



Expedited Review Application - Schedule 8A

Application for the review of a premises licence under section 53A of The Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

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 the 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.

I, Police Constable 1684 Tony FARRELL,

On behalf of the chief officer of police for Oldham District, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

Postal address of premises, (or if none or not known, ordnance survey map reference or description):

Royal Oak Hotel, 496 Oldham Road, Failsworth, Manchester,
Post town: Oldham

Post code (if known): OL5 0AA

Name of premises licence holder: Mia Call Ltd

Premises licence number (Local Authority reference): PL298

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]

Greater Manchester Police have received evidence of serious crime at the premises Royal Oak Hotel 496 Oldham Road, Failsworth, Manchester, M35 0EH.

On Saturday 10th November 2018 there was an incident of serious violence committed at the premises whereby a member of the public seriously assaulted. It was the professional opinion of medical personnel present that the victim had been assaulted with a knife causing a large cut to his thigh.

The injury was described by attending officers as a "gash down right side 2 inches deep 4 inches wide - muscle and bone exposed"

The victim denied being assaulted but stated he fell upon a glass within the premises. The attending paramedics advised that his injury was consistent with a knife. No members of the public were prepared to readily come forward and provide an account of what had gone on.

The police were informed of this incident by the Northwest Ambulance Service, no call was received from staff at the premises.

There are no forensic opportunities to obtain evidence, as the scene was cleaned by pub staff prior to police arrival.

There was no DPS present on the night of the incident.

The following day Police Sergeant Archer attended at the premises and again the DPS was not present. A short time later Debbie Richardson arrived and stated that she was the DPS for the Royal Oak and had been present the night before but did not witness incident and had no knowledge as to what had happened, believing it had occurred outside of the venue.

There was no CCTV as the premise CCTV system was seized due to a serious assault occurring on the 13th October 2018. The DPS was not present on this occasion and staff were unable to operate the system so the

police were left with no alternative but to seize the entire system. This incident occurred 1 month ago and the premises have taken no action or seek another system or make arrangements to have CCTV installed.

There is concern over the management of the premises at The Royal Oak and their capability to run the venue. The DPS and staff are unhelpful and reluctant to support policing objectives and therefore in turn the licensing objectives. There is a history of incidents and local police officers have tried to work together with the premises over time. Previous incidents will be referred to and drawn upon by the police at the final review hearing.

The criminal investigation is currently in its infancy, but due to the lack of cooperation from the victim and staff at the premises it is unlikely that the suspects will be identified and a successful prosecution brought.

There is no doubt that these incidents are of a very serious nature and patrons at the premises are at risk of serious injury or harm should further incidents occur. The premises do not deal with such matters by reporting them to the police or assisting the police, this in turn has led to a premises where individuals feel they can act in a manner where people can be seriously injured as in this case.

On Monday 12th November 2018 I have requested an expedited review take place, following this serious incident of crime.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant:

Date: 12/11/2018.....

Capacity / role: Licensing Officer, Oldham

Contact details for matters concerning this application: P.C. 1684 Tony Farrell

Address: Sir Robert Peacock House, Vulcan Street, Oldham

Telephone number(s): 0161 856 9069

Email: Tony.Farrell@gmp.police.uk

Greater Manchester Police
Oldham Police Station,
Barn Street,
Oldham,
OL1 1LR

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 disorder¹.

Premises²:

Royal Oak Hotel
496 Oldham Road,
Failsworth,
Manchester,

Premises licence number (if known): PL298

Name of premises supervisor (if known): Antonia Leigh Critchley-Poole

I am a Superintendent³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

On Saturday 10th November 2018 at 00:51 hours police received a call from the Ambulance Service reporting that a male had been stabbed outside the Royal Oak on Oldham Road in failsworth.

Police attended and report that a male was being treated for a serious injury to his right thigh consisting of a 12inch long cut which was so deep that muscle and bone was exposed.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ 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.

The victim denied being assaulted but stated he fell upon a glass within the premises. The attending paramedics advised that his injury was consistent with a knife.

The scene had been cleaned by staff at the premises prior to police arrival, no CCTV was available due to the system being previously seized as part of the investigation into a previous serious assault. The staff claim not to have witnessed anything.

It is apparent, that the management of the premises are failing to promote the licensing objectives of the prevention of crime and disorder.

I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81 (3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

The incident which occurred on Saturday 10th November 2018 raises concerns over the management of the premises and the ability of the Premises Licence Holder and Designated Premise Supervisor to promote the licensing objectives.

I have considered all powers available and feel that closure powers contained within Section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014 are inappropriate due to the limited 48-hour closure not being sufficient to protect the public.

Section 51 of the Act in addition to the above is inappropriate due to the serious nature of the offences being investigated.

The powers contained under Section 53A the Licensing Act 2003 are appropriate to be exercised due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real serious and immediate concerns that the mis-management of the premises is failing to promote the licensing objective of the prevention of crime and disorder. By failing to promote this licensing objective it has led to serious crime occurring at this premise and a serious life threatening injury to a patron of the premises.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. At that time all matters can be fully addressed whilst being able to consider all the necessary evidence.

Supt D Inglis
Oldham District

(Signed)

(Date)

