



Coventry City Council

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 Philip Horton Licensing & Regulatory Services Officers 60184 of West Midlands 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 The Oak Inn Public House, 119 Gosford Street,	
Post town Coventry	Post code (if known) CV1 5DL

Name of premises licence holder or club holding club premises certificate (if known) The Oak Inn (Coventry) Ltd.
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am Philip Horton Licensing & Regulatory Services officer 60184 of West Midlands Police.

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 Philip Horton Licensing & Regulatory Services Officer 60184 West Midlands Police Coventry Central Police Station Little Park Street Coventry. CV1 2JS
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

At approximately 03:00hrs on Saturday 4th September 2021, a rape is alleged to have taken place, the location of the alleged offence being inside The Oak Inn licensed premises in Gosford St Coventry.

The victim making the initial emergency telephone call to West Midlands Police from the premises shortly after 04:00hrs.

The subsequent investigation by police has established that the DPS & Premises Licence holder (via his company) Mr Darren Lee failed to take any action in respect of the serious allegation of which he was personally made aware of by the victim, who made a complaint of rape to the door staff and then to him.

Darren Lee was made aware that a serious sexual offence was being alleged and that it had happened upon his premises and involved someone he knew by name, as the suspect had worked at the pub.

He dismissed the allegation, continued to trade and failed to contact the police or other emergency services.

Darren Lee being aware of the allegation and the identity of the suspect encouraged him to leave the scene prior to police arrival.

This behaviour obstructed the direction of the investigation at the initial stage, he undermined the victim and the credibility of her account and did not safeguard her or any witnesses and facilitated the opportunity for the suspect to leave and potentially dispose of forensic evidence.

All of the above actions fall far short of those expected by a responsible licensee and show a clear failure to uphold the licensing principles in respect of Crime & Disorder and Public Safety.

His attitude to the serious allegation made by a female customer and the need for an immediate report to the police completely undermines the relationship a fit and proper licensee should have with the police.

It is not the first time that Mr Lee and the establishment has come to the notice of Licensing Officers but his attitude to a serious offence on his premises reported directly to him about a man who had worked at the pub as security, is so concerning that it undermines the licensing principle of public safety.

In light of the above we formally request the removal of Mr Lee as DPS and suspension of the licence.

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

PC 8348 Brown from the Public Protection Unit was tasked with taking a statement from Mr Lee in relation to the report of rape received.

The account provided by Mr Lee is inconsistent with the Body worn camera footage obtained from the door staff.

Mr Lee stated *"During the night, no one came up to me to complain about any sexual allegation, and neither did my staff tell me that anything had happened. I was only made aware that someone had made a complaint about being sexually assaulted when the Police attended."*

This statement made to the officer investigating the rape is false and contradicts body worn video evidence from the night in question.

PC 22600 Crossley has provided a statement, exhibiting a redacted version of a Bodyworn video viewing record (KC/01 a), detailing the sequence of events following the report of a serious sexual offence at The Oak Inn on the 4th September 2021.

Furthermore, it can be demonstrated as detailed below that in general and for some months Darren Lee has failed to resolve the issues with the door staff employed at The Oak Inn, despite several interventions by the various Responsible Authorities. It is also evident that a disproportionate number of incidents of crime and disorder are reported at the premises. So, having considered the option of an Action Plan, I have little confidence that there will be any significant improvement in the management of the venue. Given the serious incident on the 4th September 2021, I am concerned that further such incidents could occur.

The Oak Inn re-opened at the first opportunity at midnight on April 12th 2021, following the closure of all licensed premises during the last period of the Covid lockdown. Since re-opening, a large number of incidents of disorder at the premises have been reported to West Midlands Police. There has been a continual dialogue with Mr Darren Lee in regards to his poor management of the premises. Various RA members have tried to assist in the safe management of this venue and the compliance with the premises licensing conditions.

The majority of the incidents of disorder have occurred in the early hours of the morning and a large proportion of the reports made to WMP, involved the excessive use of force being used by door staff employed to operate in the premises. The premises are currently licensed to sell alcohol from 9am until 6am on Fridays, Saturdays and Sundays.

In May 2021, a meeting between WMP, the Council Licensing Team and Darren Lee took place at the Oak Inn. A variation of licence application was agreed which included the removal of a number of existing conditions and the addition of several further conditions including the requirement of all SIA staff to wear Bodyworn cameras when employed at the premises. Mr Lee was supportive of this intervention by the RA's.

However, Mr Lee has failed to manage premises effectively as the incidents of crime and disorder have continued to occur;

- 1) **On 4/09/2021** – Disorder. CVONE have reported that 3 males have made off in a vehicle having attacked 3 males who have just left The Oak Inn (police incident log 296 4/09/21 and crime numbers 20/1661118/21, 20/1661117/21, 20/1661122/21 relate). Police have attended and transpires that 2 men have been ejected from The Oak for suspected cocaine use and then a third male has left shortly afterwards and attacked a male who has been having an argument with the door staff directly outside the premises. This disorder has resulted in two separate assaults and a criminal damage to a vehicle.

- 2) **On 16/08/2021** – Disorder. (police incident log 169- 16/08/21 relates & crime numbers 20/1160980/21, 20/1660979/21 and 20/1660977/21 refers) Police officers have observed an intoxicated male remonstrating with the door staff outside The Oak Inn. The male was bleeding from the mouth. Whilst attempting to restrain him, the male has kicked two officers. A door supervisor has then reported to officers that the male had assaulted him.
- 3) **On 24/07/21** – Disorder. (police incident log 668- 24/07/21) Emergency call made to the Police reporting that 3 girls are fighting outside The Oak Inn and the door staff have attempted to intervene. On Police arrival, an intoxicated female was pulling the hair of another female. She was subsequently arrested for the offence.
- 4) **On 11/07/21** – Disorder. (police incident 409- 11/07/21) call from CVONE stating that staff at The Oak Inn have reported a vehicle outside of the premises, the occupants of which have been causing issues all evening. An axe was allegedly seen in the vehicle. The occupants of the vehicle were turned away previously and they had a knife on board then. The vehicle could not be located.
- 5) **On 08/07/21** – 3rd party on line report (police incident 3530 08/07/21 and crime number 20/745686/21) a member of the public has reported witnessing a disorder outside The Oak Inn at @ 4am that morning whereby a male who had not been causing any trouble was allegedly punched in the face by a member of the door staff and punched again whilst he was on the floor.
- 6) **On 03/07/21** – 3rd party call (police incident 515- 03/07/21) Male reporting sister being attacked by her friend's boyfriend at the Oak Inn. Officers attended but the female did not make herself known. Two males were being ejected on arrival but they did not appear to be connected to the incident.
- 7) **On 01/07/21**- (Police incident 88 – 01/07/21) Report of male being abusive to door staff. No police attendance as officers all committed. No further calls regarding the incident.
- 8) **On 29/06/21** – (police incident log 404 29/06/21) Male reported being assaulted by door staff after being asked to leave. Ip received an injury to his face but did not want to take the matter any further (police crime report S.20 malicious wounding 20/1237340/21).
- 9) **On 26/06/21** – Disorder. (police incident 3101 26/06/21 and crime report 20/124901/21 for s.47 assault) Door staff have ejected a male who was refusing to leave and consuming a bottle of his own vodka. Male has alleged that a member of the door staff punched him on three occasions, resulting in him sustaining a black eye and a cracked tooth. He did not wish to pursue the matter.
- 10) **On 07/06/2021** – Report from CV ONE of two males acting suspiciously outside the Oak Inn, suspected that one of the males has a knife (Police incident log 399 3/06/2021) No further sightings of the males.
- 11) **On 04/06/2021** – Report from a female caller stating that there was a fight at the Oak Inn. States that she's in the toilets and frightened to leave as people keep coming back to the pub. (police incident log 418 – 04/06/21) Police did not attend.
- 12) **On 31/05/21** – Disorder -Emergency call - report of male unconscious on street and approximately 10 people fighting outside the Oak Inn (Police incident log 100 and crime number for malicious wounding 20/657346/2). On police arrival, a male was

found on the opposite side of the road with injuries and claimed he did not know who was responsible for the assault upon him. He was unwilling to support the investigation.

- 13) **On 21/05/21** – Report of a female being bundled into a car which then driven away. The door staff allegedly failed to intervene. (police incident log 4444 21/05/21 and crime number 20/239496/21 refers) The vehicle could not be located and the door staff stated that they were unaware of such an incident taking place.
- 14) **On 18/05/21** – Disorder. Darren Lee reporting a disorder in progress at The Oak Inn and males were refusing to leave and had attacked the door staff. (police incident log 330 18/05/21 refers and crime number 20/543019/21 refers to a male being lawfully ejected from the Oak Inn with injuries but refused to say how the injuries occurred).
- 15) **On 18/05/21** – Disorder. Report from CV One of two males fighting at The Oak Inn (police incident 263 18/05/21 refers) Police unable to attend as all units committed.
- 16) **On 15/05/21** – Report of an assault by a member of the door staff at The Oak Inn which occurred on the 8/05/21 (police incident log 2286 15/05/21 and crime number 20/788557/21) Caller states she was dragged off the benches for no reason and thrown to the floor.
- 17) **On 08/05/21** – Disorder. Report of a fight at The Oak Inn (Police incident log 521 08/08/21 and crime numbers 20/478255/21 & 20/478260/21.) Two people arrested at the location, following an altercation with door staff. Counter allegations made by arrested persons.
- 18) **On 07/05/21** – Disorder. Report of the door staff from The Oak Inn dragging a female along the floor and ejecting her from the premises. (Police incident number 207-08/05/21 & 5066- 07/05/21 & 4961- 07/05/21 and crime reference number 20/670233/21)
- 19) **On 02/05/21** – Disorder. Report of the door staff at The Oak Inn beating everyone up (Police incident log 3821 -02/05/21 refers and 2 persons alleging that they have been assaulted by the door staff - crime reference numbers 20/517047/21 & 20/517040/21).
- 20) **On 01/05/21** – Report on a male being hit on the head by a bottle which had been thrown at him in The Oak Inn, causing a small cut to his head. (Police incident log 357- 01/05/21 and crime reference number 20/574886/21 refers)
- 21) **On 17/04/21** – 17 year old female alleging that she has been escorted out of The Oak Inn by her arms by the door staff following a dispute over the payment for drinks. (police incident log 396 – 17/04/2021)
 - i) **On 17/04/21** – Police officers received information from the door staff at The Oak that two males had been observed walking towards Fairfax Street with a large knife. Intoxicated male subsequently detained by Police whilst in possession of a knife and arrested. (police incident 615 – 17/04/21 and crime reference number 20/339401/21)
 - ii) **On 17/04/21** – 18 year- old male with head injury alleging that he has been assaulted by the door staff at The Oak Inn (police incident log 554 17/04/21 and 4186 17/04/21 also relates)
 - iii) **On 17/04/21** – Disorder. Three reports of door staff using unreasonable force. No disorder on arrival (police incident logs 4232, 4241 & 4242 - 17/04/21 refers)

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

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, 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 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



P. HORTON

Date

27th SEPTEMBER 2021

Capacity

LICENSING OFFICER WEST MIDS 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.