

Witness Statement

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

Statement of **Richard Ian Charles Horton**

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Age if under 18 >**18** (if over 18 insert "over 18"). Occupation **Licensing Sergeant**

This statement (consisting of **2** 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 in it, anything which I know to be false or do not believe to be true.

Dated the **25th** day of **September 2021**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

I am the above named person and I am employed as a the Licensing Sergeant for South Division of the Lancashire Constabulary, stationed at Preston.

This is my statement making representations on behalf of Lancashire Constabulary in respect of a proposed review of the premises licence for Applejax Nightclub on Back Mount Street, Chorley.

Applejax is the only operating purpose-built nightclub in Chorley. It has opening hours as follows

Sunday - Monday – Tuesday 1900 hrs – 0200 hrs

Friday – Saturday 1900 hrs to 0600 hrs

As such it is one of the venues that I pay particular attention to as it has potential to make a large adverse impact on the Licensing Objectives if not run responsibly. It has been in operation for many years but in recent years it has mostly been closed with sporadic short-term openings under various new premises licence holders. They have invariably struggled to attract sufficient customer numbers to make the venue financially viable. During the Covid lockdown there were leaks and the internal fabric of the building sustained a lot of water damage.

Around 12th January 2021 an application was passed to my department by Chorley Borough Council seeking to transfer the premises licence for Applejax to Mr. Craig Stephen LEEMING born 26/02/1976.

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The transfer went through but there was little else heard about the premises until July 2021 when Mr. Leeming decided to re-open the venue to the public. In the interim period it seems that Mr. Leeming had done some building work to try and bring the venue back into usable condition inside.

On 29th July 2021 an application was received to appoint Rachael Eastham to the post of Designated Premises Supervisor for the venue. On 2nd August 2021 I met with Rachael Eastham and went through the licence conditions for the venue with her and left her with a full printed copy. She told me that the music was likely to be drum and bass in an attempt to develop a distinctive and loyal customer base.

On 3rd August 2021 I received ungraded intelligence that there was cocaine dealing going on inside AppleJax with deals being done in the toilets. I contacted Mr. Leeming by phone and set out the potential issues at his venue. He replied by email acknowledging that there might be issues and suggesting that police swear out warrants on people's home addresses.

Since AppleJax has re-opened I have the following police logs recorded in relation to the venue which show an adverse impact on the Licensing Objectives, in particular Nuisance

24/07/2021 22:32 hrs LC-20210724-1929 Caller calling reporting very loud noise from the club

26/07/2021 05:31 hrs LC-20210726-0232 Caller calling reporting very loud noise booming from the club

26/07/2021 05:32 hrs LC-20210726-0230 Calling regarding loud music from the venue. The duty Sergeant at Chorley Police Station reported that he could hear the music from the venue inside the police station. Police officers attending found that the club had closed to the public but the music was still being played at very loud volumes by the owner and staff.

01/08/2021 02:41 hrs LC-20210801- 0237 Report of a fight between 2 groups outside the club.

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07/08/2021 05:30 hrs LC-20210807-0652 complaint of noise from the club into the early hours

07/08/2021 LC-20210807- 0594 Caller wants to complain about noise from the venue. He has tried to speak to the venue about the noise and been told “The party won’t stop”

07/08/2021 02:29 hrs LC-20210807-0215 door staff call police for assistance dealing with violent male who is arrested by police for Drunk and Disorderly.

On 19th August 2021 I met with Craig Leeming at the venue. I spoke to him about getting better and more regular door staff and controlling noise from his drum and bass events. I told him that in my opinion as Licensing Sergeant, the regular noise complaints about Applejax would lead to an inevitable licence review if he did not control the volume properly. He told me that attendances were steadily declining.

On 24th and 25th September 2021 on learning that Chorley Borough Council had applied for a review of the premises licence a number of observations were carried out by officers from Lancashire Constabulary including myself.

On 24/09/21 at 2200 hrs I parked on the carpark behind AppleJax in an unmarked car. Loud drum and bass music started at 2200 hrs on the dot. It was loud enough that I could hear it in my car with the windows wound up. After about 10 minutes I drove past the venue entry and saw that the main doors were wide open with the door staff engaged in conversation with a small group smoking outside.

I returned to the same car park at 00:04. The music was fast ,bass heavy with heavily amplified shouted vocals and the music was still clearly audible in my car with the windows up. Again I drove past the venue entry and the main doors were wide open with the door staff engaged in conversation with a small group smoking outside.

At 01:20 hrs 25/09/2021 PC’s Tickle, Stanworth and Abbott conducted a walk through of the venue and found 89 customers and 6 door staff.. The music was very loud. PC Tickle reports .

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“I spoke with a member of staff who presented a sound limiter. He was claiming that the DJ for the event was removing the limiter and turning the sound up. He said he was trying to put the limiter back in place.”

This was indicative to me that the venue had lost control of the music volume at that stage despite being under licence review. I would expect any responsibly run venue to have done everything in their power not to cause further noise nuisance instead of which they were using a DJ who deliberately circumvented noise control measures.

At 03:09 hrs 25/09/2021 police attended a call to Applejax that a father had arrived at the venue to remove his 16 year old son. Officers attending were Inspector Smith, PC Halit, PC Shuttleworth and PC Chapple. The 16 year old was in the venue and had used a picture of somebody else’s passport on his phone as ID rather than an original passport document. This failure to check to actual documents had resulted in a child being admitted to the venue. Police overheard a member of door staff telling the child that he would be admitted next week.

This is a clear breach of two licence conditions

No person aged under 18 years shall be permitted in the premises after 22:30 hours

A documented Challenge 25 scheme will be operated at the premises which will be actively promoted and advertised. Any person attempting to purchase alcohol who looks under 25 years of age will be asked to provide photographic identification to prove that they are 18 years of age or over. Failure to provide such identification will result in no sale of alcohol to that person. The following will be accepted as proof of age - Proof of age standards scheme card (PASS), photo driving licence, passport or HM Forces warrant card.

Whilst police were at the venue they noticed a number of female customers leaving via the fire doors, carrying drinks, The door staff took no action. This is a further breach of licence conditions witnessed by police.

Open bottles and glasses cannot be removed from the premises.

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Drinking of alcohol will not be permitted outside

In conclusion I would say that the evidence available to me as Licensing Officer shows that

1. The venue is regularly operating causing a nuisance to local residents by playing extremely loud music throughout their hours of operation . Warnings from Council and Police Officers have had no noticeable effect on the noise levels.
2. The DPS and PLH have no effective control over operations at the club with DJ's apparently removing noise limiting equipment to play music at anti-social volumes.
3. The venue is not operating the Challenge 25 scheme effectively resulting in a 16 year old child being removed from the club having gained entry on a picture of fake ID.
4. The venue is not controlling entry and exit to the venue so that drinking outside is happening and customers are leaving with open bottles and glasses.

There is clear evidence that since Craig Leeming became the premises licence holder and Rachael Eastham became DPS, the venue has had a constant adverse impact on the Licensing Objectives.

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