the premises licence is proportionate to this premise due to the issues raised.

At the very least, removal of DPS and more robust conditions that will be suggested by the police and licensing authority may be appropriate in the circumstances.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
08	05	2017

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

The then Licensing Sgt Jason Middleton submitted a review on the above date based on the prevention of crime & disorder objective – mainly based on the supply and consumption of drugs at the venue.

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 

Date **24/06/2020**

Capacity **Police Licensing Sergeant**

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