

**CHIEF CONSTABLE OF HUMBERSIDE POLICE**

**Applicant**

**-and-**

**HAWTHORN LEISURE COMMUNITY PUB**

**Respondent**

---

**STATEMENT OF  
ALISON KATE SAXBY**

---

**Introduction**

1. My name is Alison Kate Saxby and I am a Licensing Officer in the Licensing Section of the Humberside Police based at Cromwell Road Police Station, Grimsby. I cover the county of North East Lincolnshire. I am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Licensing Officer since April 2018, prior to which I was a Finance Assistant for 4 years, a Public Service Officer for 2 years and an Anti Social Behaviour Researcher for 2 ½ years. I have worked for Humberside Police for 10 years, and I am familiar with problems of alcohol related crime and disorder in both in my current and previous roles.
3. The Respondent, HAWTHORN LEISURE COMMUNITY PUB, is the premises licence holder for the premises licence granted under Part 3 of the Licensing Act 2003 ('the Act') in respect of the premises known as Mariners Rest (also known just as Mariners), situated at Albert Street East, Grimsby, North East Lincolnshire. Premises Licence PM000171 relates to the premises.

4. I make this statement in support of the Chief Constable's application for the review of the premises licence under Section 51 of the Licensing Act 2003 and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.

### **Background**

5. The Respondent is the applicant in respect of the Premise Licence, having applied for the transfer of the licence from Punch Partnerships (PTL) Limited. The application was made in the previous company name of NewRiver Community Pubs Limited, however the company name changed and the Council notified in February 2020.
6. The premises is situated in a retail and residential area in Grimsby. Other retail premises nearby include a petrol station, tyre shop, other licensed premises, a medical centre and a Homeless Charity. **(EXHIBIT AKS/01)**.
7. The premises licence permits the sale of alcohol, on and off the premises, on Monday to Wednesday 1000 to 2300, Thursday to Saturday 1000 to 0100 and Sunday 1100 to 0000. The Licence also includes Late Night Refreshment (Indoors) for the same times.
8. The licence is subject to a number of conditions in addition to those that are mandatory. They are listed in Annex 2 of the licence **(EXHIBIT AKS/02)**, however it has been raised by Humberside Police and North East Lincolnshire Council to HAWTHORN LEISURE COMMUNITY PUBS and the DPS that the conditions are now outdated and should be updated by a Minor Variation Application.

## **History**

9. After a period of closure and renovation of the premises, on 12<sup>th</sup> August 2020, the police received an application to vary the DPS at the premises to Lee COLLINS, which was subsequently approved.
10. This application was received during the COVID-19 pandemic, and at a time when there were a number of restrictions placed on hospitality premises. Some of these restrictions include:
  - a) Social distancing
  - b) Table service only
  - c) Music at a background level so voices don't have to be raised
  - d) No dancing, or music to encourage dancing
  - e) Track and Trace (app or taking names and contact numbers)
  - f) Restrictions on households meeting indoors
  - g) Performances restricted inside

Places were allowed to be open if they were "Covid Secure".

11. On 18<sup>th</sup> September 2020, Humberside Police Licensing and North East Lincolnshire Council Licensing conducted a number of pub visits to ensure compliance with the COVID regulations. One of the visits was to Mariners Rest.
12. At 2100hrs, on arrival in the vicinity of the premises, loud music could be heard. The officers were around 50m away, and could hear the music being played, which they confirmed was coming from the premises. Even the words for the songs were heard at this distance. A person was heard "DJ-ing" over the music, disco lights were in operation, the music being played was the type that would

encourage people to get up and dance, such as the Macarena and YMCA. As they got closer, people could indeed be seen dancing.

13. The DPS, Lee COLLINS, was contacted on his mobile and asked to step outside the premises so the situation could be discussed.
14. Mr COLLINS stated they had had a live singer, the singer was playing the music between the sets and wasn't a DJ. Mr COLLINS was advised by Officers to ensure the volume was reduced and maintained at a background level, as stated by the Government's Covid Secure Guidelines. After several discussions with the singer, the volume was finally reduced to an acceptable level.
15. The other breaches were discussed, including the dancing that had been witnessed and that people had to remain at a table unless using the toilet or entering/exiting the premises. General advice was given regarding the guidelines.
16. A Formal Warning letter was hand delivered to the premises on 23<sup>rd</sup> September 2020 detailing the breaches, and also offering advice in light of the Prime Minister's announcement on 22<sup>nd</sup> September 2020. **(EXHIBIT AKS/03)**. The advice included:
  - a. Face coverings for customers and staff in hospitality premises (from 24<sup>th</sup> September 2020)
  - b. Customers must order from, be served and consume food and drink at a table
  - c. The person responsible for carrying on a business of a public house (etc) must take all reasonable measures to ensure the rule of 6 is adhered to and no one from one qualifying group mingles with any person from another qualifying group.
17. It was also advised that, due to the guidelines becoming law, that any further breaches will be enforceable by law, and can result in a Fixed Penalty Notice, Prosecution or Review.

18. A copy of the letter was sent to HAWTHORN LEISURE COMMUNITY PUBS LIMITED, with a second copy sent on 26<sup>th</sup> November 2020.
19. Humberside Police sent out an email to a large number of licenced premises on 2<sup>nd</sup> October 2020, including to Mr COLLINS, with an information leaflet, as a joint message from the Police and the Council. This detailed updates for the pubs, bars and restaurants in order to ensure a COVID-19 Secure venue. It listed the general requirements and guidance that needed to be adhered to, including groups, serving and consumption of food and drink at the premises, wearing of face coverings and provided links to the Government Guidance and UK Hospitality guidance. **(EXHIBIT AKS/04)**.
20. A further joint visit was conducted on 23<sup>rd</sup> October 2020 by Humberside Police Licensing and North East Lincolnshire Council Licensing due to allegations of further breaches of Covid regulations.
21. It was alleged that earlier in the week, a Wake was held at the premises, with an open finger food buffet, a number of patrons and staff were not wearing face coverings, no table service and people being served at the bar, patrons moving freely around the premises and mingling in large groups both inside the premises and outside whilst smoking.
22. On speaking to Mr COLLINS, he advised that there had been a Wake held at the premises, that there had been around 40 people in the premises for the wake and had spread them over the 2 rooms, there had been a buffet that had been brought in by the organisers of the Wake. He stated he was not aware of the all the restrictions, including those regarding Funerals or buffets.
23. It was requested that CCTV was looked at to clarify what exactly happened on the day, so it could prove or disprove the other allegations made, however we were informed that there had been a

fault earlier in the week and this day had not been recorded. It was said to have been reported and would be fixed within the next couple of days.

24. Words of advice were given regarding the breaches, that food should not be in a buffet, and should only be served by table service, masks should be worn by all those that did not have a medical exemption. Guidelines were provided regarding Wakes, which stated *"Wakes or linked ceremonial events (such as stone-settings) before or after the funeral are limited to 15 people and must not take place in private homes. Where food or drink is consumed, this should be in the form of a sit down meal."*
25. It was also noted that there was 1 QR code leaflet up for people to scan to check in, and hardly any signs to encourage patrons to wear masks and adhere to social distancing. There were no immediately visible signs to advise there was no bar service, only table service, at the premises. Advice was given to provide more signage, get the CCTV working at all times as a condition of the premises licence is "CCTV should be maintained at all times", and to ensure there are no further breaches.
26. Given that information had been sent out a couple of weeks earlier to advise what was required, the breaches were not acceptable, and a second formal warning was sent to the DPS and the Licence Holder regarding the premises. **(EXHIBIT AKS/05)**.
27. On 31<sup>st</sup> October, during routine Night Time Economy Patrols, Mariners Rest was found to be still open at 2223hrs, despite the fact that all licensed premises were required by the Government to be completely shut at 2200hrs.
28. On arrival, there were a number of people outside the premises and the door was open. A member of door staff at the premises stated that as well as the singer and the landlord, they could not remove a

couple members of the public who were refusing to leave. The Police officers entered the premises and there were a number of others inside drinking. Officers intervened and asked the patrons to leave, which they did without issue. This was a further breach of the regulations. **(EXHIBIT AKS/06)**.

29. No action was taken on this occasion due to North East Lincolnshire Council Licensing team receiving a phone call from Mr COLLINS advising he would not be reopening the premises due to difficulties, and he voluntarily closed the premises.
30. Shortly after this, the licensed premises all were required to close, as a national Lockdown was announced for a month. After the Lockdown, North East Lincolnshire, along with the rest of Yorkshire and The Humber Region, was placed into Tier 3, which meant hospitality venues could only open if they were serving substantial meals. This venue does not serve meals, so did not open. In early January, a further National Lockdown was implemented, which meant all hospitality venues again had to close. At the time of writing, the restrictions are still in place.
31. Due to being in lockdown, Police continued to patrol numerous venues to check for any insecurities, any concerns and any breaches of Regulations.
32. On 13/02/2021, a report was made to officers from the Local Councillor around 2015hrs that the premises was open. On arrival at the premises, lights were on in the room that overlooks Oxford Street. Two officers knocked loudly at the door and on the windows several times, and also shone a torch into the premises, including on a strobe setting in order to get attention of anyone in the premises. Another officer looked through the window, however due to frosting on part of the window, they had to position themselves in order to see in. Around 6 males were seen in the premises, and at least 2 female voices were heard too. Some males appeared to be behind

the bar, and that they had what looked like pint glasses in their hands.

33. There was no response to the knocking or any lights being shone into to premises. At the time, the decision was made to leave the premises and report the issue to Licensing (EXHIBIT AKS/07).
34. A further report was received at 2213hrs to anonymously report between 30-40 people in the premises, with them going in through the back door. At 2232hrs, officers arrived at the venue, including one that had attended earlier in the evening, and one officer saw around 3 people inside and lights were still on. The perimeter was checked and found to be secure.
35. Officers returned to the Oxford Street side where the people were seen moments earlier and loud voices could be heard coming from the venue. One officer saw between 15-20 people in the venue hurrying to get to the rear of the premises. Two of the officers went around the side to the Albion Street side, and within minutes, loud voices were heard, so were joined by the third officer. All 3 officers in attendance witnessed males and females running from the venue. It was said there were 20, if not more, running from what could only be the rear door of the venue. Some were carrying alcohol with them.
36. One male remained at the premises, who identified himself as [REDACTED]. [REDACTED] He stated he was a DJ at the premises and had been asked to come in to work by the landlord, and named the landlord as Lee COLLINS. Mr [REDACTED] explained that Mr COLLINS had provided him with the keys to open up the premises to allow people that Mr COLLINS would arrange to come in and drink. Mr [REDACTED] was described by one officer as being intoxicated due to slurring words and being unsteady on his feet.
37. Mr [REDACTED] attempted to locate Mr COLLINS phone number in his phone and tried on a number of occasions to contact him, without



success. An officer asked for the phone number to make contact with Mr COLLINS, but it diverted straight to voicemail.

38. Checks of the premises were completed, and alcohol was found in the fridges and scattered around the tables in the main bar area. Once it was clear that there was no one else in the premises, the premises was secured by officers and the keys were retained by the police for Mr COLLINS to collect.
39. Mr [REDACTED] was reported for summons due to the breach and did not reply to the caution given.
40. Body Worn video was captured of the conversation with Mr [REDACTED] (EXHIBIT AKS/08). The officer started recording when accessing the premises through the rear door after people had left the building. All three officers have provided statements to evidence what has happened. (EXHIBIT AKS/09).
41. Due to the breach, North East Lincolnshire Council issued a Prohibition Notice to Mr COLLINS regarding the venue.
42. Mr COLLINS received the keys back on 22<sup>nd</sup> February 2021 for the premises, and on this date, I contacted Mr COLLINS to discuss whether the premises had CCTV so we could view what happened on the evening. I was advised that at the start of January, the CCTV hard drive was removed from the premises and was being used at his home address and that all electricity had been switched off at the premises.
43. During the conversation Mr COLLINS stated that he wasn't aware that the premises had been open, that Mr [REDACTED] had been sacked and that he had tried to speak to him but he wasn't getting the answers. He advised that Mr [REDACTED] had provided a statement to the Legal department of HAWTHORN LEISURE COMMUNITY PUBS which stated that Mr COLLINS had no idea the premises was

open. He advised that he was in the process of purchasing the premises and all paperwork was with the Solicitors. He advised all the locks had been changed. I requested that we meet up later that day to check the CCTV hard drive at the venue so we could discuss matters further.

44. At around 1410hrs, myself and PC Garry CHAPMAN attended at the premises and met with Mr COLLINS. We were invited into the premises and went upstairs to the living areas where he had plugged the hard drive in to a screen. Mr COLLINS advised that he didn't know how to use the system so gave PC CHAPMAN permission to use the system to check. The system was checked back as far as it could, which was 23<sup>rd</sup> January 2021, and it showed what appeared to be a domestic garden and driveway on one camera and a rear garden on the other. It was confirmed that this was his home address. There was space for 2 other cameras, which Mr COLLINS advised were in use when at the premises. It was reiterated to Mr COLLINS regarding the condition on his licence that a "CCTV system must be maintained" at the premises, and it was advised that it would be good to keep the system on at the premises for Crime Prevention due to the premises being shut given the circumstances. Mr COLLINS reiterated the conversation from the earlier phone call and asked why he wasn't contacted as he would have been straight at the premises.
45. We were then shown the rest of the premises. Whilst walking through to the bar facing Oxford Street, we walked through a dishwashing room, where there were a large number of glasses on and around the dishwasher. It appeared that some were dirty and used, and others appeared clean. Mr COLLINS advised that that was how the premises had been left when he had to shut the premises due to the Government.

46. In the bar, it was clear it had been used, and Mr COLLINS even stated it had been a mess when he got in. There was still some evidence that it had been used, including some bottles, boxes for alcohol and glasses left out. I asked a few times whether what was in the fridge was his, and whether any had been taken out and consumed. He confirmed the alcohol in the fridge was his and that some appeared to have been consumed. He stated that some 2 litre bottles of soft drink had been placed in the fridge which did not belong to him. Other rooms, including the cellar, were also shown to us. The second bar, on Albion Street, did not appear to have been used.
47. Mr COLLINS maintained throughout that he did not know the pub was being used, that Mr [REDACTED] already had keys due to doing maintenance and keeping the lines clean ready for reopening, and that he would have come straight down if he would have known as he was having a meal at his girlfriend's house. He again stated he was in the process of buying the premises and would do anything and have any conditions on the licence to avoid losing the licence. (EXHIBIT AKS/10).
48. It is clear that there have been a large number of breaches at the premises, and whilst it is appreciated that it is a difficult time for all hospitality venues, a high percentage of the others have chosen to be responsible in these unprecedented times. Advice has been given on a number of occasions to the premises about breaches and they have continued to have failings.
49. They have also been informed to keep an eye out for future updates from the Prime Minister, which have been well publicised. Whilst some of the publications may have caused confusion, it was clear that during Lockdown, premises need to be shut, and when they have been allowed to be open, the times were also clear.

50. The premises reopened in August 2020, and on 9<sup>th</sup> September, an article appeared in the local Grimsby Telegraph, which featured Mr COLLINS and Mr [REDACTED]. It was stated that they "are strict on the social distancing measures and hand sanitisation throughout the premises", and also referred to a fogging machine to clean the whole area. Whilst these have been publicised, it appears that other COVID restrictions have not been adhered to, and in some cases, even these measures haven't been implemented. **(EXHIBIT AKS/11)**.
51. In the space of 6 months that the premises has been open under Mr COLLINS, the premises was open for around 2 ½ months to the public. In that time, there have been 3 visits by Police Licensing (18<sup>th</sup> September 2020, 23<sup>rd</sup> October 2020 and 22<sup>nd</sup> February 2021), 2 further visits by officers (31<sup>st</sup> October 2020 and 13<sup>th</sup> February 2021), and 2 warning letters regarding the clear and obvious breaches. There was a further log on 12<sup>th</sup> September 2020 at 2030hrs to advise that, whilst COVID rules were being adhered to initially, that was not continuing, and the person left due to feeling unsafe in the premises. It was alleged that up to 30 people were at the bar (even though table service only should have been in place) and the place was packed. Due to high police demand, officers were unable to attend to verify this.
52. It is clear that there is a complete disregard for the guidance and regulations that have been issued in order to keep the general population safe in an unprecedented time due to a pandemic which has sadly taken the lives of over 120,000 people in the country.

### **Submissions**

53. The view of the Chief Constable is that there has been a large number of incidents and breaches in a short space of time. Since the premises has reopened, the premises has been closed more than it

has been open due to the restrictions imposed by the Government, but to have received 2 warning letters in this time, along with multiple visits to speak to the DPS and advise accordingly, is unacceptable.

54. Contact was made with HAWTHORN LEISURE COMMUNITY PUB at the start of November, in order to speak to who was responsible for the premises. Initially I was informed the premises was set on the system "to be disposed" despite the fact it was open and operating, which had been put down to an internal operating error. However it was later found that the premises had been let to The Mariners Rest Limited since 7<sup>th</sup> August 2020. According to Companies House, there are 2 Active Directors on the business, Samantha AUSTWICK-HALES and Lee COLLINS. **(EXHIBIT AKS/12)**.
55. The Business Development Manager stated that they spoke to Mr COLLINS on 25<sup>th</sup> November 2020 about the issues and he was advised the premises was Covid Compliant – the premises was shut at this time.
56. North East Lincolnshire Council Licensing sent an email back, and in it explained that Humberside Police would like to seek a Minor Variation in order to strengthen the licence and details given for them to make contact. Mr COLLINS was also aware of this request at the meeting held in October 2020. As it stands, no contact has been made with myself in order to propose conditions for a minor variation application, nor has an application been received. **(EXHIBIT AKS/13)**.
57. It has also been stated that the current DPS, Mr COLLINS is in the process of purchasing the premises from HAWTHORN LEISURE COMMUNITY PUB, which is why the application to vary the conditions has not been submitted, however this request was made months ago and no conversations have been had in order to improve the licence on the premises.

58. There are concerns too, regarding the premises being sold to The Mariners Rest Limited, with Mr COLLINS being involved on all sides.
59. There has been an unacceptable amount of incidents and breaches of Government guidance and legislation in respect of Mariners Rest
60. It is the view of the Chief Constable that the licence be revoked due to the continual disregard of the Prevention of Crime and Disorder objective and Public Safety objective of the Licensing Act 2003, and that the Licensing Objectives will continue to be undermined.
- 61 The Chief Constable requests that the Licensing Committee consider the points made within this statement and asks that they revoke this licence.

I believe the contents of this statement to be true.

Signed:

  
Mrs Allison Saxby

Dated:

15/3/21