

Licensing Hearing Panel Supplementary Agenda No.1

Notice of a Meeting, to be held as a Virtual Meeting in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

A meeting of the panel will be held on:

Date: Monday, 10 August 2020

Time: 9.30am

Venue: Virtual meeting

Membership: Councillors Mrs Diane Chambers, Kemp, Mrs Elizabeth Turpin and Bhutia as the fourth member

Agenda

- 6 Application for Summary Review of a Premises Licence, Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR (Pages 3 - 23)**

The Police have submitted the attached supplementary information:

Appendix H – Supplementary Evidence Pack
Appendix I – Witness Statement

The licensee has submitted the attached supplementary information:

Appendix J – E-mail and photos in relation to staff training

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

Date: 7 August 2020

Please note that any member of the press and public may follow proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council's website ahead of the meeting. Please refer to this meeting via the meeting calendar for further details:

<https://democracy.medway.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting.

Kent Police Supplementary Evidence Pack

Premises Licence Review
Hearing
10th August 2020

Fleur De Lis
46 Gillingham Road
Gillingham
ME74RR

Image 1: Front of the Fleur De Lis Public House



Image 2: Fleur De Lis Pubic House location, Gillingham Road junction with Trafalgar Street and Nelson Road



Image 3: Function hall and outside drinking area of the Fleur De Lis Public House



Image 4: Front of the Fleur De Lis Public House on a Gillingham FC match day.



Note: Source of all images was 'Google'. All readily available in the public domain.

List of previous incidents notified to Kent Police that have occurred at the Fleur De Lis Public House

Sunday 19th July 2020 at 16:59. GBH and ABH incident leading to the expedited review. CAD 19-1139. Crime Report number 46/12436/20

Saturday 4th July 2020 at 21:54. Opening night post lockdown. Kent Police Officers were in the area of Gillingham Road, Gillingham dealing with a separate incident when their attention was drawn to two females who had come out of the Fleur De Lis public house embroiled in a fight. The two females had hold of each other's hair. One of the females had smashed a glass and the other female had an injury to her face, the officers believed this was caused by the glass. The females were screaming and police had to separate the females.

Both were arrested for an affray. From that incident persons exited the pub, some still had glasses with drink in them. They then came into the street and the incident seemed to escalate with approximately 6 people wanting to become involved and give their opinion, some are abusive towards police. During the incident officers requested another patrol

Premises later requested to close voluntarily. CAD 04-1636.

Thursday 19th March 2020. Male ejected and then threatened to smash the pub up. Banged on windows. Crime report number 46/73520/20.

Saturday 14th March 2020 at 15:53. Male stating he had been ejected from the pub and hit to the back of the head. CAD 14-0971. Crime report number 46/48188/20.

Wednesday 11th March 2020 at 19:30. Report of 2 people fighting both in the doorway to the pub and outside in the street. Customers holding females back inside the pub to stop it escalating. SECAMB called. CAD 11-1383. Crime report number 46/28394/20

Friday 31st January 2020 at 23:42. Male stating he has been assaulted in the pub. Grabbed by the neck after he put his drink on the pool table. CAD 31-1765. Crime report numbers 46/23932/20 and 46/19722/20

Friday 31st January 2020 at 14:17. Inft was working for BT open reach. Disagreement with licensee over parking resulted in the infts tools being thrown all over the floor. CAD 31-0813. Crime report number 46/20624/20

Sunday 5th January 2020 at 21:05. Report of fight inside the pub. Appears called in by premises staff. People fighting and throwing drinks around. CAD 05-1228.

Saturday 16th November 2019. Gillingham vs Lincoln City. 2 private hire mini buses containing risk supports located at the pub. Post match those fans returned to the pub. On a police visit tempers were described as 'close to boiling' and a large amount of provocation took place between sets of fans. Decision was made to temporarily close the pub to encourage the away fans to leave the area.

Thursday 24th October 2019 at 22:21. Drunk male being abusive to staff. Male was ejected and then claimed he had been assaulted by the landlord. CAD 24-1689.

Thursday 6th June 2019 at 17:08. Report of 2 males fighting outside the pub. Male seen banging on the pub doors causing criminal damage. Female that was involved was still inside the pub. CAD 06-1312. Crime report number 46/108771/19

Monday 20th May 2019. Male met his ex partner in the pub. A verbal altercation ensued and on leaving the premises the female grabbed the male by the testicles causing a deep cut (GBH investigation) Crime report number 46/95769/19

Saturday 27th April 2019 – Criminal damage caused to pub toilets and furniture following Gillingham vs Charlton match. Report from Dedicated Football Officer states that risk away supporters were in the pub post match. The licensee has reported that the pool table had been turned over and the pipe work for the toilets ripped out. The licensee requested police assistance to close the pub to prevent further damage. The offending group made their way to Rochester where they were ejected from a number of other licensed premises by door staff before leaving the county. Crime report number 46/80188/19.

Friday 19th April 2019. Following a football match between Gillingham and Plymouth Argyle a large disturbance occurred outside the pub. CCTV of the incident highlights that the Plymouth fans including the victim antagonise the suspect and surround his vehicle. Several small fights break out between the suspects and the Plymouth fans resulting in the victim being hit with a hammer. Plymouth fans can then be seen to randomly attack a member of the public that was walking past. The 15 yr victim had been consuming alcohol on a minibus (unknown if more from the pub) with part of a risk group. Crime report numbers 46/74954/19 and 46/74926/19.

Saturday 10th November 2018 at 00:04. Fight outside the premises involving pub customers. Landlord tried to intervene and got assaulted. Names of offenders provided by daughter of the licensee. CAD 10-0008.

Conditions proposed by Kent Police.

Presented to Clive and Theresa Smith on 28/07/2020

CCTV

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
 - The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
 - In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.police.uk)

TRAINING

2. All persons that sell or supply alcohol to customers must have licensing training.
 - Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
 - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
3. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.
4. The premises shall have a written drugs policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Records must be kept to show members of staff who have taken the training.

GLASSWARE

5. The licensee shall ensure that no customers will take drinking vessels from the premises to consume outside in the street.

INCIDENT RECORDING

6. The premises licence holder or designated premises supervisor must keep an incident register. Staff are to be trained to complete an incident book/records immediately after the incident but no later than the end of their shift.

The register must be kept on the premises and will detail

- Day, date and time of incident
- Nature of incident
- Resolution
- Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority either electronically or hard copy

FOOTBALL

7. When Gillingham Football Club are hosting a home fixture there is a requirement that 3 hours prior to kick off and at least one hour after the end of the match
 - Only plastic/polycarbonate drinking vessels shall be used at the pub
 - When Kent Police grade a match as requiring police resources then a minimum of 2 SIA registered door supervisors shall be employed at the premises at least 3 hours prior to kick off and at least one hour after the end of the match. All door supervisors employed shall wear high visibility jackets or vests
 - Kent Police will notify the licensee of the grading of any fixture no less than 7 days prior to the event.

Kent Police are also seeking the removal of Clive Smith as the Designated Premises supervisor.

Note:

Further meeting held with Clive, Theresa and Hayley Smith at the Fleur de Lis Public House on Wednesday 5th August 2020 to discuss the proposals.

Hayley Smith

Thursday 30th July 2020

Kent Police
Licensing Officers

Dear Christopher,

Thank you to you and your colleague for your guidance at the meeting held with my parents on Tuesday 28th July.

Having since sat and discussed all the points made with both my mum and dad (Theresa & Clive) and the first action having to reassign a DPS, I have looked up the role and duties of the Designated Premises Supervisor and am happy to be listed as such if acceptable. I reside 90 odd houses away from the pub, but I am in there on almost a daily occasion but certainly contactable at any given time on my mobile and/or via email.

My dad is already in the process of seeking an upgrade of his CCTV hard drive to accommodate recordings to be held for the minimum of 31 days as required. I am arranging immediate training for myself to enable me the task of downloading CCTV footage in a recordable format.

I have already sought online training manuals to guide us with better staff training and up to date information including that of a proactive approach to tackling illicit drugs. Training and records of such staff training will be updated at the interval of at least every 6 months for every individual staff member and will be kept securely and available for inspection should the need arise. We already hold a no tolerance drug use policy and have barred people whom have been in possession of illegal drugs.

Incident recordings will be logged at the time of any incident occurring, checked and signed off by myself on no less than weekly intervals.

My parents and I can and will adhere to the request of our everyday customers not taking their glass drinking vessels outside.

With regards to the Football matches and the fans that attend the Fleur De Lis; plastic drinking vessels will be used at the premises at every home game regardless of number of ticket sales.

On this point, I hope you will be open to negotiate about fans taking drinks, which will be served solely in safe plastic vessels outside. At this moment, I believe you ask for this to not happen at all. This has always been accepted, not only at the Fleur De Lis but even the previous pub that use to accommodate the football fans, The Livingstone Arms. I live away from what was once 'the Livy Arms' and I'm a first hand witness to the number of fans outside the premises on such and several occasions. To my knowledge, we have never been informed of by/via our neighbours of any noise pollution being an issue and we have not been aware of any complaints due to level of fans visiting in enough numbers to warrant standing outside on the few occasions a big game attracts such numbers. We also are conscious of cleaning up after the fans when such numbers mean they've stood around outside, not only collecting our plastic cups but such as bottles and cans sold

and bought elsewhere, we have even been known to clean surrounding roads on the way to the ground.

There is a perimeter surrounding the pub that is owned by the brewery, and therefore part of the pub's premises, and by stopping fans drinking outside it is firstly making the recommendation of Covid social distancing somewhat more difficult, and secondly limiting numbers we can welcome, affecting our trade which has already taken a battering this year.

I can say on behalf of my parents, we have never found it necessary for door staff, having not experienced any fighting or arguments in the whole time of having fans from a variety of teams attend, even with those teams with reputations that precede them. As you are fully aware, there was an isolated incident where we did experience some vandalism from a minority of Charlton fans after the game. The majority of Charlton fans were disappointed that this occurred and were very apologetic. The police in attendance of the area at the time were very quick to respond and aid us in removing the fans.

We have looked into the costing of SIA trained door staff, and due to such high costs, we do not feel it is feasible to employ them, as even on a 'big' game it is not always guaranteed to take enough trade to warrant all the wages that would be involved. Added with your advice on limiting numbers that can attend, to only those that will comfortably (and socially distanced) fit inside, it is further reducing our ability to trade and if there is no movement or leeway with regards to the fans attending, and your latest request to not allow outside drinking with safe plastic pints/halves, we feel we have no option but to decline to accommodate the fans on these specific matches in future. We are fairly confident to say, there will still be en masse supporters that turn up and linger outside the vicinity, knowing the Fleur is where the away fans meet prior to matches whether we serve them or not, having previously attended and knowing full well this is the designated venue. My parents feel this will put extra onerous on the police to control them if we must decline them. We will need your help to keep the supporters from coming.

I hope we do not meet impasse, and this can be up for some discussion moving forward. My parents and I want to build bridges and trust with the police and continue to have a healthy relationship with local authorities whilst trading.

I hope we can find a suitable resolution and look forward to any further help you may be able to offer. My parents and I are available to have another meeting again if this is deemed necessary, either at the Fleur De Lis or if there is a more convenient venue to yourself.

Kindest regards,

Hayley Smith.

OFFICIAL**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: **Steven Robert BASSETT**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation:**Acting Police Inspector
12522**

This statement (consisting of three pages 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: **S. R. Bassett A/Insp 12522**Date: **Thursday 6th August 2020**Tick if witness evidence is visually recorded (*supply witness details on rear*)

I have been a police officer with Kent Police for 14 years, serving as a Constable, Sergeant and currently an Acting Inspector in the Community Safety Unit at Medway Police Station. I am a Level 2 public order officer, a Protest Liaison Team (PLT) officer, United Kingdom Football Policing Unit (UKFPU) Football Spotter and a College of Policing trained and accredited Public Order Public Safety Advisor (POPSA), last refreshed at the beginning of November 2019.

In my capacity as a public order officer, I have been deployed all over the United Kingdom, policing a variety of protests, seats of disorder, planned events and football matches. I deployed to the London Riots in 2011; to the 2012 Olympic and Paralympic Games; to various 'far-right' and counter demonstrations in Brighton, Essex and London; to Pride in Brighton; to live animal exports in Ramsgate and more recently Extinction Rebellion activity in and around central London, as well as in Kent. I am part of a small cadre of officers who perform the 'on call' tactical advisor role to commanders in the event of spontaneous disorder, unlicensed music events, sieges or any other incident requiring a tactical policing response.

In my capacity as a Football Spotter, I have deployed to matches all over the country, with risk gradings of 'Spotter Only' to 'Category C+'. When deployed in Kent, I predominantly look after the home games of Gillingham FC who play in the Sky Bet Football League One. Owing to the nature of this, as a minimum all home games are graded at least 'Spotter Only'. This coupled with my 'day job' of the Community Safety Unit Acting Inspector provides a unique insight into the policing of

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Continuation statement of:

Gillingham FC's home matches and the effects they can have on the local community. Over many seasons I have built up good relationships and rapport with home supporters of Gillingham FC, their staff and the community at large on match days – this includes licensees, traders in the town centre and rail staff at Gillingham Train Station.

In policing Gillingham FC home games, I am always mindful of the licensed premises in proximity to the ground. These premises will be visited several times in the pre-match phase of any deployment, to monitor fans, the mood of the crowd and to identify any risk supporters who may be present and require intervention. Regularly, on match days, the Fleur de Lis public house, Gillingham Road, junction with Trafalgar Street, in Gillingham attracts a large number of supporters who congregate both inside and outside the premises. This always causes me concern as the public house is located on a busy cross section of road, which is even busier on match days. I have regularly had to remind patrons to stay on the pavement, or in some cases, physically move them back onto the pavement to avoid traffic. Whilst I am doing this, I am not being used for the primary purpose of my deployment, which is to identify and deal with risk supporters. This is true of all Spotters deployed to Gillingham FC home matches. We spend a disproportionate amount of time dealing with issues in and around the Fleur de Lis public house, when we should be utilised elsewhere. That is not to say there is always disorder or offences during a home match day. I am confident, however, that if there were not a police presence, then disorder and criminality would occur.

A recent example of this was the Gillingham FC vs West Ham United FC FA Cup 3rd Round tie, played on Sunday 5th January 2020. In the pre-match phase of the deployment, Football Spotters from both Kent and the Metropolitan Police spent a vast amount of time in and around the immediate vicinity of the Fleur de Lis public house dealing with the large number of supporters who had congregated there. This situation would have been improved dramatically, had there have been licensed stewards or door staff monitoring the crowd that were present and acted to keep the area

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Continuation statement of:

safe. Instead Football Spotters organically stepped into this role, providing a de facto service to the public house to ensure public safety remained. This is a misuse of the officers' time and expertise, which should have been deployed elsewhere within the footprint of the match.

From a wider community perspective, the policing of planned events such as football matches will always draw officers away from their regular duties, which ultimately depletes the resources that can keep the public-at-large safe at any given time. There are not reserves of officers only wheeled out for events, but community-based officers re-assigned for a particular operation. Any action which can be taken by other stakeholders to reduce this demand means these officers could be returned to their regular duties.

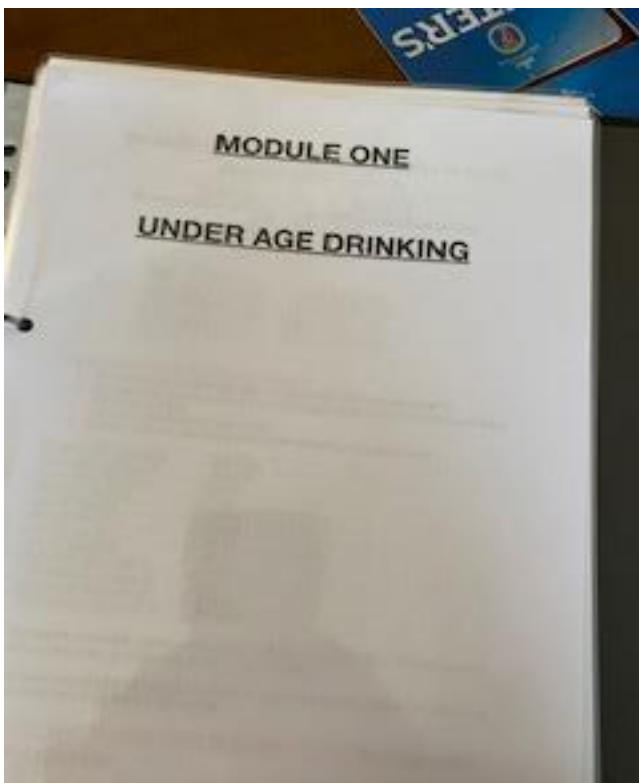
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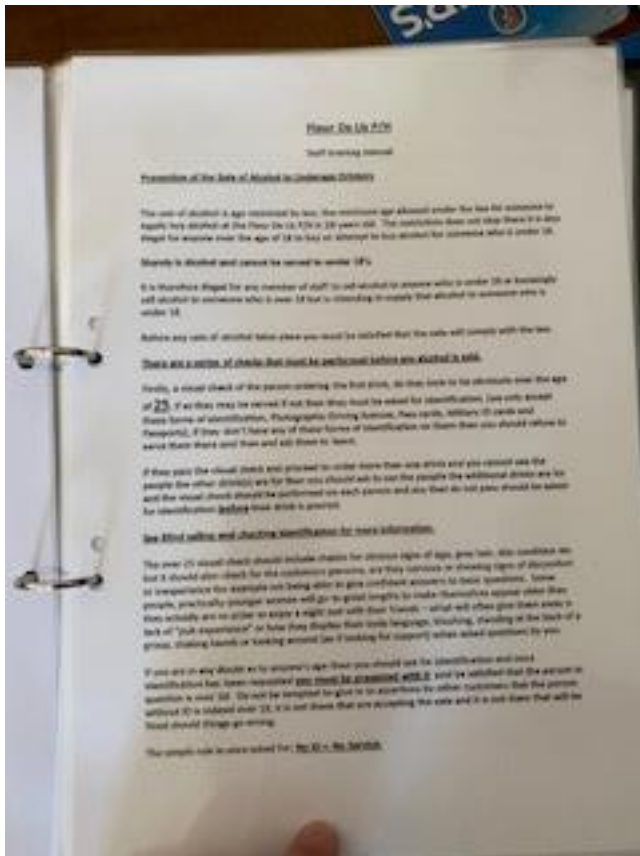
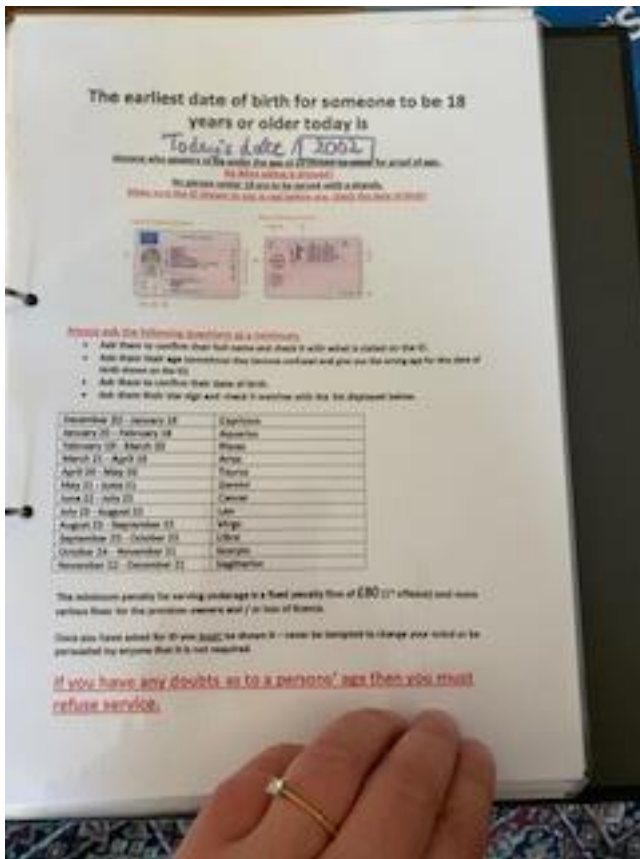
Signature witnessed by

To: Licensing
Subject: FAO Mandy

The licensing officers said for me to maybe send you some images of the staff training I've begun to implement.

I haven't taken a photo of every page as it would be too much, but just the front covers of what's included and sample pages.





MODULE TWO

ILLEGAL DRUGS

How to do it

DRUG AND ALCOHOL POLICY

5. Aim and Principles

How to do it recognise that special measures to address drug-related issues in its premises must be introduced. The aim of the policy aims to ensure that:

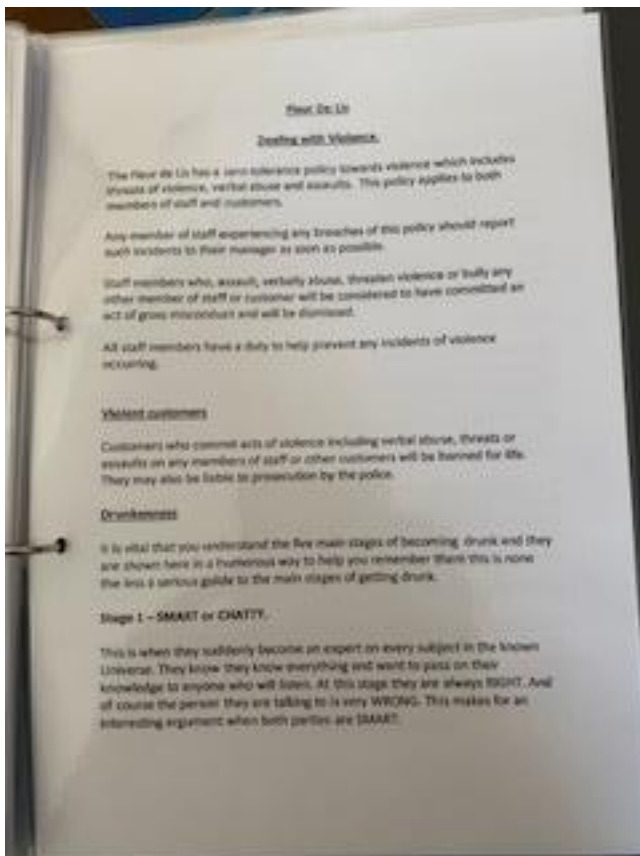
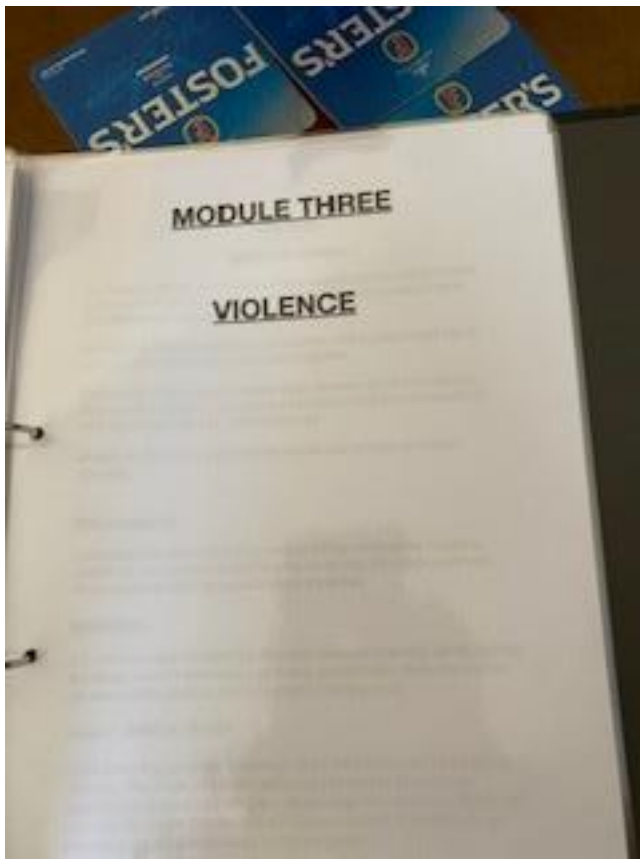
- How to do it are making its premises as safe as possible for customers and staff
- How to do it are able to be working drug, alcohol and safely
- How to do it are able to reduce harm from drug use

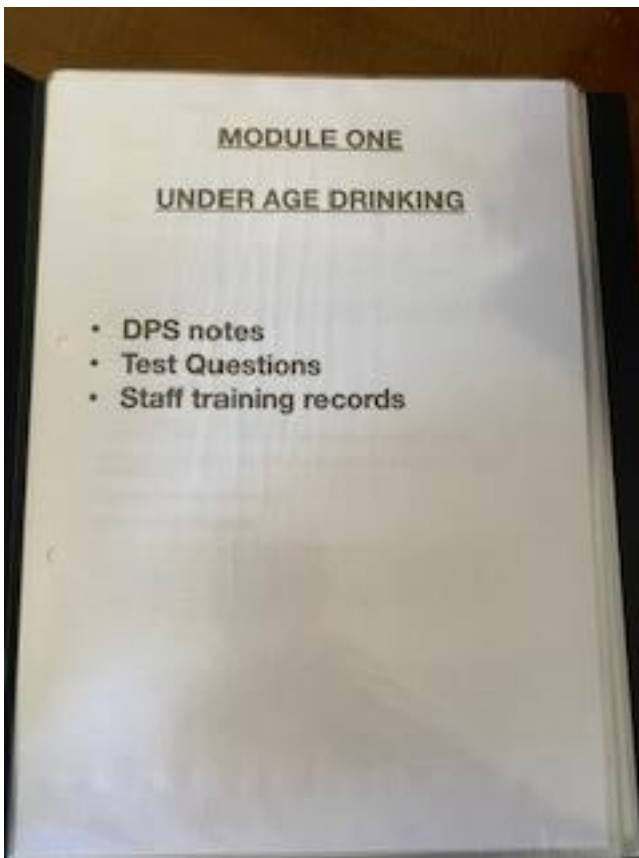
The policy should be read in conjunction with the preceding section 'Employee and Employer'.

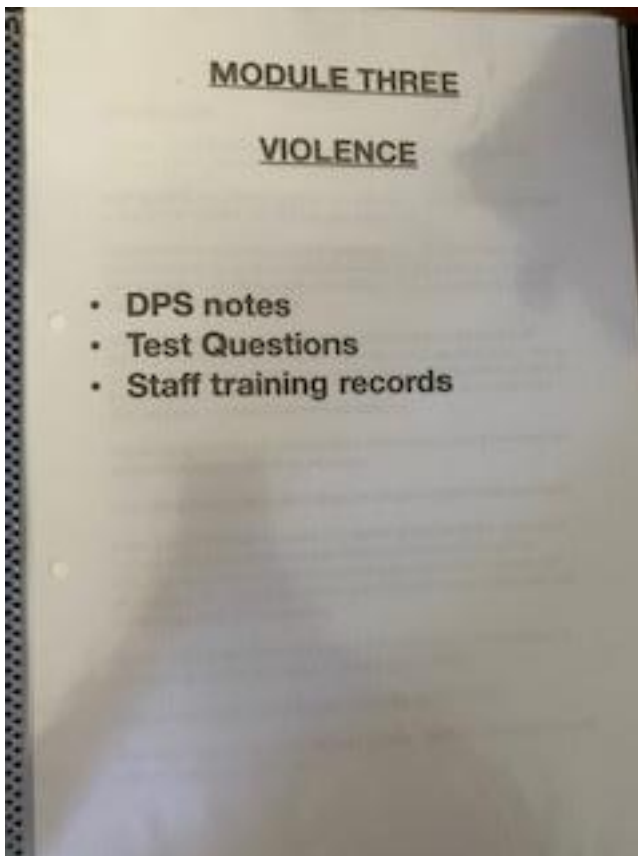
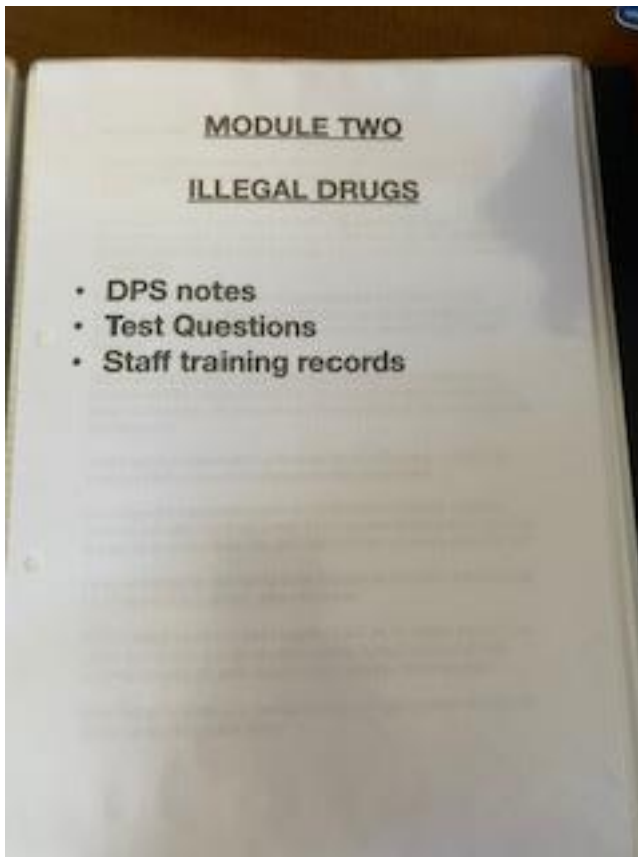
6. Roles and Responsibilities

Each member of staff has a responsibility in ensuring the aim of the policy is supported and complied with, in particular:

Job Role	Understand Drug Policy
Management	<ul style="list-style-type: none">• Liaison with licensing authority• Ensuring overall safety of the venue and operation of the drug policy• Decision making in incidents• Incident reporting• Observation for possible problems
Bar Staff	<ul style="list-style-type: none">• How to do it ensure that including provision of water to intoxicated customers• How to do it be able to serve alcohol to food to intoxicated customers (e.g. in alcohol)• Incident reporting• Observation for possible problems• Observation and monitoring team• Customer information• Information delivery
First Aiders	<ul style="list-style-type: none">• How to do it information to customers• Observation for possible problems• First aid treatment and operation of any recovery area• Incident reporting for decision making for customers who need assistance• Dealing with customers who are intoxicated or under the influence of substances• Incident reporting
Cheerers	<ul style="list-style-type: none">• Checking tables and other areas during and after events• Observation for possible problems







I have been advised to have this for the hearing on Monday 10th but as it's remote it won't really show what I've complied.

So far there are three modules, under aged drinking, illegal drugs and violence. All have test questions in the DPS folder for staff to be tested after having understood the modules and each section has an area for staff to

sign and date. This can be updated regularly as and when necessary.

Thank you for all your help.

Kindest regards,
Hayley Smith

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