

# **Licensing Hearing Panel - Sub-Committee of Licensing and Safety Committee – Supplementary agenda no. 1**

**A meeting of the Licensing Hearing Panel - Sub-Committee of Licensing and Safety Committee will be held on:**

**Date:** 3 April 2018

**Time:** 9.30am

**Venue:** Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham  
ME4 4TR

## **Items**

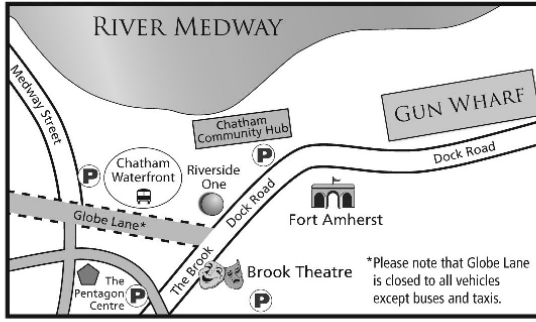
- 7      Licensing Act 2003 - Application for a summary review of the premises licence for the Prince of Wales, 90 Cecil Road, Rochester, Kent ME1 2HS      (Pages 3 - 20)**

The report within the main agenda, published on 22 March 2018, stated that Kent Police had indicated that they would be submitting additional supporting evidence. This is attached as Appendix E.

The report also stated that the closing date for representations was 26 March 2018. A representation has been received from Medway Council Licensing Enforcement, a responsible authority, and this is attached as Appendix F.

**For further information please contact Stephen Platt, Democratic Services Officer on Telephone: 01634 332011 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)**

**Date: 27 March 2018**



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**[www.medway.gov.uk](http://www.medway.gov.uk)**

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ଓଡ଼ିଆ	331786	فارسی	331840	Lietuviškai	332372

**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 PC 11044 HUNT**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below** (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> <b>Prince of Wales</b> <b>90 Cecil Road</b> <b>Rochester</b> <b>Kent</b>	
<b>Post town</b> <b>Rochester</b>	<b>Post code (if known)</b> <b>ME12QT</b>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> <b>Alfred Martin &amp; Rita Martin</b>
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<b>Number of premises licence or club premises certificate (if known)</b> <b>MEDWAY-05-PREM-0003</b>
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**Part 2 – Applicant details**

I am

**Please tick yes**

1) an interested part (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete ( C ) below)

☒

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**3 a member of the club to which this application relates (please complete (A) below)**

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in a applicable)

**Please tick**

**Mr** ☐ **Mrs** ☐ **Miss** ☐ **Ms** ☐ **Other title** ☐  
(for example, Rev)

**Surname**

**First names**

**Please tick yes**

**I am 18 years old or over**

☐

**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)**

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>PC 11044 Hunt Medway Police Station Purser Way Gillingham Kent Police ME71NE</b>
Telephone number (if any) <b>01634 792388</b>
E-mail address (optional) <b>11044@kent.pnn.police.uk</b>

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

Kent Police submit this application to review The Prince of Wales Public House in order to promote the licensing objectives of protection of children from harm, public safety and the prevention of crime and disorder.

This is following an incident of serious crime and disorder whereby a male was hospitalised after being attacked with a knife resulting in a serious facial injury.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**Please provide as much information as possible to support the application**

(please read guidance note 2)

Kent Police applied for an expedited review of the premises licence for The Prince of Wales Public House on Monday 12th March 2018. This application was following an incident of serious crime and disorder that occurred at the premises in the early hours of Saturday 10th March 2018. The hearing for the expedited review was heard on Tuesday 13th March 2018 during which the licensing panel decided due to the seriousness of the incident to suspend the premises licence pending the full review hearing on 3rd April 2018.

The Prince of Wales Public House operates under premises licence Medway-05-Prem-0003. This licence authorises The Prince of Wales to conduct licensable activity including the sale of alcohol from 10:00 to 00:00 each Friday and Saturday. The licence stipulates the opening hours of the venue is from 10:00 to 00:30 each Friday and Saturday. The designated premises supervisor and premises licence holder is Alfred Martin.

At approximately 01:20 hours on Saturday 10th March 2018 Kent Police were called to respond to a serious, violent incident at The Prince of Wales Public House. The result of which is that a male victim has received a serious head injury, the level of severity being consistent with that of grievous bodily harm. The details of the incident are as follows:

The crime victim is a customer that had been drinking in the Prince of Wales that evening. He was assaulted whilst trying to assist Alfred Martin in dealing with a group of males that were causing a nuisance inside the premises. The offender, also a customer within the premises brandished a large army style knife which he used to slash the victim across the face causing serious injury. This resulted in the victim being cut from the top of the head down the left side of his face, passing but narrowly avoiding his eye, down the cheek and finishing just shy of the jaw bone resulting in over a litre of blood loss and a confirmed 35 stitches. The offender left the scene prior to police arrival.

At the time of the expedited review hearing the identity of the offender was unknown. A suspect has now been identified and arrested. This person is only 17 years of age.

Officers that attended the scene established that the CCTV at the venue was not working. Alfred Martin advised them that it had been faulty for a period of approximately 5 days and as such was not recording. The hard drive of the CCTV was seized by police at the scene and later checked by officers. These checks confirmed that the last recording on the hard drive unit was indeed Monday 5th March 2018. This amounts to a breach of the premises licence which states that the CCTV system is to be fully operational throughout the hours that the premises are open for licensable activity. The lack of CCTV does have implications upon this investigation with regards to the identification of the offender and evidence of the offence. Had the CCTV been recording as per the premises licence condition then it is very likely that this attack would have been captured in full.

Attending officers also found that the crime scene (bar area) had been cleaned prior to police arrival. Blood had been cleaned from the floor using towels and these towels were later found discarded in a bin at the side of the premises. Clothing worn by the victim of the attack was also found discarded in the bin. The severity of the injury and seriousness of this incident should have been clear to all persons present and in particular to Alfred Martin as designated premises supervisor. The fact that efforts were made to clean the scene prior to police arrival is likely to have hindered the investigation and potentially impacted on possible forensic opportunities.

As stated above the premises licence allows for the sale of alcohol each Saturday from 10:00 to 00:00 and stipulates that the premises is to close at 00:30. This violent assault occurred at approximately 01:20 hours, long after the time at which the premises should have been closed. PC Squires from Kent Police has provided a statement which says that he arrived at scene at approximately 01:55 hours. Upon entering the premises PC Squires counted approximately seven customers within the premises with one member of staff Alfred Martin behind the bar. Two customers were sat at the bar and in front of each of them was a full fresh pint of lager that appeared to have just been served. There is clear evidence that the venue was open and operating outside of permitted licensable hours. Had this not been the case and had the premises been

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

closed on time then this assault would not have occurred.

Police visited the premises on 12th March 2018 and requested to see the incident / refusal book as a record of this incident should have been completed. Alfred Martin was unable to provide this book stating that the venue did not have one. This is another breach of the premises licence.

Kent police have been monitoring the venue with concerns regarding drug use, clientele base and non-compliance issues such as operating outside of permitted licensable hours. The details of which are as follows:

On Thursday 24th August 2017 Police Licensing and Local Authority Licensing attended the premises and held a meeting with Alfred Martin. This was in response to allegations that on 18th August 2017 the venue had operated beyond its permitted hours and had also served underage persons. Alfred Martin denied these allegations but was unable to provide any CCTV to support this as again the CCTV was faulty. At this meeting it was also established that the premises had been operating for a significant period without a designated premises supervisor.

Police licensing visited the premises on both 9th and 15th September 2017 and obtained drug swabs from the toilet areas. The results on both occasions were very high.

On Friday 29th September 2017 Police Licensing and Local licensing held a second meeting with Alfred Martin. Details of this meeting were documented in a warning letter sent to Alfred Martin.

In support of this application Kent Police submit the following items:

- 1- Statement PC Squires 13355 dated 16<sup>th</sup> March 2018
- 2- Warning letter to Alfred Martin dated 9<sup>th</sup> October 2017

Having considered all options, Kent police seek revocation of the premises Licence.

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**Please tick yes**

Have you made an application for review relating to this premises before ☐

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 this premises please state what they were and when you made them**



**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e mail address your e mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: **Mark Squires**Age if under 18: **Over 18**(if over 18 insert 'over 18') Occupation: **Police Constable  
13355**

This statement (consisting of \_\_\_\_\_ page 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.

Signature: **Mark Squires**Date: **Friday 16th March 2018**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Friday 9<sup>th</sup> March 2018 I was on duty in full uniform in crew with PC HARTLAND. At approximately 00:20 hours of Saturday 10<sup>th</sup> March 2018 we were sent to an immediate call to a stabbing at The Prince Of Wales pub in Rochester. Initially we were sent to the wrong location in Strood and Chatham before arriving at The Prince Of Wales pub, Cecil Road, Rochester at 01:55 hours. On arrival there was already an ambulance present outside the pub treating a victim who had been stabbed in a fight inside the pub earlier. PC HARTLAND spoke to the victim in the ambulance while I entered the pub to obtain details of what had happened. I entered the pub at approximately 02:00 hours and started asking the people in the pub if they had seen anything. There were approximately seven people in the pub and there was one member of staff behind the bar who identified himself as the landlord. While I was making my initial enquiries I saw two white males in their early 20s sitting at the bar with two full pints of lager in front of them. I did not see them pay for the drinks but these had just been put on the bar in front of them. Due to the delay reaching the venue the landlord had already cleaned up most of the blood caused by the stabbing. He was asked about CCTV and said it had broken about a week ago and he had been trying to get someone round to repair it. I searched the Pub and garden for the knife used in the attack but could not find it. I took two accounts from witnesses before leaving the pub at approximately 03:20 hours to attend

Signature: **Mark Squires**

Signature witnessed by:

**Typed by: Mark Squires**

Continuation page 2

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Continuation statement of: **Mark Squires**

the Hospital and as I did I saw the landlord sell one of the males I saw earlier a packet of cigarettes and took £5 from him for these.

Signature

**Mark Squires**

Signature witnessed by

**Typed by: Mark Squires**



**Kent  
Police**

Working to keep **Kent** safe

Mr A Martin  
Prince of Wales  
90 Cecil Road  
Rochester  
Kent  
ME12HS

Medway Police Licensing Department  
Medway Police Station  
Purser Way  
Gillingham Kent  
ME71NE

Direct Line: 01634 792388  
Mobile: 07815501118  
11044@kent.pnn.police.uk

Date: 9<sup>th</sup> October 2017

Premises: Prince of Wales  
Licence number: Medway-05-PREM-0003

Dear Mr Martin

As you are aware a joint licensing visit was conducted at your premises by PC Hunt 11044 from Kent Police and Franco Defazio from Medway Council on 24<sup>th</sup> August in response to reports of underage drinking and to the premises opening beyond permitted hours. It was found that you had no working knowledge of your CCTV system and was unable to show any footage in relation to these allegations. This amounts to a breach of condition 8 of the premises licence. It was also established that the venue had been operating for a period of months without an appointed designated premises supervisor. (This is an offence under S136 of the Licensing act 2003). You then applied yourself and are now the DPS.

Further licensing visits were conducted at your premises by PC Hunt 11044 in the evening of 9<sup>th</sup> September and again by PC Holroyd 10399 in the evening of 15<sup>th</sup> September. On each occasion ION track drug swabs were obtained from both the male and female toilet areas. The results can be found below:

9<sup>th</sup> September  
Male: 6.15 (cocaine)  
Female: 6.47 (cocaine)

15<sup>th</sup> September  
Male: 6.70 (cocaine)  
Female: 7.72 (cocaine)

Both the male and female toilets provided extremely strong, clear hits which would indicate the recent presence of Cocaine. As a general guide, we would not look at anything for below 2 and consider a high reading to be anything above 4-5.

On 29<sup>th</sup> September you attended a meeting at Medway Police station, present were PC 11044 Hunt and council licensing officer Charles Bennett. The meeting was called so that our concerns could be explained in full and so that we can discuss how your premises can move forward in order to promote the licensing

objectives. Advice was provided with regards to dealing with an apparent drug issue and you welcomed further ION track drug swabs or visits to the premises with a drugs dog (should police resources allow). An area that you raised as a concern was with regards to the behaviour of two males that currently rent rooms and live above the premises. You agreed to speak with these individuals and consider eviction should their behaviour not change. You also stated that both members of your bar staff were already booked in and being put through a personal licence course due to take place on 6<sup>th</sup> October. You agreed that one of these staff members would then take on the responsibilities of and become DPS.

As the current Designated Premises Supervisor you are responsible for ensuring that the conditions on your licence are being complied with at all times the premise is trading. I must inform you that it is an offence to breach a licence condition and that a person is liable to an unlimited fine, six months imprisonment or both for each breach of licence condition.

Section 11.10 of the guidance notes for section 182 of the licensing act states:

*"Authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence and certificate holder of the steps threat they need to take to address these concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review."*

On this occasion there will be no formal proceedings taken against the premises licence however please take this letter as a written warning that should there be any further incident or breaches of the licence at the premises then Kent Police Licensing would consider further action which may be by means of a review of the premises licence.

Please feel free to contact me for any further help or advice.

Yours sincerely

PC 11044 Dan Hunt  
North Division Licensing Officer

**From:** defazio, franco  
**Sent:** 23 March 2018 14:05  
**To:** licensing  
**Subject:** Review representation for The Prince of Wales, 90 Cecil Road, Rochester  
**Attachments:** Attachment 1.pdf; Attachment 2.pdf

Dear Licensing team

I would like to put a representation forward as a responsible authority in support of the Police review in connection with the following licensing objective;

the prevention of crime and disorder.

There is a record of some minor concerns at the premises over a number of years and this will be the second time that a review hearing has been called by Kent Police at Medway.

On the 21 August 2017 the licensing team received 2 complaints alleging that the premises were operating after the permitted hours and reporting anti social behaviour issues. Please see Attachment 1 & Attachment 2 respectively.

On the 24 August 2017 I made a visit with PC Hunt to The Prince of Wales – 90 Cecil Road, Rochester following the two recent complaints. This resulted in a written warning as the designated premises supervisor had left in March that year. PC Hunt and that myself were also unable to view the CCTV. Mr Alfred Martin was advised that the premises must close until a replacement designated premises supervisor is nominated and that since he was unable to show us the CCTV footage of the pub on that evening, was given 7 days to provide me with a copy of that recording. I received a hard drive within the 7 days but have been told by the police that there was no footage recorded on the hard drive to view when they tried to receive it.

Mr Alfred Martin has been advised previously about the need for the CCTV to be fully operational. As the CCTV was not recording at the time of the incident I believe this shows that he has not taken the advice given him seriously and has not promoted the above licensing objective by failing to breach the CCTV condition a second time.

Kind regards

*Franco De Fazío* - Licensing Enforcement Officer  
BSc(Hons), BIIAB



Medway Council Licensing Unit  
Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR

[franco.defazio@medway.gov.uk](mailto:franco.defazio@medway.gov.uk)

Visit our website: [www.medway.gov.uk](http://www.medway.gov.uk)

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## Report license incident

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\* Mandatory field

[Help](#)

### Details of the incident

Are you reporting a premises, vehicle or person? *	Premises
When did the incident happen (if this is a long standing issue, please give date first noticed) * (dd/mm/yyyy)	19/08/2017
What time did the incident happen (hh:mm 24 hour clock)	00:00

## Report license incident

---

\* Mandatory field

[Help](#)

### Premises related incidents

Address *	THE PRINCE OF WALES, THE PRINCE OF WALES, 90, CECIL ROAD, ROCHESTER, KENT, ME1 2HS
Details of the incident * (1500 chars limit)	loud music from live band startng at approx 9pm and finishing at 7am. Pub door left open so noise was very loud. Also noise spilled out into the garden with loud voices. Becoming a regular problem with this pub and making the area not very pleasant to live in.
Where did the incident happen? *	Inside

## Report license incident

\* Mandatory field

[Help](#)

### Premises related incidents

Address *	THE PRINCE OF WALES, THE PRINCE OF WALES, 90, CECIL ROAD, ROCHESTER, KENT, ME1 2HS
Details of the incident * (1500 chars limit)	Seems to be locks ins occuring in this pub. Saturday night through to Sunday morning and then Sunday night through to Monday morning. [REDACTED] thinks it is under new management or has a new owner. There was a live band and loud music until gone midnight Saturday into Sunday but there were customers in the pub making noise most of the night. This happened again on Sunday night into this morning with a fight spilling out into the road about 1.15am. Could someone have a look at this please? Thanks.
Where did the incident happen? *	Inside

## Report license incident

\* Mandatory field

[Help](#)

### Details of the incident

Are you reporting a premises, vehicle or person? \* Premises  
When did the incident happen (if this is a long standing  
issue, please give date first noticed) \* 19/08/2017  
(dd/mm/yyyy)  
What time did the incident happen 03:00  
(hh:mm 24 hour clock)