

AGENDA

LICENSING COMMITTEE HEARING

MONDAY, 15 MARCH 2021

11.00 AM

VIA ZOOM

Committee Officer: Linda Albon
Tel: 01354 622229
e-mail: memberservices@fenland.gov.uk

Due to the COVID-19 outbreak and the restrictions by the Government on gatherings of people, this meeting will be conducted remotely using the Zoom video conferencing system. There will be no access to this meeting at the Council offices, but you can view the meeting on YouTube, apart from any items marked confidential.

The meeting can be viewed on YouTube with the following link: https://youtu.be/tscl065_K0k


- 1 To receive apologies for absence.
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE ANGEL PUBLIC HOUSE, WISBECH (Pages 3 - 110)

To consider an application for the review of a premises licence in respect of The Angel Public House, 45 Alexandra Road, Wisbech, PE13 1HQ.

Friday, 5 March 2021

Members: Councillor M Humphrey (Chairman), Councillor D Connor and Councillor M Tanfield

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Agenda Item No:	3	
Committee:	LICENSING	
Date:	15 March 2021	
Report Title:	DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – THE ANGEL PUBLIC HOUSE, WISBECH	

1 Purpose / Summary

- To consider an application for the review of a premises licence in respect of The Angel Public House, 45 Alexandra Road, Wisbech, PE13 1HQ

2 Key issues

- The review has been submitted by Environmental Health - Fenland District Council triggered in response to evidence received from Cambridgeshire Constabulary.
- The reasons for the review are:
 - Breach of relevant health & safety legislation and guidance
 - Breach of relevant public health regulations and guidance
- The review application is made under the following licensing objectives, the prevention of crime and disorder and public safety.
- It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003.
- There is a requirement to hold a licensing hearing to determine the application for the review of a premises licence.

3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report and appendices.

Wards Affected	Medworth
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Andrew Lynn, Portfolio Holder with responsibilities for Licensing

Report Originator(s)	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk
Contact Officer(s)	<p>Dan Horn, Head of Housing & Community Support, Tel 01354 654321, Email: dhorn@fenland.gov.uk</p> <p>Carol Pilson, Corporate Director, Tel 01354 654321, Email: cpilson@fenland.gov.uk</p>
Background Paper(s)	<p>Licensing Act 2003</p> <p>Section 182 Guidance to the Licensing Act 2003</p> <p>The Licensing Act (Hearings) Regulations 2005</p> <p>Fenland District Council's Statement of Licensing Policy 2021 - 2026</p>

Report:

1 Background / introduction

- 1.1 The application relates to the proposed review of an existing premises licence in respect of The Angel PH, 45 Alexandra Road, Wisbech PE13 1HQ.
- 1.2 The application has been submitted under the provisions of section 51 of the Licensing Act 2003
- 1.3 The applicant is Trevor Darnes, Senior Environmental Health Officer on behalf of Fenland District Council and supported by responsible authority (RA) officers:
 - Paul Hawkins - Cambridgeshire Constabulary
 - Justin Bielawski - Cambridgeshire Constabulary
 - Val Thomas - Public Health
 - Steve Fleming - Cambridgeshire Fire & Rescue
- 1.4 A copy of the review application and supporting evidence can be seen at **APPENDIX C** to this report
- 1.5 A copy of the supporting representations from the RA's can be seen at **APPENDIX D** to this report.
- 1.6 The application to review relates to the following licensing objectives:
 - The prevention of crime and disorder
 - Public safety
- 1.7 During the consultation period we received 17 responses from members of the public 'Any other Persons' these can be found at **APPENDIX E** to the report
- 1.8 During the consultation period we also received a petition in support of the premises, this contained 10 pages in excess of 100 names and addresses, this can be found at **APPENDIX F** to this report.
- 1.9 As required under the terms of the Licensing Act 2003 the review application has been advertised outside the premise and on the Council's website, for a period of 28 consecutive days. The Responsible Authorities and other relevant parties were permitted to submit representations regarding the review application. Any representation, made in relation to the review, must relate to one or more of the licensing objectives. The closing date for representations was 01 March 2021

2 Considerations

- 2.1 The Premises licence details for The Angel PH, Wisbech are:
 - Premises Licence Holder (PLH) - Elgood & Sons Ltd, they have held the licence since 2010
 - Designated Premises Supervisor (DPS) - Mr Aigars Balsevics
- 2.2 Mr Balsevics has held a personal licence since 2006 and has been the DPS at the premises since 2013. His personal licence was granted by Fenland District Council.
- 2.3 In relation to the role of DPS the main purpose of the DPS is to ensure that there is always one specified individual, among the personal licence holders at a premise, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises.

- 2.4 The premises are a public house, divided into different rooms with 2 bar areas. The premises have an enclosed courtyard with a separate function room. A copy of the premises licence, plan and conditions can be seen at **APPENDIX B** to this report.
- 2.5 The grounds of the application for review is that evidence has been found to suggest that the premises has operated in such a manner to undermine the licensing objectives by way of a failure to implement regulations and guidance designed to prevent the spread of COVID-19 virus including:
- The Health Protection (Coronavirus, Restrictions) (All Tiers) Regulations 2020 Regulation 11, 13 & 14
 - Management of Health and Safety at Work Regulations 1999 Regulations 3 & 5
 - The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 as amended: Regulation 3
 - Working Safely During Coronavirus (Covid 19) in Restaurants, pubs, bars and takeaway services.
 - The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 Regulations 6, 7 & 8
 - Health and safety at Work etc. Act 1974 Section 2 and 3.
- 2.6 The review relates to the period of 24 December 2020 when Fenland as a district was subject to Tier 2 restrictions, although at this point, we were aware of the increase in case numbers and moving into Tier 4 as of 26 December 2020. The regulations in place at this were The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020) - <https://www.legislation.gov.uk/uksi/2020/1374/made>
- Some examples of the restrictions in place were:
- hospitality venues in tier two areas were only allowed to be open if they can serve a “substantial meal”.
 - Pubs and restaurants could open if they serve food, and customers can only order alcohol alongside a meal.
 - Hospitality venues had to provide table service only and
 - Customers were not allowed to socialise with anyone they did not live with or who was not in their support bubble indoors.
 - Last orders at 22:00 hours and closure by 23:00 hours.
- 2.7 Within the review application at **APPENDIX C** it highlights the interaction and advice provided by the Covid Compliance Officer for Fenland District Council in relation to the regulations and guidance that were in force during this period.
- 2.8 At the premises licence review hearing Environmental Health are wishing to show CCTV footage from the Angel PH internal CCTV system. As video-surveillance footage often contains images of people that allows identifying these people (directly or indirectly), it qualifies as personal data. With this in mind the Licensing Authority should bear in mind that Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 enables the Licensing Authority to hear confidential matters in private session.

3 Conclusions

- 3.1 In undertaking its statutory function, the Licensing Authority can utilise a range of options within the Licensing Act 2003 in order to promote the licensing objectives:
- the prevention of crime and disorder
 - public safety

- the prevention of public nuisance
- the protection of children from harm.

3.2 When determining an application for a review of a premises licence, due regard should be given to the Council's Statement of Licensing Policy and the Secretary of State's Guidance section 182.

3.3 The hearing will be conducted in accordance with the approved procedures and can be seen at **APPENDIX A** to this report.

4 Determination

4.1 The Sub-Committee must consider the application for review of a premises licence and having regard to the application, take such of the steps mentioned below (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor (DPS)
- To suspend the licence for a period not exceeding three months
- To revoke the licence

4.2 The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the licence should remain in the form it was granted.

4.3 Where the Sub-Committee decides to modify the conditions of a licence or exclude a licensable activity from a licence, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Any suspension of the premises licence may be for a maximum period of three months.

4.4 Members may wish to note that any modification, amendment, suspension or revocation of the premises licence will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.

4.5 Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives. If consideration is being given to attaching conditions, Members should consider, are the proposed conditions:

- Appropriate
- Relevant;
- Relevant to the activity/premises/venue;
- Enforceable;
- Precise;
- Reasonable, and
- Achievable.

5 Community impact

5.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.

5.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

Appendix title

1 APPENDIX A

1.1 Hearing Procedures (Virtual)

2 APPENDIX B

2.1 Current Premises Licence and Plan

3 APPENDIX C

3.1 Premises Review Application and Supporting statements submitted by Environmental Health, Fenland District Council

4 APPENDIX D

4.1 Representations by Responsible Authority Officer's, 2 x Cambridgeshire Constabulary, 1 x Cambridgeshire Fire & Rescue, 1 x Public Health

5 APPENDIX E

5.1 Representations by Interested Persons (Any other Persons)

6 APPENDIX F

6.1 Representation - Petition document

Fenland District Council
Licensing Act 2003 Sub-Committee
Virtual Hearings Procedure

1. Before the hearing

- All parties should notify the Licensing Officer how they will be joining the remote hearing (by video or audio conferencing). All parties should provide to the Licensing Officer no later than three (3) working days before the hearing, their telephone number and/or email address. This is to allow for arrangements to be made to enable parties to join the remote hearing.
- All parties should log-in/dial-in to the remote meeting, 15 minutes before the start of the hearing in case of technical difficulties.
- The sub-committee will consider any requests from any of the parties to call witnesses. Any such requests must be submitted to the Licensing Officer at least three (3) working days before the hearing. This is to enable arrangements to be made for witnesses to be able to join the hearing remotely should permission be granted

2. Virtual Meetings-introductory notes

- Questions will be asked at the conclusion of each party's submission. On the conclusion of each party's submission, the Chairman will invite each sub-committee member in turn, whether they wish to ask a question/s. If any member of the sub-committee subsequently wishes to ask further questions, they should indicate this wish to the Chairman by using the raised hand function.
- The hearing will take the form of a discussion led by the Chairman. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to consider the representations, application or notice as the case may require.
- The Sub-Committee will consider any requests to permit cross-examination on a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.
- The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.
- When not speaking, all members and participants should mute their microphones.
- Any person behaving in a disruptive manner will be removed from the meeting. Such a person may, before the end of the hearing, submit to the authority in writing by email to licensing@fenland.gov.uk , any information which they would have been entitled to give had they not been required to leave.

- In the event that the Chairman or Clerk identifies a failure of the remote participation facility, a recess will be announced while the fault is addressed.
- If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

3. Failure of a party to attend the hearing

- If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
- If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may – (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or (b) hold the hearing in the party's absence.
- Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.

4. Introduction

- The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. The Chairman will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting.
- The Chairman will introduce to all present the members of the committee.
- The Chairman will then introduce and explain the respective roles of
 - the Legal Adviser to the committee
 - the Clerk to the committee
 - the officer representing the Licensing Authority (“the Licensing Manager”).
- The Chairman will invite those present to introduce themselves.

5. The Hearing

- The Chairman will seek confirmation that all parties are in receipt of the hearing report pack and any other documents relating to the hearing.

- The Chairman will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties' consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
- The Chairman will enquire of each party the approximate length of time required to put their case in order to establish a suitable equal maximum period time allowed.
- The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the review application of the premises licence.
- The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer's report.
- The Chairman invites the applicant to outline the case with regards to the review application of a premises licence.
- If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- The Chairman invites the Responsible Authority Officers (RA's) to submit their representation with regards to the review application of a premises licence.
- Once the applicant/RA's have presented his/her case, the Chairman invites questions to the applicant or witnesses from:
 - Members of the committee.
 - Licence Holder (or their representatives)
- The Chairman then invites the Licence Holder (or their representative) to put forward their case.
- Once the Licence Holder (or their representative) has presented his/her case, the Chairman invites questions to the licence Holder or witnesses from:
 - Members of the committee.
 - Applicant

6. Conclusion

- The Chairman then invites the applicant who has submitted the review application of the premises licence and the licence holder to sum up their case. They may comment upon what has been said but no new evidence should be introduced.
- The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- The Chairman will then thank all those who have spoken and invite the committee to retire.
- The Live Feed will be closed to allow the sub-committee to consider its decision in private. All attendees apart from the sub-committee members, Council's Legal Officer and Clerk, will be placed into the waiting area of the virtual meeting while the sub-committee considers its decision. The Council's Legal Officer and Clerk may remain in the meeting with the sub-committee members to advise where necessary and take notes of the decision.
- The applicant, responsible authorities and licence holder will be asked to remain on the virtual meeting for 15 minutes to allow the sub-committee to return to the virtual meeting to seek any clarifications or ask questions that they have, after this time they may leave the meeting if they wish to.

Or if the Licensing Sub- Committee deem there is a lot of evidence to review, they can make the decision to end the hearing and take up to the maximum of 5 working days to make their determination. If this is the case, all members of the hearing will be advised how they will receive the determination.

7. Determination

- Once a determination/decision has been reached, the committee will return to the virtual meeting and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be emailed to all interested parties.
- If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.

8. The Decision

In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to

(a) the application, representations, or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and

(b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.

February 2021



Part A

Premises Licence

The Licensing Authority, Fenland District Council
Fenland Hall, County Road, March
Cambridgeshire, PE15 8NQ. Tel: 01354 654321

Premises Licence Number

19/0763/LAPRE2

Premises Licence valid from

23rd October 2019

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Angel Public House
45 Alexandra Road
Wisbech
Cambridgeshire
PE13 1HQ

Telephone number: 01945 589794**Where the licence is time limited the dates**

Not Applicable

Licensable activities authorised by the licence

Indoor sporting events - Indoors
Live Music - Indoors
Recorded Music - Indoors
Performance of Dance - Indoors
Late Night Refreshment - Indoors
Sale by Retail of Alcohol - Both On and Off the Premises

Times the licence authorises the carrying out of licensable activities**Indoor sporting events - Indoors**

Monday to Sunday 10:00 hrs to 00:00 hrs

Live Music - Indoors

Monday to Wednesday 10:00 hrs to 01:30 hrs

Thursday 10:00 hrs to 02:00 hrs

Friday and Saturday 10:00 hrs to 02:45 hrs

Sunday 10:00 hrs to 02:00 hrs

Recorded Music - Indoors

Monday to Wednesday 10:00 hrs to 01:30 hrs

Thursday 10:00 hrs to 02:00 hrs

Friday and Saturday 10:00 hrs to 02:45 hrs

Sunday 10:00 hrs to 02:00 hrs

Performance of Dance - Indoors

Monday to Wednesday 10:00 hrs to 01:30 hrs

Thursday 10:00 hrs to 02:00 hrs

Friday and Saturday 10:00 hrs to 02:45 hrs

Sunday 10:00 hrs to 02:00 hrs

Late Night Refreshment - Indoors

Monday to Wednesday 10:00 hrs to 01:30 hrs

Thursday 10:00 hrs to 02:00 hrs

Friday and Saturday 23:00 hrs to 02:45 hrs

Sunday 10:00 hrs to 02:00 hrs

Sale by Retail of Alcohol - Both On and Off the Premises

Monday to Wednesday 10:00 hrs to 00:00 hrs

Thursday 10:00 hrs to 02:00 hrs

Friday and Saturday 10:00 hrs to 02:45 hrs

Sunday 10:00 hrs to 02:00 hrs

Non-Standard Timings

Live Music and the Sale of Alcohol - Christmas Eve and Boxing Day 10:00 - 02:45 Hrs.

New Year's Eve 10:00 - 04:00 Hrs.

The opening hours of the premises

Monday to Wednesday 10:00 hrs to 02:00 hrs

Thursday 10:00 hrs to 02:30 hrs

Friday and Saturday 10:00 hrs to 03:00 hrs

Sunday 10:00 hrs to 02:30 hrs

Christmas Eve 10:00 hrs to 03:00 hrs

Boxing Day 10:00 hrs to 03:00 hrs

New Years Eve 10:00 hrs to 04:30 hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Elgoods & Sons Ltd
Elgoods Brewery
72 North Brink
Wisbech
Cambridgeshire
PE13 1LW
Telephone: 01945 583160

Registered number of holder; for example company number, charity number (where applicable)

Limited Company Number 86011

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Aigars Balsevics

████████████████████
Wisbech
Cambs

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

PERS0342
Fenland District Council

Premises Licence issue date: 25th October 2019

.....
ON BEHALF OF FENLAND DISTRICT COUNCIL

Annex 1 – Mandatory Conditions

Premises Licence (On & Off Sales of alcohol)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective [words added];
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
6. The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (a) beer or cider: ½ pint;

- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition:
- * "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - * "permitted price" is the price found by applying the formula - $P = D + (D \times V)$ where:
 - * P is the permitted price;
 - * D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
 - * V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - * "relevant person" means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - * "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 – Conditions consistent with the Operating Schedule

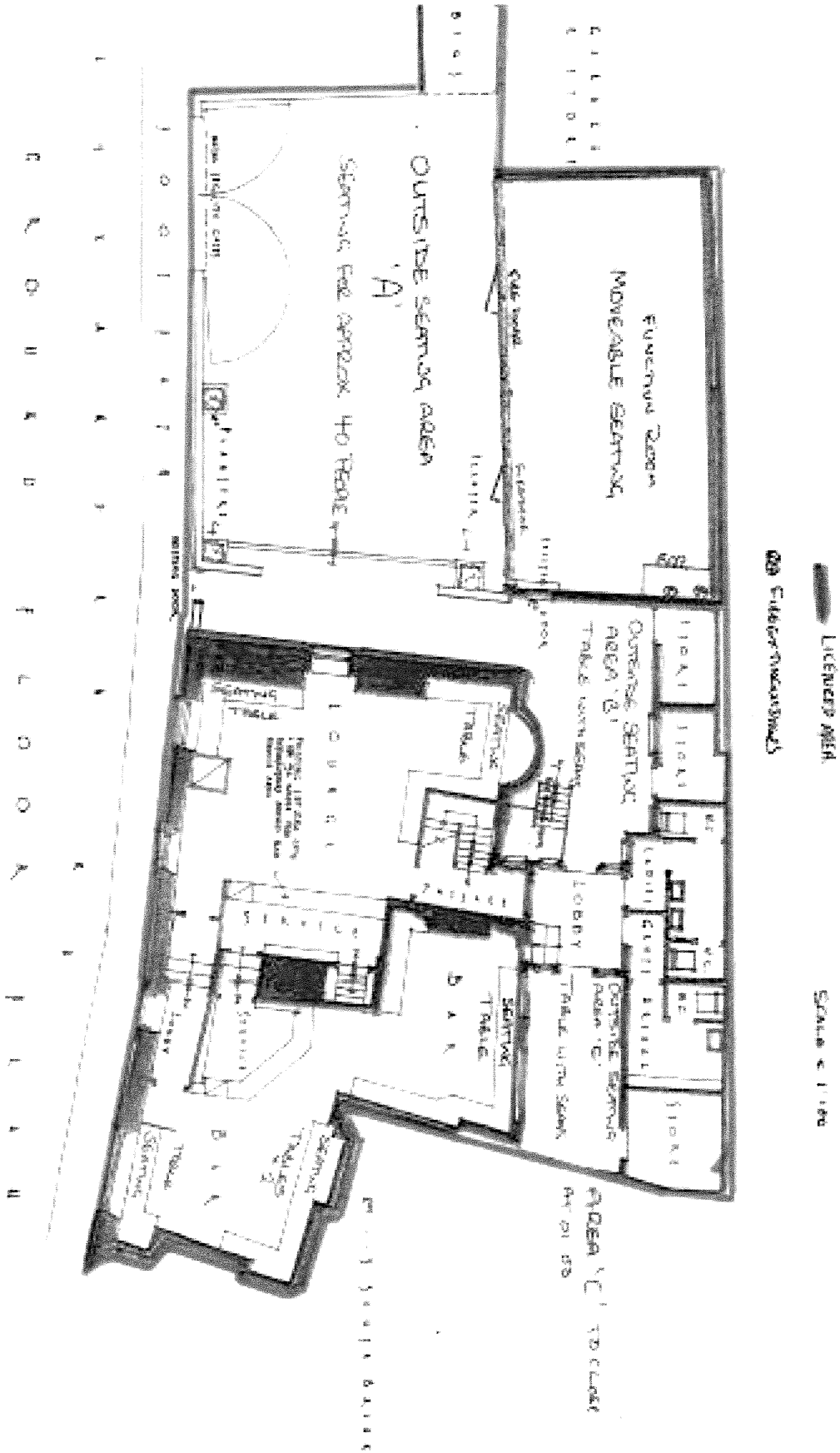
1. No glass, open bottles or glass drinking vessels to be allowed to leave the premises
2. Staff training records and an incident book will be maintained on the premises and produced to a Police Officer or authorised person on request
3. Appropriate measures to be adopted to prevent the premises from becoming overcrowded
4. Staff to be trained to deal with the safe evacuation of the premises with particular regard to persons with disabilities and record to be maintained on the premises and produced to a Police Officer or Authorised person on request
5. Adequate seating and tables to be provided to prevent the premises from becoming a vertical drinking establishment
6. Clear notices to be displayed to remind customers to leave the premises quietly
7. The doors and windows on Alexandra Road will be kept closed whilst regulated entertainment is taking place. (Accept to allow access and exit to the premises)
8. The function room as defined on the premises plan, doors and windows will remain closed whenever regulated entertainment is taking place
9. The challenge 25 Age Verification scheme will be used, whilst such a scheme is in operation.
10. No unaccompanied children to be allowed on the premises at any time whilst the premises are open for business
11. No person (other than residents) to be admitted to the premises after 02:00 hours
12. CCTV will be operated and maintained with the recordings kept for 31 days and made available on request to the police or authorised person in a readily transferable media
13. The Function Hall, as defined on the premises plan, will have 2 x CCTV cameras to record the areas of the bar and the dance floor. Condition 12 to be complied with
14. The outside patio area will have 2 x CCTV cameras to record the area. Condition 12 to be complied with
15. Full CCTV coverage and all outside areas ('A', 'B' & 'C' as per plan) to be covered by CCTV
16. Live and recorded music in the Function Room (as marked on plan) will cease at 02:00 Friday and Saturday
17. Live and recorded music will only be performed in the main premises and Function Room as marked on plan
18. Outside area 'C' as marked on plan to close at 01:00
19. Proof of age policy agreed by the police and licensing authority (currently Challenge 25) to be implemented
20. Refusals book to be maintained
21. Smokers to use the enclosed car park/patio area (marked 'A', 'B' & 'C' on plan rather than be on the road outside the front of the premises)

22. Drug policy to be displayed in all toilets

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans





**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 Trevor Darnes – Environmental Health (Responsible Authority)

(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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Angel Public House
45 Alexandra Road
Wisbech
Cambridgeshire
PE13 1HQ

Post town: Wisbech

Post code: PE13 1HQ

Name of premises licence holder or club holding club premises certificate:

Elgood & Son Limited

Number of premises licence or club premises certificate:

19/0763

Part 2 - Applicant details

I am

Please check X

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: Environmental Health Fenland District Council Fenland Hall County Road March Cambridgeshire PE15 8NQ
Telephone number: 01354 654321
E-mail address: envhealth@fenland.gov.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 check one or more boxes X

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review

The Angel is an 'on' licenced bar/club operating under a premises licence (PL No: 19/0763) issued by Fenland District Council. The premises licence holder is Elgood & Son Ltd and the Designated Premises Supervisor (DPS) is Aigars Balsevics.

The premises licence allows a range of licensable activities with varying times. A copy of the licence can be found at **APPENDIX B**.

The premises are situated in Wisbech town centre. Address: 45 Alexandra Road, Wisbech PE13 1HQ.

In response to evidence received from Cambridgeshire Constabulary, Environmental Health in its capacity as Responsible Authority must call for a review of The Angel Public House premises licence.

The Police visited the premises at around 21:00 on the 24th December and subsequently reported their concerns to Fenland District Council.

In response to the information received by the Police; CCTV footage was requested and obtained from The Angel Public House covering the afternoon and evening of the 24th December 2020.

This review documentation sets out the evidence of breaches of relevant health and safety/public health legislation and guidance which amount to a failure to comply with the following Licensing Objectives:

- Public safety
- Prevention of Crime and Disorder

Throughout the pandemic Environmental Health and Licensing have continued working closely with the Police who nationally have adopted the approach of the 4 E's principle, **Engage, Explain, Encourage, Enforce** which is consistent with the Council's enforcement policy of **Prevention, Intervention and Enforcement** .

In respect of The Angel Public House, FDC officers leading up to the 24th December 2020 had a number of contacts with the DPS and provided relevant and timely guidance/advice as briefly set out below.

Date	Who	Guidance/Advice Given
22.07.20	Russell Watkins EHO	Site visit and discussion with DPS. Risk assessment, staff training and Covid 19 safe procedures all in place and deemed appropriate.
15.09.20	Russell Watkins EHO	Phone call with DPS regarding concerns of lack of social distancing on 12.09.20. Advice given.
28.09.20	Russell Watkins EHO	Advice given regarding the wearing of face coverings whilst playing pool.

30.11.20	Russell Watkins EHO	Phone call received from DPS requesting advice. Discussed substantial meal info/what constitutes this and how food is permitted to be provided/served with sensible alcohol sale. Emailed over relevant info/guidance from LGA.
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The DPS of the Angel Public House, during a telephone conversation with a Police Licensing Officer, (see **Appendix 1**) admitted that he was fully aware of the Covid 19 controls required to be implemented at his pub and accepted that he was ultimately responsible for ensuring compliance.

Appendix 2 is a Covid 19 risk assessment dated 3 July 2020 submitted by the DPS of The Angel Public House.

Below is a summary table of the relevant legislation and Covid 19 guidance applicable on 24th December 2020 for a tier 2 area and an overview of evidence captured from the CCTV footage at the premise:

Relevant Legislation and Guidance	Summary of Breaches and non-compliance with good practice on 24 December 2020	Evidence source
<p>Health and safety at Work etc. Act 1974 Section 2 and 3. All employers are required to, so far as reasonably practicable, protect the health and safety of their employees and others who may be affected by their work activities</p>	<p>DPS (as the employer) failed to properly train/instruct, supervise and monitor staff resulting in them not adopting Covid 19 safe practices e.g. not wearing face covering, not washing or sanitising hands after physical contact with others or touching potentially contaminated surfaces, not cleaning and disinfecting tables and serving customers at the bar</p> <p>No attempt by the DPS or staff to stop mixing of individuals from different households thereby exposing them to the risk of Covid 19 infection.</p> <p>Customers, staff and the DPS mingling/mixing freely and on many occasions seen having physical contact with each other i.e. hugging, kissing, shaking hands and even mock fighting/wrestling. This occurs in the main bar, pool room, function room and beer garden.</p>	<p>CCTV</p> <p>CCTV</p> <p>CCTV</p>

	<p>The DPS seen working at the premises during the afternoon (from 3pm onwards) and evening (except at times between 20:00 and 21:00) so was fully aware of the Covid 19 breaches.</p> <p>The DPS committed many breaches himself i.e. lack of social distancing, physical contact with customers, not washing hands after touching potentially contaminated items/surfaces, not wearing a face covering when moving around the premises and serving alcoholic drinks to customers at the bar.</p>	<p>CCTV</p> <p>CCTV</p>
<p>Management of Health and Safety at Work Regulations 1999 Regulations 3 & 5. All employers are required to carry out a suitable and sufficient risk assessment and implement, monitor and review the control measures identified</p>	<p>A Covid 19 secure risk assessment for the premises had been completed in July 2020. The control measures identified in the risk assessment were not implemented on 24 December 2020 as evidenced above and below</p>	<p>CCTV</p>
<p>The Health Protection (Coronavirus, Restrictions) (All Tiers) Regulations 2020. Regulation 11 - A person responsible for carrying on a restricted business in Tier 2 must not accept any orders for alcohol between the hours of 22:00 and 05:00</p>	<p>Alcoholic drinks were still being served at 22:30</p>	<p>CCTV</p>
<p>Regulation 13 - A person responsible for carrying on a restricted business in Tier 2 must ensure food or drink is only ordered by, and served to, a customer who is seated on the premises, and the responsible person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food</p>	<p>Customers, staff and the DPS observed mingling/mixing freely and on many occasions seen having physical contact between different tables and different households i.e. hugging, kissing, shaking hands and even mock fighting/wrestling. This occurs in the main bar, pool room, function room and beer garden.</p> <p>Customers not remaining seated and not served alcohol at tables (except when Police Officers are on the premises)</p>	<p>CCTV</p> <p>CCTV</p>

	<p>Staff delaying Police Officers access into the premises whilst SIA staff member is seen attempting to get customers to sit down</p> <p>Customers mingling/mixing (physical contact), not wearing facing coverings whilst moving around the premises, being served at the bar; occurred again after Police Officers left the premises</p> <p>No attempt by the DPS or staff to stop mixing of individuals from different households</p>	<p>CCTV</p> <p>CCTV</p> <p>CCTV</p>
<p>Regulation 14 - A person responsible for carrying on a restricted business in Tier 2 must ensure alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.</p>	<p>Customers had clearly not had a substantial meal and if they had eaten any food at all, they had not left the premises within a reasonable time after eating.</p> <p>Substantial amounts of alcohol being supplied to customers including on occasions trays of 'shots' of alcohol being distributed by customers to other patrons.</p> <p>Customers seen going behind the bar to pour alcoholic drinks for themselves and other customers.</p>	<p>CCTV</p> <p>CCTV</p> <p>CCTV</p>
<p>The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 as amended:</p> <p>Regulation 3 - No person may, without reasonable excuse, enter or remain within a relevant place (which includes bars (schedules 1 & 3)) without wearing a face covering. Face coverings can be removed whilst customers are seated for eating and drinking.</p>	<p>Customers and staff (including the DPS and SIA security staff member) not wearing face coverings when moving around and mingling/mixing in the premises.</p> <p>Whilst Police Officers were on the premises a Female bar staff was observed putting a mask on to serve customers at tables. This practice did not occur before or after the Police visit.</p>	<p>CCTV</p> <p>CCTV</p>

<p>The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 Regulations 6, 7 & 8 – requirement for relevant person having control of premises to make available a QR code for people who enter the premises to scan or to obtain relevant details.</p>	<p>QR Code displayed but not seen to be used by customers or staff encouraging them to use it.</p> <p>No evidence of attempts by DPS, SIA security staff member or other staff to obtain relevant contact tracing details from customers.</p>	<p>CCTV</p> <p>CCTV</p>
<p>Working Safely During Coronavirus (Covid 19) in Restaurants, pubs, bars and takeaway services. Comprehensive government guidance on how to maintain a Covid secure working environment during the pandemic.</p>	<p>No attempt to implement the Covid 19 controls identified in the risk assessment dated 3 July 2020</p> <p>No adherence to Government/PHE/NHS message of hands, face, space which has been the core message in controlling the spread of Covid 19</p> <p>No attempt to clean and disinfect tables between use</p> <p>Staff and DPS not washing hands or using sanitiser on their hands after serving customers, collecting used glasses, having physical contact with customers</p>	<p>CCTV</p> <p>CCTV</p> <p>CCTV</p> <p>CCTV</p>

Conclusion

The evidence provided by the Police and the premises CCTV to Environmental Health demonstrates that health and safety and Covid 19 regulations were breached on 24 December 2020. The DPS and his staff (including a SIA qualified person) were aware and helped to facilitate those breaches.

The evidence demonstrates the DPS disregard of the Licensing Objectives (Public Safety and Prevention of Crime and Disorder) and brings into question whether the DPS can be considered a responsible person to be in control of the sale of alcohol and manage a licenced premises in accordance with the licence conditions and the 4 licensing objectives.

Appendix List

Appendix B - Premises Licence – sent as attachment

Appendix 1 . Paul Hawkins Police Licensing Officer Email – sent as attachment

Appendix 2. The Angel Public House Covid 19 Risk Assessment – sent as attachment

Please check X

Have you made an application for review relating to the premises before: No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

Please check X

- 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 Trevor Darnes
.....

Date 1 February 2021
.....

Capacity **Senior Environmental Health Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Environmental Health
Fenland District Council
Fenland Hall
County Road
March
Cambridgeshire
PE15 8NQ

Post town:
March

Post Code:
PE15 8NQ

Telephone number: 01354 654321

If you would prefer us to correspond with you using an e-mail address your e-mail address:
envhealth@fenland.gov.uk

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.

Appendix 1

From: Aigars Balsevics [REDACTED] >
Sent: 19 January 2021 18:04
To: Licensing North <[REDACTED]>
Subject: Re: The Angel 24/12/20 - Questions

Hello,
Yes I agree with all answers
Regards
Aigars Balsevics

Sent from my iPhone

On 19 Jan 2021, at 11:12, Licensing North [REDACTED] > wrote:

Mr Balsevics

Apologies just realised that not all questions were included

Thank you for taking the time to speak to me today, as you and understand due to you currently self-isolating, it would not be possible to meet face to face and have a meeting to discuss the concerns raised in relation to the incident / event that occurred at ANGEL INN Public House, 45 Alexander Road PE13 1HQ on Thursday 24th Dec 2020. You kindly answered the following questions and your response is written below, as stated at this time the questions are not intended for use in a Police Criminal Prosecution but in respect to Alcohol licensing matter, as such you responded without requesting a solicitor and you were not under caution at the time.

The responses have been shared with [REDACTED] from FDC , and you have agreed to arrange for a 3rd party to record further CCTV (as per Q.33) footage for collection by FDC @ 10:00 am Wednesday 20/01/21.

I ask that you read the questions and your responses and reply as to whether you agree or not to how they have been recorded.

1. What time did the event start?
A. It's not an event, we opened from 12:00 hours on 24th Dec 2020
2. Who was the event for?
A. It was for the regulars, not an event, for regulars to have some food and drink.
3. Did you give permission for the event?
A. It was an event! I didn't need to give permission it was just open for regulars.
4. How were invites sent out? On body camera you state it was a football team that you sponsor.
A. I didn't send invites, it's my regulars.

5. How many persons were in attendance?
A. About 60
6. Do you have a list of attendees?
A. Yes
7. Can you provide a copy to FDC Council on 20/01/21 @ 10:00 when they collect additional CCTV and till receipts?
A. I only keep it for 21 days and some did the track and trace scan, I will have a look.
8. What due diligence was carried out upon the patrons arrival to establish if they lived together or were in a Covid related Support Bubble?
A. I asked the question "IF SAME HOUSE HOLD OR IN A BUBBLE"
9. What time did the patrons arrive?
A. 3, 4, 5 pm some later, many friends, different holds, sitting separately.
10. Did they arrive together? Or in groups and between what time frame?
A. They arrived in bubbles, lived together, between 3 and 5pm
11. How were those attending served?
A. Table service. I took orders for the food and served the drinks to the table.
12. What was food on offer?
A. Pasties, sausage rolls, salad and chips. If they wanted to I ordered them takeaway.
13. What time were the food orders taken?
A. I don't know different times, when they arrived I sit them down and take the order.
14. Where must customers alcoholic drinks remain?
A. On the tables
15. What training has been given to staff about the Covid Restrictions?
A. They have to wear a mask, keep their distance and sit at the tables
16. Is there a training record?
A. For What, I have a risk assessment
17. How many staff were on duty
A. 3, 2 staff and a doorman.
18. Were you one of the two staff?
A. Me and one girl
19. What times were you there?
A. All day I left for 1 hour to see children at around 8 pm, then come back at 9 pm
20. Why were the doors to the premise securely closed?

- A. To prevent over crowding the premise as it was Christmas Eve, to stop 50 people from walking in.
21. Who had access to the keys?
A. No keys, just a latch, later my doorman had a key as some people had been trying to open and get some friends in so after 7 the doorman had the key.
22. Why was there a SIA Door Supervisor present?
A. Well I think it safe to do so as its Christmas Eve and I always have one on Friday and Saturday.
23. Why did he not make himself known to the Officers when they initially knocked?
A. Probably because he did hear them, he wasn't there as he needs to walk around the premises.
24. How did the staff control the patrons inside?
A. Walking around that's why I had a doorman and I was walking around.
25. What Covid Secure advice do you provide Patrons and how is this enforced?
A. Wear mask and keep distance, we have that on entrance and walking around.
26. Were patrons allowed to walk around with glasses?
A. No, obviously you can't be everywhere. Every corner
27. At what point were customers informed that they could not be served further Alcohol?
A. When they finished food, but some had food 2 or 3 times, but once they finished food they can not be served any more drink but can finish their drinks.
28. How long do you feel is a proportionate time for someone to consume a substantial meal?
A. About an hour to an hour and half, it's a difficult timeframe, sometimes I could eat over 2 hours if I wanted to.
29. Who was in control of the premise at the time of the event / Pub being open?
A. Me and by bar staff and SIA doorman
30. Would you confirm that as the DPS the running of the premise, the selling of alcohol and ensuring Covid Compliance at the time the premise is open is your overall responsibility?
A. Yes, Yes
31. Have you a record of staff training in regards to the sale of alcohol?
A. I have like a book they sign.
32. Have you a signed an authority for each member of staff to sell alcohol?
A. When I'm not there, there is a form signed giving them permission to sell alcohol.
33. You have been requested to provide further CCTV footage of the main Bar area for the 24/12/20 from 15:00 to 17:00 & 19:00 to 23:00 and footage from the Pool and Function Room from 15:00 to 17:00 and till receipts for collection by Fenland district Council at 10:00 hours on Wednesday 20/01/21.

A. Yes

Kind regards

PC [REDACTED]

Licensing Officer / COVID19 Silver Support | [REDACTED]

[REDACTED]
[Cambridgeshire Constabulary](#)

[REDACTED]
[REDACTED]
Follow us on [Twitter](#), [Facebook](#), [Instagram](#) and [YouTube](#)



Licensed premises name:

The Angel Inn

Date distributed:

3/7/20

Completed by:



Date

completed



3/7/20

shieldsafety.co.uk/safe

1. Hazard

This risk assessment template identifies controls to minimise the hazard of COVID-19 spreading in licensed premises.

COVID-19 is an illness that can affect your lungs and airways. Symptoms can be mild, moderate, severe or fatal. It is transmitted from small droplets that are created when infected persons sneeze or cough. These can be directly transmitted to another person or a surface and then transferred if a person touches their eyes, mouth or nose.

A competent person must carry out an appropriate COVID-19 risk assessment to help decide the control measure to implement. This risk assessment template will help you address the risks of COVID-19 and identify sensible measures to control the risks in the licenced premises..

You must consult with the health and safety representative selected by a recognised trade union or, if there isn't one, a representative chosen by one of your team. You must share the results of the risk assessment with your team. If your team is larger than 50 people it must be displayed on your website. If possible, you should consider publishing the results on your website.

The risk assessment should be reviewed if the nature of the operation changes or if government COVID-19 advice changes.

2. People exposed

Please tick the people who will be exposed.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Employees | <input type="checkbox"/> Contractors |
| <input checked="" type="checkbox"/> Visitors/Customers | <input type="checkbox"/> Members of the public |
| <input type="checkbox"/> Vulnerable groups* | <input type="checkbox"/> Extremely vulnerable groups** |
| <input type="checkbox"/> Other: | |

*Vulnerable groups are classified by the NHS as moderate risk. They will meet the criteria that make them eligible for the annual flu vaccination, for example, those aged 70 or older, and those who are pregnant. Vulnerable individuals who cannot work from home must be offered the safest on-site roles so they can maintain social distancing.

**Extremely vulnerable groups are classified by the NHS as high risk. They will have been informed by their GP that they are extremely vulnerable and will have received a letter confirming this. For employees who have been identified as extremely vulnerable individuals by their GP, they are not to work outside of the home and therefore must not return to the workplace.

For all vulnerable and extremely vulnerable employees please ensure a specific risk assessment and health declaration form has been completed.

Please tick to confirm if necessary:

- | | |
|---|-------------------------------------|
| A specific risk assessment has been carried out | <input checked="" type="checkbox"/> |
| A health declaration form has been completed | <input type="checkbox"/> |

3. Control measures

Read each question below and write in your control measures in the box. You can tick to adopt any of the suggested control measure in the right-hand column.

3.1 Effective personal hygiene

What facilities and/or procedures will you put in place to enhance the implementation of effective handwashing practices by all employees to prevent the spread of COVID-19?

- Wash hand basins are provided to ensure that hand washing can be achieved regularly by team, for example bar and waiting staff.
- If gloves are provided, has training been provided on good practices such as changing between a work task and handwashing after use.
- Wash hand basins to be supplied with soap and an effective means of drying hands.
- Paper towels are used for drying hands.
- Wash hand basins are supplemented with alcoholic hand sanitiser.
- Alcoholic hand sanitiser is provided at the entrance of the licensed premises and at suitable locations throughout, for example at the bar, till points, toilets etc.
- Employees carry their own personal alcoholic hand sanitiser for personal use.
- Gloves are provided & training has been given on their use.

3.2 Social distancing

What procedures will you put in place to ensure appropriate social distancing is maintained between employees in their work space?

TABLE SERVICE
only.

- Wherever possible, social distancing must be maintained. This includes all work areas, entrances, exits, rest areas, customer and staff toilets, bars, seating areas, beer gardens etc.
- Where social distancing cannot be achieved, alter the task so people are stood side to side or back to back.
- Where social distancing cannot be achieved physical barriers (for example perspex screens) have been installed. It is likely that a perspex screen may be needed at till and service points.
- Implemented measures to prevent non-essential movement between work areas.
- Created floor markings to ensure separation.
- Re-designed the flow around the premises.
- Consider restricting numbers of customers using the toilets at any one time & implementing a queuing system.
- Schedule team members to work in fixed 'bubbles'.

3.3 Cleaning and disinfection

What changes will you make to your cleaning and disinfection procedures to ensure they are capable of controlling the potential spread of COVID-19?

- Touch points, such as door handles, keyboards and fridge handles are disinfected regularly throughout the day and as a minimum the start and end of the day.
- Disinfectant used is effective against viruses such as COVID-19 and the contact time is adhered to.
- Ensure that all hand contact surfaces are thoroughly disinfected after each guest (for example tables, chairs, juke box, gaming machines etc).
- All touch points to be cleaned with hot soapy water as a minimum of once a day.
- Shared entrances to the business are part of the enhanced cleaning regime. This may require co-ordination with the landlord or other users of the space.
- Update your cleaning schedule to include frequency of cleaning the toilets, bar, tables etc.
- There is sufficient supply of cleaning materials, recognising increased usage compared to normal.
- If a person displays symptoms of COVID-19 in workplace or there is a confirmed case of someone with COVID-19 having recently visited the premises, then enhanced cleaning following the latest government guidance is undertaken.
- Colleague uniforms are to be laundered daily either professionally or at the highest temperature possible, above 60°C, as not to impact the uniform.
- Employees avoid wearing their uniform on public transport.
- Personal belongings brought to work must be minimal and stored away in a locker.
- Ensure that all your team are retrained in the new cleaning regime.
- Consider a dedicated person to carry out disinfection.

3.4 Personal protective equipment

What procedures will you put in place to ensure existing (standard issue) PPE worn by staff, such as overalls and gloves, are changed and cleaned regularly in accordance with government advice on COVID-19 control?

Don't STAFF WEARING
Masks when serving
Customers

- If employees choose to wear a face covering, they must wash hands thoroughly before putting on and removing, avoid touching the face, change the covering if it becomes damp, change face covering at least daily, continue to observe enhanced hand washing, cleaning regimes and social distancing.
- Review current procedures for laundering PPE to prevent the potential spread of COVID-19.
- Laundering services or facilities installed within the licensed premises to ensure PPE does not need to be taken home by employees and is adequately cleaned after each shift

3.5 Workplace Practices

3.5.1 Deliveries

What changes will you make to your delivery procedures to ensure they are minimising the potential spread of COVID-19?

- The number of deliveries to premises have been reduced, for example by increasing the size of order and reducing frequency.
- Stop personal deliveries to the premises.
- Have a clear area for deliveries to be marked in the premises and maintain social distancing when delivery is being made.
- Hands are washed thoroughly after handling the delivered items.
- Signage is displayed to indicate the delivery area and informing delivery personal of the control on premises.
- Deliveries are not to come through customer areas when the premises in trading.
- Ensure suppliers are aware of the controls they must follow at your premises.
- Consider how drink deliveries are undertaken, recognising that cellars may have restricted space.

3.5.2 Entering and leaving work

What procedures will you put in place to ensure appropriate social distancing is maintained between customers and or visitors?

- If there is a receptionist, then they must be socially distanced or a screen placed as a barrier.
- To facilitate social distancing, stagger times that employees arrive and leave work, reducing congestion at entrances and exits.
- Mark the floor at entrances to show social distance gap.
- If keypads are used to access building, consider deactivating if security can still be maintained. If key pads are used, ensure they are part of the enhanced cleaning regime.
- Markings placed at the entrance of the building to ensure social distancing is maintained before entering the building and queuing.
- Signage is displayed to inform the guest of social distancing measures and requesting they are observed.
- Social distancing is maintained at bar areas, consider a queuing system and clear floor marking.
- Table service is offered to reduce congestion at the bar.
- Adequate signage is displayed to request customers to respect social distancing and not enter if they have symptoms of COVID-19.

3.5.3 Movement within work

What procedures will you put in place to minimise contact between team, visitors and customers within the premises?

Table service to be used when possible

Table services only



- Reduce movement around building by discouraging non-essential movements.
- Consider the use of table service and payment at the table to reduce guests visiting the bar.
- Restrict team movements to only essential areas.
- If lifts are used, restrict number of occupants to increase social distancing.
- Occupants of lifts to face away from one another and mark floor to indicate this.
- Lift to be included in the enhanced cleaning regime.
- If meetings must absolutely be held in person, maintain the social distancing and avoid sharing appliances, such as pens and whiteboards. Space meeting room layout to be changed to ensure distancing can be maintained.
- Meeting rooms are to have enhanced cleaning, with area being disinfected before and after meetings.
- Customers/visitors are to be clearly instructed on flow around the building, either through floor markings or signage.
- Use of blackboards to communicate menu specials to be minimised, as this will discourage guests leaving their table and congregating.

3.5.4 Communal areas

What procedures will you put in place to ensure appropriate social distancing is maintained between your team and customers?

- Stagger breaks to reduce occupancy of communal areas. If possible, take breaks outside in well ventilated areas.
- Seating to be rearranged to aid maintenance of social distancing and reduce face to face interactions.
- Ensure that the communal areas are included in the enhanced cleaning regime. If there are showers and changing facilities, ensure that they are kept clear of personal items.
- Reduce the likelihood of guests congregating in communal areas by altering service, for example online check in or providing table service, distancing facilities, for example moving till points apart or use of floor marking to identify the social distancing area.
- Review occupancy limit of toilets to ensure that social distancing can be maintained. Inform guest of revised occupancy of toilets and wait until facilities are available.
- Facilities to be taped off to ensure social distancing is maintained, for example taping off one urinal if 2 are in close proximity.

3.5.5 Travelling to work

What procedures will you put in place to ensure employees reduce the spread of COVID-19 travelling to and from work?

n/a

- If corporate vehicles are used to transport team, reduce number of people being carried to achieve social distance.
- If team lift car share then passenger to sit behind driver, not alongside.
- Work vehicles to be included on the enhanced cleaning regime.
- If travelling by public transport, encourage team to wear face coverings and avoid rush hours.

3.5.6 Managing visitors

What additional procedures will you put in place to ensure any essential visitors, for example contractors undertaking equipment repairs or service, do not present a risk of spreading COVID-19 to staff?

n/a

- Discourage visitors to the premises. Where visitors are absolutely necessary, then inform them of the controls on site before arriving.
- Manager to inform visitor of the site specific controls when arriving in site.
- Limit the number of visitors at any one time and consider organising visits when occupancy is low, for example if maintenance is required then undertake early outside of trading hours or peak service times.
- If visitors have to sign in, ask them to use their own pen or have a means of disinfecting pen after each use.

4. Additional information and control measures

Capacity of the premises.

Front Bar 20 people

Pool 4-6 people

Back Bar 20 people

Function Room 30

Small Area Special

outside garden 80 per

Total. 164.00.

5. Risk assessment training

Complete to demonstrate evidence that all employees have been trained in this risk assessment

Name	Job title	Date of Training	Signature
[Redacted]	DPS.	3 7 2020 DD/MM/YYYY	[Redacted]
[Redacted]	MANAGER.	3 7 2020 DD/MM/YYYY	[Redacted]
[Redacted]	BAR STAFF	3 7 2020 DD/MM/YYYY	[Redacted]
		DD/MM/YYYY	
		DD/MM/YYYY	
		DD/MM/YYYY	
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Shield Safety
GROUP

shieldsafety.co.uk/safe

COVID-19 Return to Work Form



To help prevent the spread of COVID-19 in the workplace, every worker must complete and sign this form before returning to work. On review of the form, management may contact you and ask you not to return to work immediately and will discuss a suitable future date for your return. N.B. Every question must be answered.

Employee Name: [REDACTED]		Manager Name: Aigars Balsenics	
Workplace Address: 45 Alexandra Road Wisbeck PE13 1HQ WISBECH			
Question		✓ Yes	✓ No
1.	Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness or flu like symptoms now or in the past 14 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Are you a close contact of a person who is a confirmed or suspected case of COVID-19 in the past 14 days (i.e. less than 2 metres for more than 15 minutes altogether in 1 day)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have you been advised by a doctor to self-isolate at this time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Have you been advised by a doctor to cocoon at this time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Please provide details* below of any other circumstances relating to COVID-19, not included in the above, which may need to be considered to allow your safe return to work. Further information on people at higher risk from Coronavirus can be accessed here .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional Information			

* If you are unsure whether or not you are in an at-risk category, please check the information at the link in Question 6. If your situation changes after you complete and submit this form, please tell management.

Print Name: [REDACTED]

Date: 3/7/20

The information contained in this guidance is for educational purposes only and is non-exhaustive. It is not intended to provide legal advice to you, and you should not rely upon the information to provide any such advice. We do not provide any warranty, express or implied, of its accuracy or completeness. The Health and Safety Authority shall not be liable in any manner or to any extent for any direct, indirect, special, incidental or consequential damages, losses or expenses arising out of the use of this template.

COVID-19 Return to Work Form



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Employee Name: Aigars Balsenics		Manager Name:	
Workplace Address: The Angel Inn 45 Alexandra Road PE13 1HQ			
Question		✓ Yes	✓ No
1.	Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness or flu like symptoms now or in the past 14 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Are you a close contact of a person who is a confirmed or suspected case of COVID-19 in the past 14 days (i.e. less than 2 metres for more than 15 minutes altogether in 1 day)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have you been advised by a doctor to self-isolate at this time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Have you been advised by a doctor to cocoon at this time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Please provide details* below of any other circumstances relating to COVID-19, not included in the above, which may need to be considered to allow your safe return to work. Further information on people at higher risk from Coronavirus can be accessed here .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional Information			

* If you are unsure whether or not you are in an at-risk category, please check the information at the link in Question 6. If your situation changes after you complete and submit this form, please tell management.

Print Name: AIGARS BALSEVICS

Date: 3/7/20

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COVID-19 Return to Work Form



To help prevent the spread of COVID-19 in the workplace, every worker must complete and sign this form before returning to work. On review of the form, management may contact you and ask you not to return to work immediately and will discuss a suitable future date for your return. N.B. Every question must be answered.

Employee Name: [REDACTED]		Manager Name: Aigars Balsenics	
Workplace Address: 45 Alexandra Road Wisbech PE13 1HQ		"The Angel Inn"	
Question		✓ Yes	✓ No
1.	Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness or flu like symptoms now or in the past 14 days?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Are you a close contact of a person who is a confirmed or suspected case of COVID-19 in the past 14 days (i.e. less than 2 metres for more than 15 minutes altogether in 1 day)?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Have you been advised by a doctor to self-isolate at this time?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Have you been advised by a doctor to cocoon at this time?	<input type="checkbox"/>	<input type="checkbox"/>
6.	Please provide details* below of any other circumstances relating to COVID-19, not included in the above, which may need to be considered to allow your safe return to work. Further information on people at higher risk from Coronavirus can be accessed here .	<input type="checkbox"/>	<input type="checkbox"/>
Additional Information			

* If you are unsure whether or not you are in an at-risk category, please check the information at the link in Question 6. If your situation changes after you complete and submit this form, please tell management.

Print Name: _____

Date: _____

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WITNESS STATEMENT Appendix C - Additional Evidence

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; CP Rules 2014 r 27.1;MC Rules 1981, r.70)

Statement of: Russell J. Watkins

Age: Over 18

Occupation: Environmental Health Officer

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 anything which I know to be false or do not believe to be true.

Signature:



Date: 11th February 2021

1. I, Russell James Watkins, have been employed since January 2019 on a contract basis by Fenland District Council in the capacity of an Environmental Health Officer, with my normal place of employment being at The Base, Melbourne Avenue, March, Cambs, PE15 0EN. Fully qualified with the Environmental Health Registration Board since 2004, I am also a chartered health and safety practitioner as recognised by the Institution of Occupational Safety and Health (IOSH)
2. Among my duties are the investigation of public health complaints and taking enforcement action when necessary under various legislation. Since the coronavirus (COVID-19) pandemic I have been responsible for the investigation of complaints and for providing businesses throughout the district of Fenland with information as to how they can and cannot operate so as to ensure compliance with the relevant Central Government guidance and legislation including The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. As of 1st July 2020, my entire workload has been designated to COVID-19 matters.
3. As part of my role, I have worked closely with the Fenland District Council Licensing Manager and was tasked with contacting a substantial number of known licensed premises who had recently opened or were due to under the restricted circumstances. I provided advice as to so as to ensure that the premises were complying with the Central Government published guidance for working safely during COVID-19, in this instance 'for people who work in or run restaurants, pubs, bars, cafes or takeaways'.

4. I made a telephone call to Mr Aigars Balsevics on 20th July 2020 to confirm that I was making contact with a number of licensed premises to assist them by ensuring that they were compliant with the relevant required COVID-19 measures. Mr Balsevics agreed to me visiting two of the premises managed by him, and a visit was arranged for 10:00hrs on 22nd July 2020.
5. On the 22nd July 2020 I attended The Angel Inn, 45 Alexandra Road, Wisbech as arranged, and met with Mr Balsevics and [REDACTED]
6. Whilst at the premises, I was firstly able to view the staff training records and COVID-19 risk assessment which were considered suitable and sufficient for a premises of this nature, with track and trace procedures in place with personal details seen to be retained securely. I was guided around the premises and advised of what measures had been implemented. These included a one-way system with sufficient signage in place for customers to understand the requirements, hand sanitisers noted to be readily available and mindfulness given to appropriate capacity having regard to social distancing with tables and chairs appropriately spaced. The fruit machine and juke box had been taken out of use to avoid unnecessary movement around the premises, potential congregating of persons and reduced touch point availability. Queue point stickers were observed on the floor and bar areas screened with Perspex type material.
7. The other function type rooms also had appropriate measures in place such as those mentioned above, and the external seated area was satisfactory in terms of spacing to comply with relevant social distancing requirements. Cleaning of pool table (one taken out of use) and equipment between parties was discussed and I advised to put antibacterial wipes in place for use on the balls, and signage adjacent to pool table so that players are encouraged to do this between use by different parties.
8. On 5th September 2020 I received notification of concerns being raised regarding an alleged lack of social distancing within the premises on Saturday 12th September 2020. I telephoned Mr Balsevics the same day to notify him of the allegations and would have made a visit to the premises for a more in-depth discussion and check, however we couldn't arrange visit between us that week due to lack [REDACTED]

of mutual availability. I reiterated that management of groups and their adhering to social distancing requirements must be maintained at the premises. Mr Balsevics would monitor the situation at the upcoming weekend.

9. Mr Balsevics contacted me directly by telephone on 28th September 2020 for advice regarding face coverings for customers whilst playing pool. I provided verbal advice on procedures in that they must be worn if leaving the playing area to walk to the WC's, vacate the premises, or return to a table where seated to eat and drink. I explained that it could be argued that a face mask could adversely affect ability to play if wearing one, however this was open to debate and prudent that all players within the premises are to be instructed to wear masks whilst playing pool given the non-competition element of relevance.

10. On 30th November 2020 I received a telephone call from Mr Balsevics who was seeking information and clarification concerning the providing of food so that the premises could continue to operate under newly announced procedures. I provided information on the substantial meal situation, what was interpreted to constitute a 'substantial' meal, even giving reference to case law, how food can be provided for customers including the use of outside caterers and food outlets as long as not ordered and collected by the customer and how food should be served in relation to ensuring a sensible alcohol consumption whilst seated. I agreed to email over the relevant guidance on the subject as provided by the Local Government Association and I did this immediately after the conversation had concluded.

Statement of: Andrew Fox

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

Occupation: Senior Environmental Health Protection Officer

This statement (consisting of 1 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 anything which I know to be false or do not believe to be true.

My name is Andrew Fox and I am employed as a Senior Environmental Health Protection Officer, dealing with Compliance, Licensing Applications and complaints.

I have been In Licensing for over 25 years in the positions of Licensing officer through to Licensing Manager for various Local Authorities.

On the 7th January 2021 I was told to attend the Angel Pub in Wisbech and speak to Aigars Balsevics I was tasked with collecting a memory stick containing CCTV footage and a list of attendees. I was given the memory stick but Mr Aigars stated that he could not locate the list of attendees. I also conducted a tour of the premises to look at what measures were in place for Track and Trace.

On the 26th January 2021 I visited the premises again to pick up further CCTV evidence and whilst there I again asked for the list of attendees but again Mr Aigars had been unable to locate the list.

To date I have still not received the list of attendees from Mr Balsevics.

Signature: Andy Fox

Date Wednesday 24 February 2021



**CAMBRIDGESHIRE
FIRE & RESCUE SERVICE**
Working together to improve community safety

██████████
██
Fenland District Council
The Base
Melbourne Avenue
March

For the attention of ██████████

Your reference: EHO/Angel
Our reference: 230136 (Please quote this number on all occasions)
File number: 100091193109

Date: 24th February 2021

Dear ██████████

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005
PREMISES: THE ANGEL, 45 ALEXANDRA ROAD, WISBECH, PE13 1HQ**

REVIEW OF POSSIBLE CONTRAVENTIONS.

The evidential CCTV footage from The Angel Public House on Christmas Eve 2020 was shown to CFRS Fire Protection Managers on the 22nd February 2021. It is of the opinion of Cambridgeshire Fire & Rescue that the evidence presented regarding the fire safety arrangements for egress of relevant persons within the premises in the event of an emergency is deemed to be unsatisfactory.

The following unsatisfactory practises are outlined below:

- a) The securing of final exits by key lock. Staff located at the front exit did not have the keys to open the door and were evidenced leaving the door to find keys before the door could be opened.

In the event of an emergency relevant persons could not have exited the premises due to the locked door. This deficiency is in contravention of the Regulatory Reform (Fire Safety) Order Article 14(b)



www.cambsfire.gov.uk

The Service has considered these fire safety arrangements and has decided on this occasion to underline the occurrence of these contraventions by way of undertaking further education, advice and guidance with the responsible person before the premises is open to the public again. This letter will be kept on file as a record.

In the event of contraventions being identified during subsequent inspections of the premises by the Service, the above noted contraventions contained within this letter will be given due weight in considering enforcement action.

CFRS are happy to support future joint inspections by any enforcing authority.

If there is any relevant matter upon which you require clarification, please contact SC Steve Fleming by telephoning [REDACTED] or by e-mailing [REDACTED]

Yours faithfully

[REDACTED]

For and on behalf of:
C STRICKLAND
CHIEF FIRE OFFICER

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of: Justin BIELAWSKI

Age if under 18: Over 18 (if over 18 insert 'Over 18') Occupation: Police Officer


This statement 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:  Date: 29/12/2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am police constable 1426 Justin BIELAWSKI of the Cambridgeshire Constabulary currently stationed at Wisbech Police Station.

At 21:00 hours on Thursday 24th December 2020 I was on duty in full police uniform crewed with police constable 0014 Fenn SMITH and police constable 0310 Dave HOLLAND.

We attended THE ANGEL PUBLIC HOUSE, ALEXANDRA ROAD, WISBECH, CAMBRIDGESHIRE after police had received intelligence to suggest that a  football club was holding a private party at the location, and that food was not being served.

The ANGEL PUBLIC HOUSE, is a licenced premises in the town centre of WISBECH, it is owned by the ELGOODS BREWERY, WISBECH and the designated premises supervisor is a male known to me to be Aigars BALSEVICS.

The time of our visit coincided with the area (Fenland) being restricted under Tier 2 (High Risk) Coronavirus advice and regulations.

Signature  Signature witnessed by: _____

This meant that pubs must not serve alcohol for consumption on the premises unless with a substantial meal, so that they are operating as a restaurant. The venue must stop serving food and alcohol at 22:00 hours and drinking and eating up time allowed the pub to remain open until 23:00 hours.

The Coronavirus Regulations 2020 also mandated that those persons indoors at a public place must wear a face covering unless there was a reasonable excuse not to. Different households in an indoor setting should not mix with each other unless a legal exemption applies or that they are part of a support bubble.

At 20:56 hours on Thursday 24th December 2020 I approached the ANGEL PUBLIC HOUSE, WISBECH, CAMBRIDGESHIRE, I turned on my body worn camera (F3072) to capture both audio and visual images.

As I got closer to the pub I could hear noise coming from inside that was consistent with a noise coming from an open pub, for example, talking and laughter.

The main entrance to the pub is on ALEXANDRA ROAD, WISBECH, CAMBRIDGESHIRE, the door was locked and I also noted that the curtains were drawn on all ground floor windows.

I knocked loudly on the door numerous times. I received no answer at the door despite repeated attempts to gain access. Five minutes later BALSEVICS appeared from down the road, he walked quickly towards the pub whilst on his telephone, he looked very panicked.

I explained to BALSEVICS the purpose for police being present, I said to him "We have had information to suggest that there is a private party here this evening". BALSEVICS immediately replied "THERE IS NO PRIVATE PARTY HERE". As I turned back towards the pub I now saw that the front door was open.

I explained that I would like to complete a check of the property and BALSEVICS agreed to this.

As we entered the pub BALSEVICS said "I WAS JUST ABOUT TO CALL LAST ORDERS SO". Whilst walking around the pub BALSEVICS was not wearing a face covering, he provided no reasonable excuse for not doing so.

On entering the pub through the small foyer area we turned left and entered the lounge. This area comprised of a number of tables surrounded by chairs. A bar area was to my left. I saw a [REDACTED] pouring a pint at the bar. Sitting around two of the tables were groups of young men, in particular on the table directly in front of me was a group of six males, all aged between twenty and thirty years old. BALSEVICS said "THEY ARE ALL TOGETHER AND THEY HAVE HAD FOOD, LOOK". I looked on the table and saw two paper plates that had some left over salad on. BALSEVICS explained that they had been served sausage rolls.

We made our way from the lounge into another area behind it. I saw a table, around the table were seven young men, all aged between twenty and thirty years old. Some of the group were

Signature _____
[REDACTED]

Signature witnessed by: _____

walking around the table, again not wearing a mask. I noted that there were again some paper plates on the table with left over salad on. I also noted though a large number of empty and half empty pint glasses on the table.

We then made our way to the bar area at the rear of the pub. A mixed group of both young male and females were sitting around a table, again aged between twenty and thirty years old. There was no evidence that any food had been consumed at this table.

BALSEVICS explained that he was planning on calling last orders now at 21:30 hours. I explained to BALSEVICS that I had concerns about what I had seen, it appeared to me that what I had seen was consistent with some of the information that I had seen. For example groups of young men around tables that had lots of empty pint glasses on.

I then headed back to the entrance of the pub where I spoke further with BALSEVICS, I again highlighted my concerns. BALSAVICS explained that he sponsors the [REDACTED] football club, he had taken names down and had restricted those who could visit the pub to ensure COVID compliance, he also cited this as being the reason for the front door being closed. He reiterated that it was not a private party.

I explained to BALSEVICS that I would inform the licensing department of the information that had been received and what had been seen and that it would be for them to make a decision on whether any actions needs to be taken.

On leaving the public house I now became aware of a doorman standing outside, I asked to inspect [REDACTED] (Security Industry Authority) badge that had been displayed on [REDACTED] arm, this identified the doorman as being [REDACTED] (Badge number: [REDACTED])

BALSEVICS then invited me back into the public house as he wanted to show police the function room at the rear of the premises.

I re entered the pub, walked back through the lounge, through a small foyer area and outside across as small courtyard. I saw standing under what appeared to be a small smoking shelter two males in their early twenties, smoking a cigarette, there was pint of been on a picnic style bench in the shelter.

I then entered the function room at the rear of the premises, I saw tables down each side of the function room. Around many of the tables were mixed groups of young people. Again on some of the tables were paper plates with discarded food on, what was very evident though was that there were large numbers of empty alcohol glasses on the tables.

I then left the public house.

On returning to the police station I downloaded my body worn video camera footage to the digital evidence management system ref: F3072.

Signature _____
[REDACTED]

Signature witnessed by: _____

I exhibit this footage as follows:

POLICE EXHIBIT JPB1 - Body worn camera footage from Pc1426 Justin BIELAWSKI (24.12.2020).

Police and Criminal Evidence Act and Codes of Practice complied with.

Signature

A large black rectangular redaction box covering the signature of the person presenting the evidence.

Signature witnessed by:

MG11(t) 12/2009
Y5FXMGTXPHaUkxrQW4jIKh34DdQ5aQ5qgjb5pSWVyoILMN3xGi7z6cjt9yXvxx+ckH/Y54Uc5R4EnYecDrevw==
4 of 4

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of: Paul HAWKINS

Age if under 18: Over 18 (if over 18 insert 'Over 18') Occupation: Police Officer

This statement 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: P Hawkins Date: 15/02/2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 2094 Paul HAWKINS, I am currently employed by CAMBRIDGESHIRE CONSTABULARY within the role of Licensing Officer covering Peterborough and Fenland.

I am providing this statement in support of the FENLAND DISTRICT COUNCIL application for a Licensing Review of THE ANGEL PUBLIC HOUSE, 45 Alexander Road, Wisbech, Cambridgeshire, PE13 1HQ which was submitted on 1st February 2021.

2020 and the start of 2021 has been unprecedented having seen the COVID 19 Virus Pandemic infect the world, including the UK. In March 2020 the UK Government took the extra ordinary step of closing down numerous premises, the closure of schools and encouraging people that could, to work from home. The aim being to stop or at least control the spread of the COVID 19 virus, reducing the infection rates, the burden on the NHS and ultimately; to reduce the number of deaths.

Articles in the press concerning Covid19, have shown that deaths have unfortunately surpassed 2 million, of those in excess of 100,000 deaths being within the UK. It is imperative that the hospitality industry comply with the rules created by the Government with advice from medical experts, to curb the spread of the disease.

The UK Prime Minister, Boris Johnson, together with the HM Government Chief Medical Officer and Chief Scientific Officer have addressed the UK through TV Broadcasts, during which they emphasised the dangers of the disease, concerns of increased reinfection rates should the rules not be adhered to.

Signature P Hawkins Signature witnessed by:

Throughout the pandemic the Police nationally have adopted the approach of the 4 E's principle, Engage, Explain, Encourage, Enforce.

5th November 20 National Lockdown 2.0, (The Health Protection (Coronavirus, Restrictions) (No. 4) (England) Regulations 2020), certain businesses including nightclubs, pubs, bars and restaurants were ordered by regulations to close (with some exceptions for takeaway/delivery of food and drink). They were permitted to sell takeaway alcohol provided it was pre-ordered via online, or phone, or post. Pre-ordered drinks could be sold to and collected by a customer "provided the purchaser did not enter inside the premises to do so"

I can confirm that on the 18th November 2020, Michelle BISHOP (Licensing Manager for Fenland District Council) and I attended the premises to meet with Mr BALSEVICS to discuss a report of persons seen entering and leaving the premise and potentially being open, breaching the Covid regulations at the time. It was established that the premise is a House of Multiple Occupancy (HMO) and those seen leaving were tenants that reside above. Whilst speaking with Mr BALSEVICS he was provided COVID advice by BISHOP and myself.

2nd December 2020 – Cambridgeshire which included WISBECH entered Tier 2 Restrictions, (The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020), hospitality venues in tier two areas were only be allowed to open if they can serve a "substantial meal". Pubs and restaurants could open if they serve food, and customers can only order alcohol alongside a meal. Hospitality venues will be were to provide table service only and customers banned from socialising with anyone they did not live with or who was not in their support bubble indoors. Should if customers want to socialise with friends or family that are not their household, they would have to be seated outside. The Rule of Six applied both indoors and outdoors. Last orders at 22:00 hours and closure by 23:00 hours.

On the 24th December 2020 at 23:43, I received an email from PC 1426 Justin BIELAWSKI, advising myself and Fenland District Council (FDC) of an incident of concern at THE ANGEL PUBLIC HOUSE. "Aigars BELSAVICS of the ANGEL PUBLIC HOUSE, WISBECH was hosting a private party for the ██████████ FOOTBALL CLUB, it was reported that the party was invite only and that there was no food available. Police attended the public house at 21:00 hours on 24th December 2020, the front door was locked, curtains were drawn meaning that police could not see inside. There was noise coming from inside the pub. Police knocked loudly for several minutes. No one answered the door. Aigars then turned up several minutes later and came running down the road on the telephone in a panic, he allowed police access to the pub. Aigars explained that the pub door was locked so that only persons who had their names on the list were allowed into the pub, this was to limit numbers due to COVID. Aigars denied that the football club were having a party."

PC 1426 Justin BIELAWSKI, PC 0310 Dave HOLLAND & PC 0014 Fenn SMITH have provided statements and Body Worn Video to Fenland District Council (FDC) of their findings on the evening.

As a result of this FDC contacted BALSEVICS and requested CCTV of the evening, upon viewing this with BISHOP, I was dismayed by what is witnessed on the footage. BALSEVICS, the ██████████ Bar Person, and the ██████████ SIA Security Officer are seen walking amongst the patrons without masks, one group of Patrons are seen in the bar area drinking alcohol from 15:00 to Closure, there are

Signature P Hawkins

Signature witnessed by:

paper plates scattered at tables, but you barely see anyone eat the food provided. Patrons walk around the premise freely, are not challenged and attend the bar in person to be served and subsequently seen handed alcohol across the bar. At approximately 21:00hrs officers attend and repeatedly knock at the door in order to gain entry. The SIA Security Officer is seen to walk amongst the Patrons and appears to be encouraging them to sit, so when Officers are eventually allowed escorted access inside the premises by BALSEVICS the Patrons are all sat at tables. The [REDACTED] behind the bar dons a face mask (demonstrating [REDACTED] knew that [REDACTED] should have been wearing one). Once the Officers leave the Patrons continue to mix unchallenged by the staff and served again at the bar, they continue to serve patrons after 22:00 hours. The footage clearly shows BALSEVICS, the staff and the patrons in complete disregard of the Covid restrictions that were in force at the time of the incident.

On the 9th January 2021, I emailed BALSEVICS with a number of questions relating to the evening of the 24th Dec 20 it was not until 20th January 2021 when I managed to speak to BALSEVICS on the phone, that he answered the questions over the phone and then agreed in an email that the responses were correct. This has been exhibited by FDC within the Review Application under Appendix B. The answers within the question set prove that BALSEVICS understood the Covid restrictions at the time.

The Covid related breaches described within the Licensing Review demonstrates Mr BALSEVICS has been deliberately reckless or, at the very least, grossly negligent as an operator and has shown an insulting disregard of the Licensing Objectives. There is genuine concern that due to the incident at the premise, it has caused a flagrant risk to Public Health, potentially contributing to the spread of the COVID virus. Endangering the lives of those that attended the premise and the welfare and safety of the wider community of both Adults and Children. Cambridgeshire Constabulary supports the FDC request to the Licensing Committee that they consider revocation of the Premise licence, as removing the Licence Holder BALSEVICS as the Designated Licence Holder would not go far enough, as there are concerns that he may maintain control from behind the scenes. Positive action by the committee will reinforce the need for other operators to adhere to the Covid Restrictions and to protect the Public.

Signature P Hawkins

Signature witnessed by:

Overview of the COVID-19 Epidemiology and Associated Restrictions – December –January 2020/21

1. Key points:

- Covid-19 case rates had increased throughout December and by the 18th of December the over 60's rate was higher than the national figure.
- This increase continued throughout the end of December until the 8th of January when the all age rate was at a high of 560.6 per 100,000
- On Boxing Day, new Tier restrictions came into force in Cambridgeshire that closed all hospitality premises in response to the rapid and ongoing increase in rates and COVID-19 related deaths.
- The rapid increase in cases has been associated with the Kent variant that became widespread during this period and is much more transmissible than the original UK variant. This highly transmissible virus demands strong adherence to all the public health measures that includes social distancing and mask wearing in indoor-shared spaces such as hospitality premises.
- Another critical factor for adherence to public health measures is the emerging evidence that one in three COVID-19 cases are asymptomatic. This means that there is strong risk that people associate with some people who are infected with COVID

2 Epidemiology

2.1 Fenland overview based on information available on 24th December 2020

- Fenland had an all age incidence rate of 203.2 per 100,000 for 7 days up 18th December, with the rate in 60+ being 181.2 per 100,000. The 7 day change in all age case rate was 60.5%
- This compares to England all age incidence rates of 325.4 per 100,000 and a 60+ incidence rate of 197 per 100,000
- Positivity rates were at 6.9%

Table 1: Incidence and Positivity rates 18th and 21 December 2021

Incidence and Positivity data									
	Provisional surveillance adjusted weekly incidence (cases/100,000) & trend vs previous 7 days		PHE adjusted weekly Incidence (cases/100,000) & trend vs previous 7 days		7-day change in case rate (%)	PHE adjusted weekly incidence - 60+ years (cases per 100,000) & trend vs previous 7 days		PHE adjusted Positivity Rate (%) & trend vs previous 7 days	
Data to date	21-Dec		18-Dec		18-Dec	18-Dec		18-Dec	
Cambridge	232	↑	199.5	↑	104.1%	83.6	↑	4.8%	↑
East Cambridgeshire	177	↑	146.9	↑	41.9%	55.2	↓	5.2%	↑
Fenland	205	↑	203.2	↑	60.5%	181.2	↑	6.9%	↑
Huntingdonshire	171	↑	158.5	↑	133.1%	55.8	↑	5.8%	↑
South Cambridgeshire	241	↑	228.2	↑	131.2%	99.6	↑	6.3%	↑
Peterborough	403	↑	400.5	↑	43.1%	269.2	↑	12.7%	↑
EAST OF ENGLAND	-	-	450.4	↑	100.4%	238.9	↑	10.0%	↑
ENGLAND	-	-	325.4	↑	64.9%	197.0	↑	9.8%	↑

Figure 1: Cases by Specimen Date

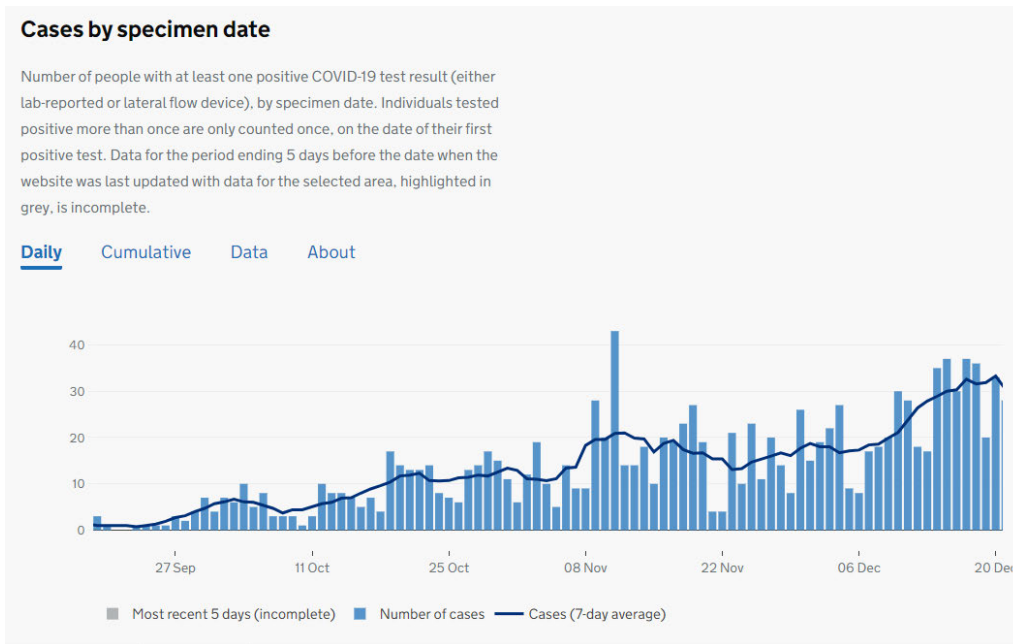


Figure 2: 7 Day Case Rates by Specimen Date

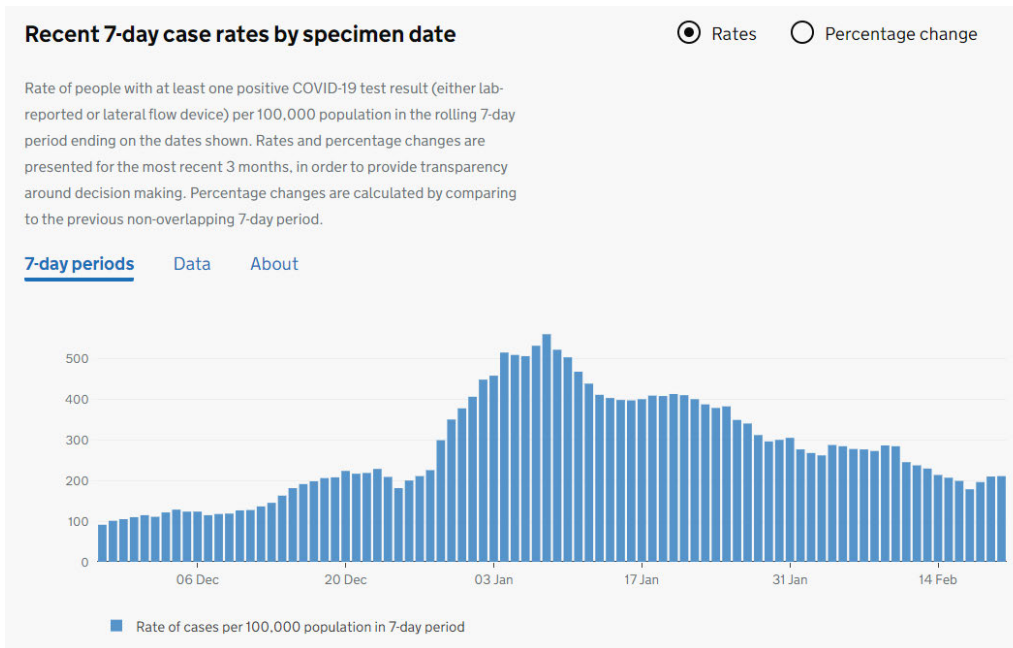


Figure 1 shows the increase in cases that occurred throughout December. After Christmas these rates continued to increase to a high of 560.6 per 100,000 on 8th January before beginning to decline slowly and are currently at 211.1 per 100,000.

3 COVID-19 Restrictions

3.1 From the second to twenty-fifth of December Fenland was in Tier 2 lockdown. This meant that the following restrictions were in force.

- Public Houses and restaurants (hospitality). Last orders to be made by 10pm and the premises to close by 11pm.
- Hospitality premises only open if substantial meals were served.
- No household mixing indoors apart from support bubbles
- Rule of six outdoors that is a maximum of six people could meet outdoors.
- Pubs and restaurants shut at 11pm: only open if serving substantial meal
- Spectators allowed at sports events/live performances (limited numbers)
- Personal care including hairdressing allowed.
- Shops open

3.2 The charts above demonstrate the increase in rates that occurred from the beginning of December. The following shows what this meant in terms of the increases in the number of cases and the seven-day rolling average.

Date	No of new cases	7 day rolling average
December 1 2020	15	18.7
December 23 2020	43	29.9
December 29 2020	114	59.1

This increase in cases, is reflected the national picture and along with the death rate (over 70,000) prompted the introduction of Tier 4 restrictions in Cambridgeshire. This included the closure of public houses and other hospitality premises with the exception of takeaway, delivery, drive-through, click, and collect services.

[REDACTED]
Wisbech
Cambridgeshire
[REDACTED]

The Licensing Authority
Fenland District Council
Fenland Hall
County Road
March
Cambridgeshire
PE15 8NQ

By Email to Licensing@fenland.gov.uk

The Angel Public House, 45 Alexandra Road, Wisbech, Cambridgeshire, PE13 1HQ

Sir,

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the license.

I can confirm that I have had no cause for concern in relation to these premises and support the Premises License Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can confirm that I have never witnessed any sales to drunken customers but rather have seen drunken persons who have arrived being refused admission. I have never seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

I would urge the committee to recognise that whatever the Police claim happened on Christmas Eve it is not indicative of any sort of pattern spread over a number of years.

The arrival of police is markedly at odds with their usual lacklustre and lazy approach to public drunkenness. It is an offence to be publicly drunk (section 12 Licensing Act 1872) and yet no-one in Wisbech has been arrested for this offence for over ten years (the last occasion being when [REDACTED] was the local Inspector).

What has been consistent is police harassment of the current licensee of The Angel. This has included variously: the search of his premises with an improperly filled out search warrant; the deliberate smashing by police officers of doors to hotel bedrooms; the sending in of over a dozen police officers in full riot gear (helmet and riot shield) when the staff were serving meals; the shouting at a 7 year old dining

with his parents until he wet himself, the repeated questioning of one of the female staff asking her over ten times whether she was a prostitute, and placing a surveillance camera team in the council chamber opposite over a number of days at public expense to elicit no evidence of any wrongdoing.

I would urge the committee to consider the wider aims of licensing. The Angel Inn has a significant Eastern European clientele constituting probably 50% of its customers. It is one of only two venues within Wisbech where the two communities freely mingle, the other being the Church of Our Lady & Saint Charles Borromeo and its associated Rosmini Centre.

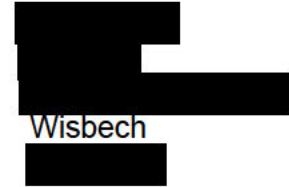
Many Wisbech residents are already concerned about public drinking and the police inertia in dealing with it. The closure of the pub most used by Eastern Europeans would both send the wrong message and possibly increase the tendency to socialise on the streets and hence promote street drink.

I would urge the committee to consider the above points fully and issue an admonishment if one is required.

████████████████████

(Signed on original)

The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I have never seen any concern on these premises and I fully support the license holder of the premises in this review.

I have also never witnessed any of the following;

- Sale to a drunken persons
- Anti-Social behaviour
- Disturbances or crime occurring

In addition to my statement I hope you please consider the positive effects on the community the license holder of this premises has; he has for me personally ensured a safe place where I can go to enjoy myself.

In addition, I must include the fantastic work this man does for my community in continuous fundraising for our community and helping to improve the town we live in, all of this with constant scrutiny for a volunteer to our town. He has provided countless amounts of support towards the local football team I represent and without the support from the license holder we wouldn't be able to do the good things we do for the community.

I hope you take into consideration these facts when review the licensing because it will have rather large repercussions for people such as myself dependant on the ruling.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,

A black rectangular redaction box covers the signature.

The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HO

We write with reference to the above and confirm that we live within the vicinity of The Angel Public House. We have been made aware there is a review of the licence.

We confirm that we have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt we have no concerns regarding The Angel and can clarify that we have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact us.

Yours faithfully,

████████████████████

██████ ██████

WISBECH

██████████

APPENDIX E

<https://www.wisbechstandard.co.uk/news/pub-run-by-mayor-under-review-7563644>

Dear Fenland Licensing team,

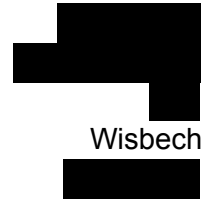
I'm emailing in response to your notice, as the licensing authority, to review the premises known as The Angel, 45 Alexandra Rd, Wisbech.

I would like to lodge my significant disappointment and concern about the alleged, illegal activities going on at the Angel (see Wisbech Standard article above). If the Council's investigation concludes that the licensee has indeed breached Covid and other licensing regulations, then I will expect firm action to be taken in a robust and transparent way.

The whole country has had to make significant sacrifices, myself included, to stop the spread of this pandemic and to support the NHS and the wider public sector such as local government. I am aware that Wisbech's COVID spread (at the time of writing this email) is one of the highest in the country. Is it a surprise that this is the case when incidents like the above occur.

I will be monitoring the situation closely. I aspire to be civic minded, law abiding and a respectful Wisbech resident and tax payer but I'm afraid even my patience is wearing thin when I hear about some of the alleged activities taking place. I'm afraid it hasn't gone unnoticed that this seems to be a pattern in Wisbech.

I'll take this opportunity to thank you, as Council Officers, for your hard work and resilience over the last year or so. It hasn't been easy on anyone, including yourselves. I look forward to a response to the above issue.



The Licencing Authority
Fenland District Council
Fenland Hall
County Road
March
Cambridgeshire
PE15 8NQ

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and I have been made aware that there is a review of the licence.

I can confirm that I have no cause for concerns in relation to the premises and support the Premises Licence Holder.

The Licence Holder has always treated myself, friends and family with the utmost respect when on the premises. Myself and my Partner attended the public house on Christmas Eve and enjoyed a drink and meal with social distancing measures in place.

The Licence Holder has supported my local football team providing a social space for team events, sponsorship and food. If the premises was to be closed and lose it's licence it would come with huge disappointment for myself and the rest of the football team. It would be very difficult to find a public house that has made us feel as welcome and supported us like The Angel has.

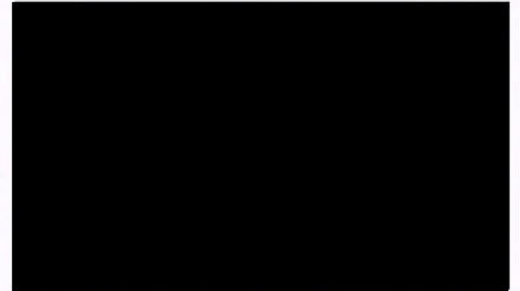
Should you require any further information please do not hesitate to contact me.

Yours Faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

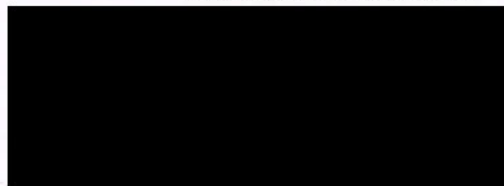
Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

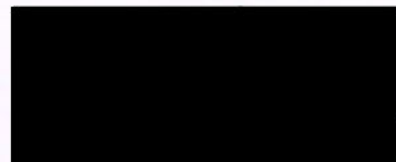
I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

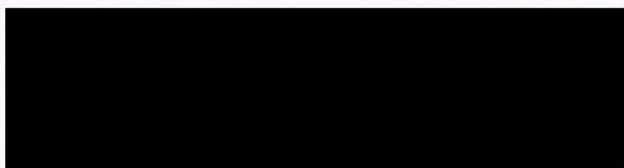
I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

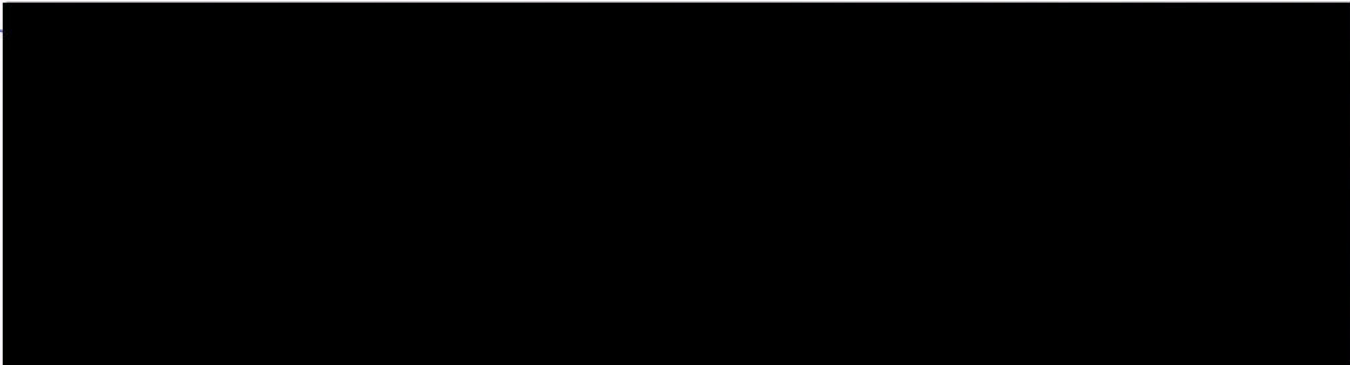
I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

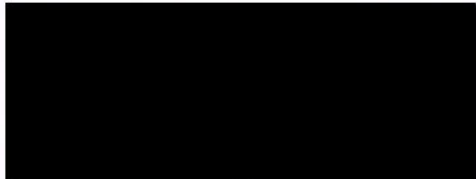
For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ



Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.


For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ



Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address

By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



The Licensing Authority
Fenland District Council
Fenland Hall,
County Road,
March,
Cambridgeshire,
PE15 8NQ

Your name and address



By Email to Licensing@fenland.gov.uk

To the Licensing Authority,

The Angel Public House, 45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

I write with reference to the above and confirm that I live within the vicinity of The Angel Public House. I have been made aware there is a review of the licence.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me..

Yours faithfully,



APPENDIX E

To The Licensing Authority

The Angel Public House , 45 AlexandraRoad,Wisbech,Cambs,PE13 1HQ

I write with reference to the above and confirm that I live not far from The Angel Public House.

I have been made aware there is a review of the licence

I confirm that I have no cause for concern in relation to these premises and support the Premises Licence holder in this review.

For the avoidance of doubt I have no concerns regarding The Angel and can clarify. That I have never witnessed sales to drunken persons, seen any drunkenness, anti social Behaviour, Disturbances or crime occurring.

I Have been entering the Angel since December during my period of entering the Angel I have had a substantial meal including Christmas Eve it's self .

Should you require any further information please do not hesitate to contact me.

Yours Faithfully,

PETITION IN SUPPORT OF
The Angel Public House,
45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

We, the undersigned, confirm that we have no concerns regarding the Angel Public House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives.

Name	Address	Date
[Redacted]	[Redacted] PE131R	24.02.21
[Redacted]	[Redacted] PE131R	24.02.21
[Redacted]	[Redacted] PE131R	24.02.21
[Redacted]	[Redacted] PE131R	24.02.21
[Redacted]	[Redacted] PE131TA	25.02.21
[Redacted]	[Redacted] PE133RS	23.02.21
[Redacted]	[Redacted] PE133RS	23.02.21
[Redacted]	[Redacted] Wisbech	24.02.21
[Redacted]	[Redacted] Wisbech	24.02.21
[Redacted]	[Redacted] PE131HQ	25.02.21
[Redacted]	[Redacted]	23.02.21
[Redacted]	[Redacted] PE135RA	
[Redacted]	[Redacted] PE133hy	23.02.21
[Redacted]	[Redacted] PE132JS	24.02.21
[Redacted]	[Redacted] PE133AG	23.02.21
[Redacted]	[Redacted] PE133AG	23.02.21
[Redacted]	[Redacted] PE133AG	23.02.21
[Redacted]	[Redacted] PE131HQ	24.02.21
[Redacted]	[Redacted] PE131HQ	24.02.21

PETITION IN SUPPORT OF
The Angel Public House,
45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

We, the undersigned, confirm that we have no concerns regarding the Angel Public House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives.

Name	Address	Date
[REDACTED]	[REDACTED] PE133HG	25.02.21
[REDACTED]	[REDACTED] PE133HG	25.02.21
[REDACTED]	[REDACTED] PE132QL	23.02.21
[REDACTED]	[REDACTED] PE132QN	23.02.21
[REDACTED]	[REDACTED] PE132QN	23.02.21
[REDACTED]	[REDACTED] PE132JA	23.02.21
[REDACTED]	[REDACTED] PE133HQ	24.02.21
[REDACTED]	[REDACTED] PE133HQ	24.02.21
[REDACTED]	[REDACTED] PE133HQ	24.02.21
[REDACTED]	[REDACTED] PE133H.	24.02.21
[REDACTED]	[REDACTED] PE132LY	24.02.21
[REDACTED]	[REDACTED] PE132LY	24.02.21
[REDACTED]	[REDACTED] PE132LY	24.02.21
[REDACTED]	[REDACTED] PE132LR	24.02.21
[REDACTED]	[REDACTED] PE132DR	24.02.21
[REDACTED]	[REDACTED] PE132DR	24.02.21
[REDACTED]	[REDACTED] PE133BP	24.02.21
[REDACTED]	[REDACTED] PE133BP	24.02.21
[REDACTED]	[REDACTED]	24.02.21

PE133NY

PETITION IN SUPPORT OF
The Angel Public House,
45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

We, the undersigned, confirm that we have no concerns regarding the Angel Public House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives.

Name	Address	Date
[Redacted]	[Redacted]	24.02.21
[Redacted]	[Redacted] PE133NY	
[Redacted]	[Redacted] PE133LP	24.02.21
[Redacted]	[Redacted] PE133LP	24.02.21
[Redacted]	[Redacted] PE133LP	24.02.21
[Redacted]	[Redacted] PE133LP	24.02.21
[Redacted]	[Redacted] PE1326	24.02.21
[Redacted]	[Redacted] PE1326	24.02.21
[Redacted]	[Redacted] PE1326	24.02.21
[Redacted]	[Redacted] PE133LL	24.02.21
[Redacted]	[Redacted] PE133LL	24.02.21
[Redacted]	[Redacted] PE1484L	24.02.21
[Redacted]	[Redacted] PE140dd	24.02.21
[Redacted]	[Redacted] PE147dy	24.02.21
[Redacted]	[Redacted] PE344pk	24.02.21
[Redacted]	[Redacted] PE344pk	24.02.21
[Redacted]	[Redacted]	24.02.21
[Redacted]	[Redacted] PE1316D	
[Redacted]	[Redacted]	25.02.21

PE133HY

PETITION IN SUPPORT OF
The Angel Public House,
45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

We, the undersigned, confirm that we have no concerns regarding the Angel Public House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives.

Name	Address	Date
[Redacted]	[Redacted] PE132QF	25.02.21
[Redacted]	[Redacted] PE133PL	25.02.21
[Redacted]	[Redacted]	24.02.21
[Redacted]	[Redacted] PE131NS	
[Redacted]	[Redacted] PE133SK	24.02.21
[Redacted]	[Redacted]	24.02.21
[Redacted]	[Redacted] PE133LN	
[Redacted]	[Redacted] PE132BP	24.02.21
[Redacted]	[Redacted] PE140TQ	24.02.21
[Redacted]	[Redacted] PE147SQ	25.02.21
[Redacted]	[Redacted] PE147SQ	25.02.21
[Redacted]	[Redacted] PE147TD	25.02.21
[Redacted]	[Redacted] PE60SP	25.02.21
[Redacted]	[Redacted]	25.02.21
[Redacted]	[Redacted] PE132AH	
[Redacted]	[Redacted] PE132AP	25.02.21
[Redacted]	[Redacted]	26.02.21
[Redacted]	[Redacted] PE135PN	
[Redacted]	[Redacted]	26.02.21
[Redacted]	[Redacted] PE134LX	

PETITION IN SUPPORT OF
The Angel Public House,
45 Alexandra Road, Wisbech, Cambs, PE13 1HQ

We, the undersigned, confirm that we have no concerns regarding the Angel Public House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives.

Name	Address	Date
[REDACTED]	[REDACTED]	25.02.21
[REDACTED]	[REDACTED]	
	PE 131 HQ	
[REDACTED]	[REDACTED] PE132NB	25.02.21
[REDACTED]	[REDACTED] PE132NB	25.02.21
[REDACTED]	[REDACTED] PE140BN	25.02.21
[REDACTED]	[REDACTED] PE140BN	25.02.21
[REDACTED]	[REDACTED] PE131HQ	25.02.21
[REDACTED]	[REDACTED] PE135P	25.02.21
[REDACTED]	[REDACTED] PE135P	25.02.21
[REDACTED]	[REDACTED] PE132	25.02.21
[REDACTED]	[REDACTED]	25.02.21
[REDACTED]	[REDACTED] PE	25.02.21
[REDACTED]	[REDACTED] PE132AT	25.02.21
[REDACTED]	[REDACTED] PE132AT	25.02.21
[REDACTED]	[REDACTED] PE132ND	25.02.21
[REDACTED]	[REDACTED] PE132AT	25.02.21
[REDACTED]	[REDACTED] PE133AF	25.02.21
[REDACTED]	[REDACTED] PE133AF	25.02.21
[REDACTED]	[REDACTED] PE133AF	25.02.21

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Name	Address	Date
[Redacted]	[Redacted] PE133AY	25.02.21
[Redacted]	[Redacted] PE133AY	25.02.21
[Redacted]	[Redacted] PE135HR	26.02.21
[Redacted]	[Redacted]	25.02.21
	PE132TD	
[Redacted]	[Redacted] PE132PW	26.02
[Redacted]	[Redacted] PE132PW	26.02.21
[Redacted]	[Redacted] PE136	26.02.21
[Redacted]	[Redacted] PE132PW	26.02.21
[Redacted]	[Redacted] PE133JP	26.02.21
[Redacted]	[Redacted] PE131RL	26.02.21
[Redacted]	[Redacted] PE133E	26.02.21
[Redacted]	[Redacted] R. PE133FE	26.02.21
[Redacted]	[Redacted] PE131HP	26.02.21
[Redacted]	[Redacted] PE131M	26.02.21
[Redacted]	[Redacted] PE131A	27.02.21
[Redacted]	[Redacted] PE132AP	27.02.21
[Redacted]	[Redacted] PE132LR	27.02.21
[Redacted]	[Redacted] PE132LR	27.02.21

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Name	Address	Date
[Redacted]	[Redacted] PE132ET	28.02.21
[Redacted]	[Redacted] PE131QB	28.02.21
[Redacted]	[Redacted] PE133RL	28.02.21
[Redacted]	[Redacted] PE134SQ	28.02.21
[Redacted]	[Redacted] PE133PV	28.02.21
[Redacted]	[Redacted] PE13	28.02.21
[Redacted]	[Redacted] PE1481R	
[Redacted]	[Redacted] PE1304	28.02.21
[Redacted]	[Redacted] PE1350R	28.02.21
[Redacted]	[Redacted]	
[Redacted]	[Redacted] PE14044	28.02.21
[Redacted]	[Redacted] PE1357x	28.02.21
[Redacted]	[Redacted] PE1329w	28.02.21
[Redacted]	[Redacted] PE132pw	28.02.21
[Redacted]	[Redacted] PE1334w	28.02.21
[Redacted]	[Redacted] PE1334w	28.02.21
[Redacted]	[Redacted]	28.02.21

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Name	Address	Date
[REDACTED]	[REDACTED]	28.02.21
[REDACTED]	[REDACTED] PE7117	
[REDACTED]	[REDACTED] PE7239	28.02.21
[REDACTED]	[REDACTED] IP214PB	28.02.21
[REDACTED]	[REDACTED] PE3207	28.02.21
[REDACTED]	[REDACTED] PE1587R	28.02.21
[REDACTED]	[REDACTED] PE1324	28.02.21
[REDACTED]	[REDACTED] PE1499D	28.02.21
[REDACTED]	[REDACTED] PE1485IE	28.02.21
[REDACTED]	[REDACTED] PE140DF	28.02.21
[REDACTED]	[REDACTED] PE1357A	28.02.21
[REDACTED]	[REDACTED] PE132AS	28.02.21
[REDACTED]	[REDACTED] PE1357	28.02.21
[REDACTED]	[REDACTED] PE1499F	28.02.21
[REDACTED]	[REDACTED] PE177B	28.02.21
[REDACTED]	[REDACTED] PE128AB	28.02.21
[REDACTED]	[REDACTED]	28.02.21
[REDACTED]	[REDACTED] PE135PW	
[REDACTED]	[REDACTED] PE329DN	28.02.21

PETITION IN SUPPORT OF
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Name	Address	Date
[Redacted]	[Redacted] PE329W	28.02.21
[Redacted]	[Redacted] PE133PP	28.02.21
[Redacted]	[Redacted] PE133HY	28.02.21
[Redacted]	[Redacted] PE136	28.02.21
[Redacted]	[Redacted] PE148PA	28.02.21
[Redacted]	[Redacted] PE131RW	28.02.21
[Redacted]	[Redacted] PE131PW	28.02.21
[Redacted]	[Redacted] PE301W	28.02.21
[Redacted]	[Redacted] PE301NW	28.02.21
[Redacted]	[Redacted] PE133RP	28.02.21
[Redacted]	[Redacted]	28.02.21
[Redacted]	[Redacted] PE148RQ	
[Redacted]	[Redacted] PE148Q	28.02.21
[Redacted]	[Redacted] PE148	
[Redacted]	[Redacted] PE147QX	28.02.21
[Redacted]	[Redacted]	28.02.21
[Redacted]	[Redacted] PE132EC	

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Name	Address	Date
[REDACTED]	[REDACTED] PE133PY	27.02.21
[REDACTED]	[REDACTED] PE133PV	27.02.21
[REDACTED]	[REDACTED] PE133PY	27.02.21
[REDACTED]	[REDACTED] PE133PV	27.02.21
[REDACTED]	[REDACTED] PE129LY	27.02.21
[REDACTED]	[REDACTED] PE305HJ	27.02.21
[REDACTED]	[REDACTED] PE132QU	27.02.21
[REDACTED]	[REDACTED] PE132QU	27.02.21
[REDACTED]	[REDACTED] PE133UL	27.02.21
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED] PE135HE	27.02.21
[REDACTED]	[REDACTED] PE132IP	27.02.21
[REDACTED]	[REDACTED] PE135IP	27.02.21
[REDACTED]	[REDACTED] PE132MS	27.02.21
[REDACTED]	[REDACTED] PE132NB	27.02.21
[REDACTED]	[REDACTED]	27.02.21
[REDACTED]	[REDACTED] PE	27.02.21
[REDACTED]	[REDACTED] PE132TY 1311ET	27.02.21
[REDACTED]	[REDACTED] PE132PV	27.02.21

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FENLAND DISTRICT COUNCIL

LICENSING SUB-COMMITTEE DECISION NOTICE

The Angel Public House, Wisbech

Monday 15th March 2021

Sub-Committee (“the Committee/ We”): Cllrs Humphrey (Chair), Connor and Tanfield

Premises Licence Holder (“PLH”): Elgoods & Sons Ltd

Designated Premises Supervisor (“DPS”): Mr Aigars Balsevics

Premises: The Angel Public House, 45 Alexandra Road, Wisbech, Cambridgeshire, PE13 1HQ

Legal Representative for the DPS and PLH: David Dadds, Barrister

Legal Officer: Colin Miles

Licensing Officer: Michelle Bishop

Environmental Health Officer (“EHO”): Trevor Darnes

Preliminary Matters

1. The Committee was convened on Monday 15th March 2021 to consider an application to review the Premises Licence for the abovenamed premises, submitted by Environmental

Health in the capacity of a Responsible Authority, under Section 51 of the Licensing Act 2003.

2. The Review Notice was served on the PLH and DPS on 2nd February 2021 in response to reported incidents taking place at the premises on 24th December 2020 which may have breached the then Covid 19 safe practices requirements and restrictions in place at that time, those being “Tier 2”. Further details follow.
3. The Review was supported by other Responsible Authorities by way of witness statements and oral submissions. These others were Cambridge Constabulary (“the police”); Cambridgeshire Fire & Rescue Service; and Public Health.
4. CCTV footage of the 24th was viewed by the committee. This footage was not viewed in public but in a private session (under Reg 14 of the Hearing Regulations 2005)
5. Police body worn camera footage was not supplied. The police saying it was not sought. This was not explored further by the Committee.
6. One representation was received raising concerns about the spread of Covid 19 in Wisbech specifically.
7. A petition was received in support of the DPS containing some 168 names. Some 16 letters/emails were submitted in support of DPS and one those who signed the petition, spoke to the committee in support of the DPS.
8. The DPS attended by telephone link to his legal representative. He was not asked any direct questions, nor did he offer any submissions, other than through his legal representative.
9. This Notice should be read in conjunction with the committee bundle.

The Function of the Committee

10. It is not the function of the Committee to establish guilt or innocence in relation to matters of crime; nor is it able to investigate alleged crime. The Committee is tasked with making a decision based on the information before it. The decision is based on a ‘value judgment’ and not ‘beyond all reasonable doubt’.
11. The Committee exercises an administrative function conferred on it by the 2003 Act. It is not a court of law and the usual strict rules evidence do not apply.
12. The Committee must base the decision on facts and information put before it and can take into account any local knowledge that may assist in the decision-making process. The decision must be balanced and proportionate; it must be helpful in order to assist the

promotion of one or more of the licensing objectives and be appropriate given the circumstances.

13. The Committee can exercise a wide discretion on the steps it can take but must not stray beyond the promotion of the licensing objectives.

14. The steps that can be taken are:

- Take no further action
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence not exceeding three months
- Revoke the licence

Application to Adjourn

15. Mr Dadds made an application to adjourn the hearing for four weeks on the basis that his client could not have a fair hearing as there had been insufficient time to prepare. Mr Dadds wished to contact those in attendance to obtain statements. Some of those in attendance were from the travelling community whom he had been unable to contact to date, partly due to Covid 19 issues; and this was against the DPS's human rights.

Right to a Fair Hearing

16. There is a right to be informed of the case against you and that you have had reasonable time to prepare your representations; and you have the right to have those representations taken into account by the decision maker.

Rules of Natural Justice

17. You have a right to be informed of the allegations against you and you must be given the chance to rebut those allegations.

Human Rights

18. The decision must be proportionate. The decision maker must strike a fair balance between the rights of the individual and the wider community.
19. The rights for a person to retain a licence (DPS) has to be balanced against the rights of the public to be protected (from transmission of the Covid 19 virus in this instance); a fair balance must be reached.

Committee's Decision of the Application to Adjourn

20. Time frame:

- 1st February 2021 – Review Notice Served
- 18th February 2021 – Confirmation that Mr Dadds was acting for the PLH and the DPS (Confirmed by PLH and later by Mr Dadds on 3rd March)
- 1st March 2021 – Consultation period comes to a close
- 1st March 2021 – Information on behalf of the Licensing Authority sent to DPS and PLH, including date of hearing, although Mr Dadds says he did not receive the information and notification of the hearing date until 5th March
- 12th March 2021 – Mr Dadds seeks an adjournment on the above basis by emailed letter

21. The Committee retired into private session. The Committee believed that sufficient time had elapsed for Mr Dadds to take full instructions and conduct any enquires he felt necessary.

22. The Committee believed given the circumstances leading up to the review that any delay would not be in the public interest. A balance between the rights of the DPS and the public had to be struck. The Committee did not feel that the DPS or the PLH would be prejudiced or disadvantaged if an adjournment was not granted, and given the timeframe, there was no breach of natural justice, the fair hearing principles or the human rights of the DPS.

23. Legal advice was given on the Human Rights Act, and the principles and requirements which underline natural justice and those of a fair hearing, as previously mentioned.

The Review

24. There now follows a brief summary of the information put before the committee. Reports, statements and other supporting information were contained in the committee bundle. These were made available to all parties. It was not the intention of the Committee to hear all the information, having taken the time to read the committee bundle, the Committee wished to explore certain matters and ensure all parties had had sufficient time to put forward their submissions.
25. The Licensing Officer delivered the Committee Report. This was followed by Environmental Health Officer outlining the reasons for the review.
26. **The Review related to the two Licensing Objectives of Public Safety and the Prevention of Crime and Disorder**, which the EHO says were being undermined.
27. The review was brought due to concerns that there were breaches of health and safety legislation and public health legislation.
28. This legislation referred to can be found on Pages 27 – 30 of the committee bundle in the Application for the Review of the Premises Licence submitted by the EHO. Also, the reasons for the alleged breaches are detailed at the same.
29. In brief, the legislation is:
- **The Health and Safety at Work Act 1974, Sections 2 & 3** – Employers are required to so far as is reasonably practicable, to protect the health and safety of their employees and others who may be affected by their work activities
 - **Management of Health and Safety at Work Regulations 1999, Regulations 3 & 5** – All employers are required to carry out a suitable sufficient risk assessment and implement, monitor and review the control measures identified
 - **The Health Protection (Coronavirus, Restrictions)(All Tiers)(England) Regulations 2020, Regulations Schedule 2, Part 3, Paras, 11, 13 & 14** – In tier 2, no further sales of alcohol are to take place after 2200hrs; food and drink is only ordered by and served to customers seated and all reasonable steps are to be taken to ensure the customer is seated whilst consuming food; alcohol only to be served as part of a main or substantial table meal
 - **The Health Protection (Coronavirus, Wearing of Face Coverings in a relevant Place)(England) Regulations 2020, Regulation 3** – No person may enter or remain in a relevant place without wearing a face covering unless seated for eating and drinking with a meal

- **The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, Regulations 6,7 & 8** – Requirement to display QR code or other means for collecting relevant details for track and trace purposes
- **Working Safely During Coronavirus (Covid 19) in Restaurants, Pubs, bars and Takeaway Services** – Government guidance and not legislation. Guidance on how to maintain a Covid secure working environment.

30. The Committee were referred to four occasions when advice and guidance was given to the DPS on safe working practices during the pandemic. The final occasion the advice was sought by the DPS.

31. The occasions were:

- 22nd July 2020
- 15th September 2020
- 28th September 2020
- 30th November 2020

32. The Committee were referred to a “Safe to Trade” risk assessment and “Covid Return to Work Form” completed by the DPS. These can be found in the committee bundle on pages 37-49.

CCTV Footage

33. The Committee were invited to view CCTV footage supplied by the DPS under Condition 12 of the premises licence. This CCTV was obtained by Andrew Fox, Environmental Health Officer as an authorised officer for the Licensing Authority.

34. On external legal advice, this was shown in private to the Committee and Mr Dadds with commentary from the EHO. The footage consisted of excerpts which had been pixelated.

35. Mr Dadds made observations and representations on the footage.

36. Having viewed the footage, a brief description of what the Committee saw follows:

- Perspex screens were in place at the bar; a QR code was displayed; direction markings were placed on the floor
- At lunchtime a meal was served to customers sat at a table. The empty plates remained at the table
- At 1527hrs DPS was seen passing drinks to people from a tray. No face coverings were worn, and food was not being served

- At 1833hrs people were stood at the bar drinking and it appeared the “rule of six” was being breached as there was mixing between groups/persons. Three persons were seen behind the bar when only one staff member was on duty plus the DPS
- At 1843hrs customers were seen to be drinking alcohol, mixing, no food was being served, customers entering the premises were not submitting their details for track and trace purposes
- At 1845hrs the main entrance was seen to be locked. A doorman was on duty who let people in. He was not wearing a face mask nor was the DPS or the member of staff behind the bar
- At 1849hrs customers were seen to be trying to leave the premises but the door was locked.
- At 1941hrs drinks were being served without food
- At 1944hrs the DPS delivered what appeared to be “shots” of alcohol to a table. No food was served
- At 1945hrs in what used to be the pool room, customers were seen to be mixing and having physical contact with each other. It appeared that there may have been a buffet provided at some stage, but this is not clear from the CCTV. Certainly not many people were eating with their alcohol
- At 2020hrs a customer appears to be serving himself from behind the bar and another customer
- At 2040hrs customers are standing at the bar and not eating
- At 2056 the police arrive. They are unable to gain immediate access as the door is locked. The doorman is seen trying to seat people and the member of staff behind the bar puts on a face covering (at 2107hrs)
- At 2057 a person is seen to drink three shots and not have food
- At 2110hrs in the rear bar, there is no social distancing and no main meal being served
- At 2146hrs customers are seen to be served at the bar. No food
- At 2205hrs customers are still being served at the bar
- At 2020hrs social distancing is not being observed. On one occasion three persons were seen to be wearing face coverings
- At 2233hrs one person was seen to be served alcohol in the form of a short with mixer

37. In response Mr Dadds informs the Committee:

- That the DPS and SIA doorman are exempt from wearing face coverings

- The people mixing were of the same household
- Food was being served in the form of a buffet
- There is no requirement, which is agreed, that customer details should be supplied to local authority under the track and trace scheme
- The person seen helping himself from behind the bar was actually a casual member of staff
- The door was locked in order to control who enters and that there were other exits open

Other Representations in Support of the Review

38. **Russell Watkins, Environmental Health Officer**, states in his statement that on 22nd July he visited two premises which the DPS was responsible for – one being The Angel Inn, to advise on required Covid 19 safe working practices.
39. Following a complaint regarding the lack of social distancing, a telephone conversation was had with the DPS and further advice was offered.
40. On 28th September the DPS telephoned and sought advice relating to the playing of pool and face masks. Advice was given along the lines of face masks should be worn.
41. On 30th November advice was given by telephone to the DPS regarding the serving of food, a substantial meal and the seating requirements.
42. **Chief Fire Officer, Cambridgeshire Fire and Rescue Service**. By letter states that the locking of an exit in the event of an emergency is in contravention of the Regulatory Reform (Fire Safety) Order, Article 14b. Advice and guidance is the way forward on this occasion.
43. **PC Justin Bielawski, Police**. He attended the premises just before 2100hrs on the day. Intelligence had suggested that a football club was holding a private party and that food would not be served. Wisbech was subject to Tier 2 (high risk) restrictions. The door was locked, and curtains were drawn. He waited five minutes until he saw the DPS walking quickly towards the pub whilst on his phone.
44. DPS said there was no private party. Food had been served in the form of sausage rolls and salad. A number of paper plates were seen on a table. A number of young males were seen sitting at tables, many in a group of six.
45. Whilst walking around the pub, the DPS was not wearing a face covering and offered no explanation.

46. The DPS said he sponsored a football club. There were lots of empty glasses to be seen around the pub. Two males were seen smoking in a shelter at the rear; a pint of beer was seen on a bench close to them.
47. **PC Paul Hawkins, Police.** Reiterated the then current Covid 19 Restrictions legislation and the concerns aired by the Prime Minister, and Chief Medical Officer through UK television broadcasts.
48. PC Hawkins on 20th January conducted a telephone conversation, not under caution, with the DPS relating to the correctness of questions sent to the DPS previously. These questions and answers can be seen on pages 33 – 35 of the committee bundle.
49. In this document, the DPS denied there was an organised event. Food was being served, in the form of sausage rolls, pasties, salad and chips. There were two staff on duty including himself. He was away for about an hour around 8pm.
50. The doors were locked to prevent overcrowding as it was Christmas Eve.
51. **Public Health (Dr Val Thomas in attendance).** Public Health supply a document detailing the spread of the Covid 19 virus and the health risks associated with the pandemic specific to Fenland. For example, the infection rate leading up to 18th December was 203.2 per 100,000; throughout December and by the 18th, the over 60's rate was higher than the national average. In January, the all age rate was 560.6 per 100,000. The asymptomatic risk was also outlined. The seven-day rolling increase average was 59.1. One in three persons are asymptomatic. This document can be found on pages 63-65 of the committee bundle.

Representations in support of the DPS and the PLH

52. Letters and emails numbering some 16 say that the public house is well run and causes no concerns. The DPS is a good DPS and supports the local football team and other entities within the community.
53. He treats his customers with the utmost respect. There have been no witnessed drunken behaviour, anti-social behaviour or crime associated with the premises.
54. One letter states that the writer and partner attended the premises on the night and had a meal and practiced social distancing. These letters/emails can be found on pages 66 – 83 (excepting that on page 70) of the committee bundle.
55. The Petition contains some 168 names and is in support of the premises. The wording is "*We, the undersigned, confirm that we have no concerns regarding the Angel Public*

House. We support the premises and its licence in its current form and we strongly believe that the premises is a well-managed premises that effectively promotes the four licensing objectives". The petition can be found on pages 84 – 93 of the committee bundle.

56. **Brenda Barber, other Person.** This lady says that the pub is very friendly, clean and welcoming. It is diverse in its customers and should it close it would deprive the town.

57. She did not personally sign the petition but was asked if her name could be put down.

58. She was not present at the pub on 24th December last.

Submissions by Mr Dadds on behalf of the DPS

59.

- The Committee cannot determine whether any crime was committed on the day in question. There is no disorder associated with the events of 24th. The Committee cannot determine guilt or innocence
- Committee should not duplicate statutory schemes
- There has been no criminal breaches of the 2003 Act
- There have been no issues associated with the premises leading to the 24th
- The DPS has co-operated fully with the officers and even sought advice on the Covid 19 safe working practices for licensed premises
- The DPS is conscientious
- The police did not exercise any of their powers on the night either mandatory or voluntarily
- Russell Watkins states at para 6 of his statement (page 51 of the committee bundle) that the staff training records, and Covid 19 risk assessment were sufficient, and there was compliance regarding Covid 19 safe working practices
- The Fire Service chose education over any further action
- The DPS is responsible for the operation of the public house and the day to day running of the public house by way of a tenancy agreement
- The PLH has not engaged the DPS or offered any assistance regarding Covid 19 safe operating procedures due to the tenancy agreement being in place
- The person seen serving himself was a casual member of staff
- The entrance/exit was locked in order to control numbers

- Many of the persons attending were of the same household, and or were family members
- This was not an organised event or party
- Substantial meals were being served

Findings of Facts

60. We find the following:

- Persons attending the public house on the day were not wearing face coverings (save as to three females) and were not practicing safe distancing
- The staff were not adhering to the requirements of safe working practices and were not wearing face coverings
- Many persons were not supplied with a substantial meal and drinks were clearly being purchased without the purchase of a meal
- Drinks were being sold to persons at the bar
- A person helped himself to drinks from the bar and supplied drinks to a companion
- Drinks were sold after 2200hrs
- The rule of six persons at table was largely ignored
- Persons were freely mixing and not remaining seated
- The main entrance and exit door was locked
- Staff appeared not to have washed hands between serving drinks and there was no evidence of sanitizer being used
- The DPS was present for most of the day
- There was no attempt, until the police arrived, to adhere to safe working practices or enforce the Covid 19 restrictions/conditions as laid down in the Covid 19 Regulations
- The DPS was complicit in the disregard for safe working practices for staff and in the disregard of the regulations
- No attempt was made to collect customer details for track and trace purposes
- No attempt to implement Covid 19 safe working practices as identified in the risk assessment

- The public house was Covid 19 compliant as to regards having the QR system in place; having screens at the bar; having one-way markers on the floor; but these were not enforced on the day
- The DPS was fully aware of his legal obligations have received advice and having completed the risk assessment and 'Safe to Trade' document

Reasons for the Decision (which follows)

61. We attach significant weight to the information put before us from the Police, the Fire Service and Public Health.

62. Also, we attach considerable weight to what we saw on the CCTV footage.

63. We have taken into account that there are no previous issues associated with these premises.

64. We note that the DPS is a DPS for two other licensed premises.

65. We have taken into account the letters and petition in support of the DPS.

66. We do not attach much credibility to the version of events presented on behalf of the DPS.

Conclusions of the Committee

67. We conclude that the DPS was fully aware of his responsibilities but chose to ignore them on 24th. Covid regulations were largely ignored as was the Health and Safety at Work Act. There were little or no safeguarding for employees and customers. The motive behind this blatant disregard can only be for profit.

68. We find such behavior during the pandemic as was on 24th, staggering to say the least. Not only were staff put at risk and those in attendance but also persons in the wider community who may well come into contact with those present on the day. We are all fully aware of how easy the Covid 19 virus can be transmitted and what are the consequences not only for those infected but for the burden placed on the NHS.

69. We have grave concerns that the door was locked whilst customers were in the premises, especially as a doorman was employed on the night to control numbers.

70. There is no evidence to suggest that persons attending had booked a meal or were intending to do so. It is more likely than not that this was an organised event given the number of people who appeared to know each other and that a buffet had been supplied.
71. We do not accept that the PLH can “contract away” their responsibilities as a PLH to the DPS as tenant, as this would go behind the provisions and core protections of the 2003 Act.
72. We have no doubt that the DPS is a popular member of the community who sponsors a local football team, and that previously there have been no issues of concern, but previously the country was not in a pandemic.
73. We considered the information before us and felt it necessary to take robust steps as the circumstances that gave rise to the review are totally unacceptable.
74. The DPS was the main person responsible for the events of 24th but the PLH cannot avoid any responsibility.
75. The steps taken, as follows, are necessary and proportionate, and should help the PLH to promote the two licensing objectives in question; and protect the public.

Legal Advice Sought in the Committee’s Deliberations

76. We took advice on the following legislation and guidance:

- **Human Rights Act:** Section 6 – Acts of Public Authorities; Schedule 1, Art 6 – Right to a Fair trial
- **The Crime and Disorder Act 1998:** Section 17 – the Council’s duty to do all it reasonably can to prevent crime and disorder
- **Health and Safety at Work Act 1974:** Section 2 – General duties of employers to their employees; Section 3 – General duties of employers and the self-employed to persons other than their employees
- **The various Covid 19 Restrictions Regulations as previous mentioned**
- **The Licensing Act 2003:** Sections 51 & 52 relating to review proceedings
- **The Council’s own Statement of Licensing Policy**
- **The statutory guidance issued under Section 182 of the 2003 Act:** In particular but not limited to, 11.17; 11.19 – 11.23

The Decision

- The DPS is to be removed from licence
- The licence is to be suspended for three months
- A condition is to be attached to the licence which states that the current DPS (Mr A Balsevics) must not have any further managerial responsibility for the premises which includes responsibility for the day to day running of the public house and hold any supervisory position associated with the public house. This condition will still apply should there be a change of name for the premises while a premises licence is in place authorising the sale or supply of alcohol

We find that two following licensing objectives have been undermined by a disregard of the above mentioned Covid regulations and health and safety legislation, even in the absence of any “disorder” in the general sense of the word:

- **The Prevention of Crime and Disorder; and**
- **Public Safety**

We note this does not deprive the DPS of working as he is a DPS for two other premises. The three-month suspension will allow the PLH to seek a new DPS and engage fully with any existing or subsequent relevant health and safety and public health legislation affecting the licensed trade. The additional condition is placed on the licence to promote public safety and to protect customers of the premises, and it is clear that the current DPS is unable to operate the public house in accordance with relevant health and safety and public health legislation.

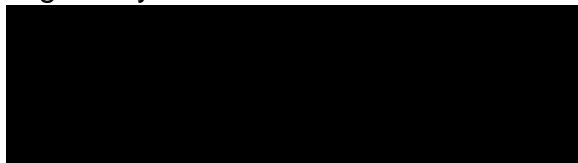
Under the terms of the Licensing Act 2003, this Decision and the licence suspension will not commence until 21 days after this Decision has been sent to all parties, or if the decision is appealed against, until the determination of that appeal.

Any party to this review who disagrees with the decision, may appeal the decision to the Peterborough Magistrates' Court, within 21 days of notification of this decision, at The Court House, Bridge Street, Peterborough, PE1 1ED.

Further details of the Rights of Appeal can be found in Section 181 and Schedule 5 to the Licensing Act 2003.

There may be a fee to pay.

Signed by the Chairman of the Sub-Committee

A large black rectangular redaction box covering the signature of the Chairman of the Sub-Committee.

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Date signed: 18 March 2021

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