



**Oak Tree
111 High Street
Desborough**

Premises Licence Review Application

**Chief Supt Paul Fell
Territorial Commander
Northamptonshire Police**

**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 Chief Superintendent Fell

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 The Oak Tree 111 High St Desborough	
Post town Kettering	Post code (if known) NN14 2ND

Name of premises licence holder or club holding club premises certificate (if known) H K Taverns Ltd 156 Cottingham Road Corby NN17 1SY
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Number of premises licence or club premises certificate (if known) K/12/24122

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

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

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 Northants Police Licensing Unit Unit C, Diamonds Business Centre Attley Way Irthlingborough Northants NN9 5GF
Telephone number (if any) 101 Ext 5706
E-mail address (optional) nblicensingunit@northants.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Northamptonshire Police seek a review of the Premises Licence for the 'Oak Tree' under the Licensing Objective marked above and in accordance with the Licensing Act 2003. Recent incidents as detailed in the body of this report, give concern around the suitability of the current DPS.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please see attached report at Page 7.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them
None

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

PC1048.

Date 20 Mar 2012

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

PC 1048 Kevin Murphy
Northants Police Licensing Unit
Unit C, Diamonds Business Centre
Attley Way

Post town
Irthlingborough

Post Code
NN9 5GF

Telephone number (if any) 101 Ext 5706

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Report in support of application.

On 21st October 2011 at around 2115hrs a Police Officer was flagged down near to the premises by a female who was seen to have swelling and bleeding to her right eye. The female alleged that she had been assaulted in the pub by another female. The officer duly returned the victim to the premises in order to identify her assailant, only to find unhelpful staff and customers. It was suspected that staff assisted the offender in avoiding arrest. The offender here was subsequently traced and dealt with for an offence of Actual Bodily Harm.

On 30th October 2011 at around 0045hrs police received a call from a customer at the premises stating that a female had been assaulted and was bleeding from a wound to the head and that a group of males were smashing up the pub. A short time later officers attended and discovered that the injured female was in fact the premises 'manager' who alleged that she had been struck to the head by a ceramic ashtray that had either been thrown or used as a weapon. Officers report that this 'manager' who referred to herself as the licensee was obviously under the influence of alcohol. It was also noted at the time that CCTV was present but not working. The subsequent recorded crime was investigated by police but remains undetected.

These incidents caused police to take a closer look at how the premises were being managed, which revealed that the Designated Premises Supervisor was in fact also the DPS for a different premises located in Rothwell and was effectively 'employing' her un-licensed sister to manage the Oak Tree.

On 17th November 2011 PC Murphy met with Patricia White from HK Taverns and expressed concerns around the management of the Oak Tree and the recent incidents of violence. Subsequent to this meeting HK Taverns removed the manager and Patricia White temporarily took on the role of DPS prior to the appointment of Keeley Ann BAKER in January 2012.

Both police and HK Taverns were hopeful of an improvement, however, on 25th February 2012 police received a call from a female alleging that she had been assaulted at the Oak Tree by the 'landlady'. The caller stated that the assault had taken place sometime between 0500 and 0600hrs that day and that she had been struck in the face causing a thick lip. This potential victim was not at home when police attended and subsequently declined any further police action.

At around 0420hrs on 03rd March 2012, police were again called to the Oak Tree. On arrival officers report that an ambulance crew were already in attendance and were treating a male who was still bleeding profusely from an obvious wound to his head. Officers attempted to gain an account from the injured male but this was frustrated by the fact that the male was heavily intoxicated. On entering the premises PC 256 Staunton established the fact that the DPS, Keeley BAKER was present and on being informed by BAKER that she could not operate the CCTV system PC Staunton seized the hard drive as evidence. A crime of Grievous Bodily Harm has been recorded and is subsequently being investigated by Northants Police CID. Statements have been obtained from the victim and BAKER, however as this investigation is currently 'live', details at this time must remain confidential.

It is evident that alcohol is being served after the licensed hours at the premises whilst the DPS is present, there is a suggestion that the DPS has been involved in violence herself and investigating officers have also expressed concerns that BAKER has been less than honest in regard to the circumstances surrounding the most recent assault.

In view of the incidents and concerns documented in this report, Northants Police would like to see the following action taken;

Removal of the current Designated Premises Supervisor.

An assurance that any replacement DPS / Manager will have the experience and bearing required to run the premises in a safe and diligent manner.

The imposition of the following specifically worded conditions;

1. A CCTV system to be installed and properly maintained to ensure that it is working at all times. This system of cameras to cover all entrance / exit points and bar / floor areas within the premises. Images must be stored for a minimum of 14 days and be made available to police on request. The DPS and in their absence a member of staff, must be trained and competent in the use of any system installed.
2. An incident register will be maintained and completed in respect of all incidents relating to the four licensing objectives. This register will be made available to police on request.

Consideration around extra measures to address the issues of violent behaviour

We would also ask that the panel consider the content and possible removal of some of the Conditions consistent with the operating schedule at Annex 2 on the current Premises Licence.

There are conditions now superseded by Mandatory Licence Conditions such as proof of age. Conditions at odds with each other i.e. timings around the use of the outside area and condition 7, which seems to contradict current licensing legislation.



Adrian Lee, BPhil LLB MPhil MA
Chief Constable

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Wootton Hall
Northampton
NN4 0JQ**

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Switchboard: 101
Direct Line Fax: (01604) 888589

AL/vk/Delegated Authorities/Licensing - 20.12.11

20 December 2011

**DELEGATION OF POWERS/RESPONSIBILITIES
Licensing Act 2003**

As the Chief Constable of Northamptonshire Police, I hereby delegate responsibility and authorise the following officers to act on my behalf with regard to representations made by Northamptonshire Police to licensing authorities across the county of Northamptonshire.

Authorised officers are:

Licensing Sergeants:	PS 1056 Mark Worthington PS 1128 Ian Fletcher
Licensing Constables:	PC 1048 Kevin Murphy PC 113 David Bryan
Other Constables: (qualified to perform the role)	PC 290 Christopher Puddephatt PC 792 Andy Glover

ADRIAN LEE
Chief Constable