

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: Tuesday, 22 December 2020

Time: 10.00am

Venue: Virtual Meeting

Agenda

- 1. Application for Summary Review of the Premises Licence, The Hop and Rye, 4 Wainscott Road, Wainscott, Kent, ME2 4LB (Pages 3 - 34)**

The following additional submissions were not available when the main agenda was published on 14 December 2020 and are attached:

Appendix E - Additional representations in support of the premises.

Appendix F - A representation from the Director of Public Health in support of the application for a review of the premises licence.

Appendix G- A response to Appendix F from the owner of the premises.

Appendix H- Supplementary information from Kent Police in support of their application for a review of the premises licence.

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

Date: 18 December 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.

TO WHOM IT MAY CONCERN,

STRANGELY AND SOMEWHAT SADLY, I AM LEAD TO BELIEVE THAT THE MICRO PUB/BAR - THE HOP AND RYE IS GOING TO HAVE ITS LICENCE WITHDRAWN.

TO BE HONEST, I DO NOT KNOW THE FULL CIRCUMSTANCES OR THE PROCEDURE FOR ANY SEEMINGLY VIABLE BUSINESS BEING SHUT DOWN.

ALL I CAN SAY IS THAT WHENEVER I HAVE VISITED THE PUB WITH MY FAMILY OR FRIENDS THE BAR STAFF, BAR MANAGER AND PROPRIETORS HAVE BEEN NOTHING BUT WELCOMING AND THE PUB ITSELF SPOTLESS, ALSO STICKING STRICTLY TO THE CURRENT COVID-19 RULES.

AS I SAID, I KNOW NOTHING ABOUT ^{ANY} REASONS BEHIND THIS DECISION BUT I WOULD ASK YOU TO RECONSIDER OR MAYBE REASSESS THIS SITUATION.

I WOULD ALSO ADD THAT THE PUB CATERES FOR A FAIR FEW OF THE OLDER POPULATION IN THE COMMUNITY. THE OWNERS HAVE A MORE 'CONSIDERATE PRICING STRUCTURE' AND IT PROVIDES A SOCIAL SETTING CLOSER TO THE CENTRE OF THE VILLAGE FOR THOSE THAT CANNOT TRAVEL.

YOU COULD SAY THERE IS THE STAG WITHIN THE VILLAGE BUT LOOKING AT THIS SITUATION FROM A CUSTOMERS

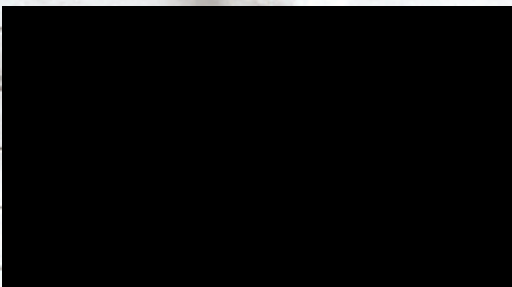
POINT OF VIEW ITS OBVIOUS THAT THE STAG'S PRICES HAVE BEEN HIKE DUE TO THERE BEING A CAPTIVE 'OLDER' CUSTOMER BASE.

THE HOP AND RYE EMPLOYS SEVERAL LOCAL PEOPLE AND PROVIDES A BRIGHT, HAPPY ATMOSPHERE IN THE VILLAGE. THERE ARE FEW LOCAL PUBS OUTSIDE THE TOWNS IN MEDWAY ANYMORE. SO PLEASE TRY TO SAVE THIS ONE...

YOURS SINCERELY

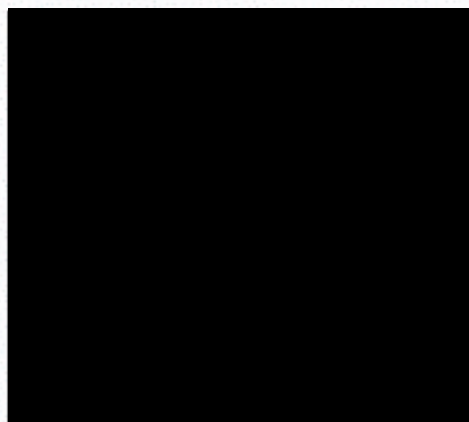
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TO WHOME IT MAY CONCERN MY NAME
IS GEORGE PATRICK 69 YEARS OLD IM WRITING TO
GIVE SURPAT TO HOP & RYE MICRO PUB I VISIT
THIS PUB TWO OR THREE TIMES A WEEK TO HAVE A
FEW BEERS WITH OLD BOYS LIKE MYSELF ITS NICE
TO COME IN A PUB WITH NO JukeBox BLAING OUT
AND NO TELI, YOU CAN HAVE A NICE BEER AND
A CHAT ABOUT OLD TIMES, ITS NICE TO HAVE
FRIENDLY STAFF AND A PLEASANT ATMOSPHERE AND
FEEL SAFE IN NICE COSY PUB, ITS ALWAYS NICE
AND WARM WITH A LOG FIRE IN WINTER WHAT
MORE COULD YOU ASK FOR IN MY LATER YEARS



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Kevin & Amanda Waters



I am writing this letter in support of our little micro bar the Hop & Rye. Since it's opening around a year ago it has been a great heart of the local community supporting people of all ages.

It has been fantastic to pop down and enjoy a local British beer or soft drink amongst some great people, sometimes we play some games or just have a good old chat.

I have noticed a lot of the older generation come down from the local area and I think they have become reliant on the Hop & Rye for some company, which is so important because I know a great deal of the older generation that live on there own.

It would be a real shame and a lot of people would be very disappointed if this wasn't to continue.

I would also like to say the staff and crew at the Micro bar have withheld extremely high standards especially in these very difficult times.

If you would like any further information on our great experience at our local hub of the community, please feel free to contact us.

Thank you so much for taking your valuable time to read this letter.

Yours sincerely

Kevin and Amanda waters

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Mark Dockrell

12/12/2020

To Who it may Concern,

I understand that the (Hop + Rye) micro bar in Wainscott, Kent, has been closed down at the moment due to not following the Government Guide lines, of the Corona Virus.

I hope this does not mean indefinitely, this is a nice bar to drink and Socialise with other members of the public.

I often use this Micro-Bar myself, it has a Very friendly atmosphere and all of the Staff are Very friendly.

It would be a great Shame if the (Hop + Rye) closes permanently.

Yours Sincerely

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Mr. Mrs. MARTIN

11/12/2020

DEAR SIRs

I AM WRITING IN REGARDS TO
THE PUBLIC HOUSE CALLED THE
HOP & RYE, I AM VERY SORRY TO
HEAR THAT THEY MAY HAVE BROKEN
THE COVIS LAW. AND WOULD LIKE
TO ASK FOR LENIENCY ON BEHARD
OF ALL THE PEAPLE AND FREINDS
THAT USE THE HOP & RYE. ITS A WARM
AND SAFE FOR THE OLDER
GENERATION THAT USE IT.
AND THERE ARE NOT MANY
PLACES OR PUBS YOU CAN SAY
THAT ABOUT.

YOUR SINCERLY

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From: Maria Greenfield [REDACTED]
Sent: 18 December 2020 08:22
To: franco.defazio@gravesham.gov.uk; [REDACTED] hemingway, wayne
<wayne.hemingway@medway.gov.uk>
Subject: Fwd: Character reference

Dear Franco,

Please find a character reference attached for Michael Knight which I would like to be passed on to the panel.

Kind regards,

Mark

Sent from my iPhone

Begin forwarded message:

From: rob strudwick [REDACTED]
Date: 17 December 2020 at 16:59:00 GMT
To: [REDACTED]
Cc: [REDACTED]
Subject: Character reference

I have known Michael Knight for many years , initially as a customer at the Kings Arms Upnor and now as somebody who I would consider to be a good friend. Over the years , despite being in full time employment he has found the time to help me with many beer festivals and even the occasional DIY project.

He is a good, honest and dedicated individual who would do anything for anybody. I remember one occasion when, whilst employed at Southern Sheds at Rochester airport , he walked there all the way from Hoo marina through thick snow , only to discover that nobody else had bothered , now that's dedication !!

He is also fiercely loyal. It is these positive qualities that I'm sure would have made it very difficult for him to refuse instructions from one of his employers on the day in question. To say that he is easily led is too strong a statement but I'm sure that his dedication to duty would have made his position very difficult. I hope that you can find a way to save the job of such a man and focus your punishment on the one employer who was dictating the situation at the time.

Robert Strudwick
Kings Arms Upnor.
Sent from my iPhone

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LICENSING ACT 2003 – REVIEW OF A PREMISES LICENCE

Name and address of premises

The Hop & Rye, 4 Wainscott Road, Wainscott, Kent. ME2 4LB

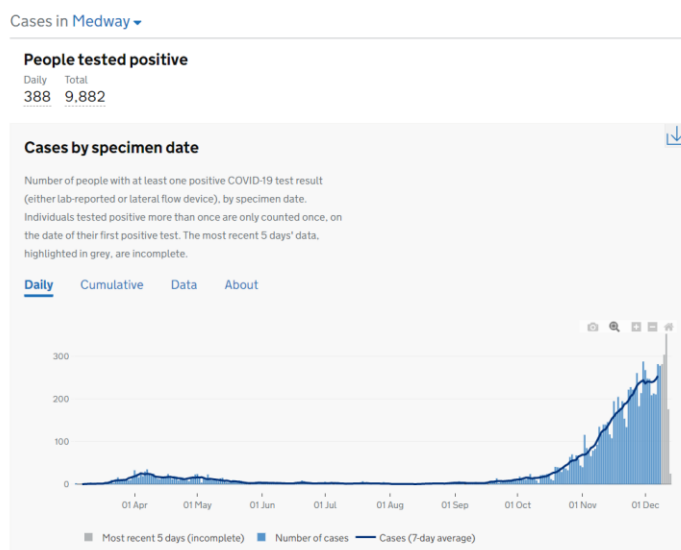
The Director of Public Health is making representations in response for the review of the above premises licence by Kent Police. The representations are made against the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

Background

These representations are intended to be considered in the context of the global Covid 19 pandemic and the current levels of infection Medway is experiencing. All graphs and data were taken from the official UK Government Coronavirus (Covid 19) website on Wednesday 15th December 2020 (<https://coronavirus.data.gov.uk/details/cases>).

The following graph show the number of positive tests of people in Medway during the course of the pandemic.



Since the beginning of October, the number of positive tests has steadily increased and was at a 7 day average of 231.3 cases by 27th November 2020, which is the date of the alleged incident. The most recent 7 day average recorded for the 7th December is 254.1, showing a continuing steady increase in number of positive tests.

The rate of infection per 100,000 of population in Medway is 618.2 per 100,000 population and is currently the second highest 7 day rolling rate of Covid 19 infections in England after Swale.

Cases by area (last 7 days)

Total number of people with at least one positive COVID-19 test result (either lab-reported or lateral flow device) in the most recent 7-day period. The rates per 100,000 resident population give a fairer comparison of the number of cases in each area but they do not take account of the different rates of testing or differences in the age and sex of the local populations. Data shown are cases by specimen date and because these are incomplete for the most recent dates, the period represented is the 7 days ending 5 days before the date when the website was last updated.

[Nation](#) [Region](#) [Upper tier LA](#)
[Lower tier LA](#) [About](#)

Area	Cases	Rate per 100,000 population
Swale	966	643.6
Blaenau Gwent	448	641.3
Medway	1,722	618.2
Basilston	1,150	614.3
Torfaen	523	556.6
Dover	613	518.9
Havering	1,321	509

On the 15th December 2020 England had a rate of 173.3 per 100,000 of population.

The prevention of crime and disorder

On the 5th of November 2020 a second national lockdown came into effect in England due to increasing rates of coronavirus infections and measures deemed necessary to reduce infection rates were imposed by government under The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020. These regulations made it an offence for a person responsible for carrying on a restricted business, or providing a restricted service, to continue with that business or service. A public house is a 'restricted business' and the sale of alcohol for consumption 'on' the premises is a 'restricted service', as is shown below in the regulations.

Restrictions on service of food and drink for consumption on the premises

15.— (1) *A person responsible for carrying on a restricted business, or providing a restricted service, must—*

(a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and

(b) cease providing food or drink for consumption on its premises.

By carrying out the sale of alcohol for consumption on the premises the premises licence holder is clearly breaching the above regulations, which shows a complete disregard for the promotion of the prevention of crime licensing objective.

The prevention of public nuisance

R v Rimmington; R v Goldstein [2005] UKHL 63; [2006] 2 All ER 257A defines a public nuisance as being

'committed when a person acts in a way not warranted by law or omits to discharge a legal duty, with the effect that the act or omission endangers the life, health, property or comfort of the public or obstructs the exercise of common rights.'

By allowing the public house to open and sell alcohol to customers the premises licence holder clearly omits to discharge the legal duty under The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020 requiring the closure of the public house and to cease providing drink for consumption on the premises.

Additionally, by failing to ensure that people in the public house were not wearing face coverings; failing to follow social distancing; and allowing more than 6 people to be in a confined space, the risk of community transmission of the virus was increased. Covid 19 is easily transmittable and there would have been a significant risk to those in the premises through the spread of infection. By allowing the situation described in the police application the premises licence holder has shown a disregard for the public nuisance licensing objective.

Summary

The evidence from the police indicates the premises licence holder has an ongoing pattern of indifference to adhering to both legislation and guidance concerning the safe running of the public house during the pandemic and to the safety of staff and customers.

The Government has produced '*Working safely during coronavirus (COVID-19). Restaurants, pubs, bars and takeaway services: Guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways*' (<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery#takeaways-2-6>). This clearly sets out how customers and staff can be kept safe while attending and working in public houses during the pandemic. The advice includes the wearing of face coverings, use of PPE and the need for social distancing, which does not appear to have been followed.

The police evidence also states the premises licence holder had, previously to this incident, been warned by Trading Standards concerning a similar incident and offered guidance and

advice, which, again, appears to have been disregarded. This shows a wilful neglect of the safety of both staff and customers at the public house.

The failure of the premises licence holder to promote the licensing objectives has created a serious public health risk, particularly at a time of increasing numbers of infections in the Medway area. This is compounded by the fact that the police have found CCTV evidence of a significant number of other earlier breaches of regulations throughout the pandemic period. Neither the crime nor public nuisance licensing objectives have been promoted.

The Director of Public Health believes the types of action shown by the premises licence holder at this public house had the real potential of increasing wider community transmission of the virus, which in turn may have led to an increased risk of fatalities associated with Covid 19 in Medway.

The Director asks the committee as to consider the revocation of the premises licence due to the seriousness of the actions of the premises licence holder.

James Williams

15th December 2020

Director of Public Health

For all communication please contact **Barbara Murray**, Public Health Project Officer at the address at the head of this representation or by the following:

Tel: 01634 332637:

E mail: barbara.murray@medway.gov.uk

**Response from Mr Greenfield to the representation from the
Director of Public Health**

Subject: The Hop & Rye - Public Health

Dear Franco,

I have received a copy of your email from the Director of Public Health, Medway Council requested by the police.

I feel that on 2 of the points which I am going to make clear, Barbara Murray - Public Health Project Officer has made a misrepresentation of the information she has given in the report. I have spoken to her verbally over these.

The first point was "the police evidence also states the premises licence holder had, previously to this incident, been warned by Trading Standards concerning a similar incident and offered guidance and advice, which, again, appears to have been disregarded. This shows a wilful neglect of the safety of both staff and customers at the public house". I would like to say I have spoken with Mr Ian Gilmore - Senior Trading Standards Officer on numerous occasions via phone and email, which he said he would be willing to attend the hearing on the 22nd December by request from the panel which he would confirm this is not the case. When I asked Barbara Murray where she had obtained her information from and if she had spoken with trading standards, her reply was she had tried to contact Ian Gilmore by phone and email to no avail. All I can think is the information came from PC Hunt which at the last meeting he said Trading Standards had visited the premises on numerous occasions but, not for the reasons which have been suggested.

The second point in the report " The Director of Public Health believes the types of action shown by the premises licence holder at this public house had the real potential of increasing wider community transmission of the virus, which in turn may have led to an increased risk of fatalities associated with Covid 19 in Medway". I feel that 6 elderly gentleman in a gathering in a locked in premises, surely couldn't be the case, which I would like to add I'm not condoning it. I would like to reiterate what I have put in my defence letter, that I drove past a car wash establishment on Frindsbury Hill, Strood, I pulled over and viewed business operations, which there was 10 car cleaners in and out of cars with no masks on, touching the interior of the general public's vehicles and monies exchanging hands, which I hazard to guess how many cars had gone through this establishment in one day and also how many car cleaning establishments are based in the Medway? Surely this is a real potential of increasing wider community transmission of the virus? I suggested this to Barbara Murray which she replied basically "this is irrelevant to this case".

I would like to conclude all I request is the true facts to be presented to the panel and to have a fair hearing. I would like to once again stress I do not condone the incident but to put it into prospective of what is going on in the Medway. I would like a copy of this email to be part of my defence.

Kind regards,

Mark

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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 HUNT 11044

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Hop & Rye 4 Wainscott Road Rochester Kent	
Post town - Rochester	Post code (if known) ME2 4LB

Name of premises licence holder or club holding club premises certificate (if known) Michael Knight

Number of premises licence or club premises certificate (if known) 19/01090/LAPL01
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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) ☒

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

OFFICIAL (when complete)
**Application for the review of a premises licence or club premises
certificate under the Licensing Act 2003**

(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)

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

PC 11044 Hunt Medway Police Station Purser Way Gillingham Kent Police ME71NE
Telephone number (if any) 01634 792388
E-mail address (optional) Daniel.Hunt@kent.police.uk

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

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

Kent Police submit this review on the grounds that the premises have failed to promote the following licensing objectives:

The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Kent Police request that this document be considered supplementary information in relation to our expedited application submitted on 2nd December 2020. The expedited review was submitted in relation to an incident of serious crime that occurred at the premises on Friday 27th November 2020.

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 Hop & Rye Public House on Wednesday 2nd December 2020. This application was following an incident of serious crime that occurred at the premises in the evening of Friday 27th November 2020. Circumstances of the incident being that whilst appearing to be closed, the premises was found to be trading and hosting a lock-in style event in a rear bar area. The hearing for the expedited review was heard on Friday 4th December after which the licensing panel decided to suspend the premises licence pending a full hearing. The panel concluded that they had a lack of confidence in the management of the premises to manage the premises safely in accordance with licensing legislation or coronavirus legislation.

Kent Police have now conducted a full review of the CCTV system which was seized from the premises by officers on Friday 27th November 2020. Kent Police intend to reply upon and show CCTV footage during the full premises licence review scheduled to take place on Tuesday 22nd December 2020. CCTV provides evidence that on multiple occasions during the most recent period of national lockdown (5th November to 2nd December 2020) that the premises operated illegally by allowing customers to consume alcohol on site in a rear bar of the premises. CCTV shows a complete disregard to Covid-19 measures during these times. CCTV also shows that in the weeks prior to the national lockdown, at a time where customers were permitted to consume alcohol on site, that the premises continued to fail to adhere to various restrictions and measures which had been imposed by government to help control the spread of this global pandemic. These failures included areas such as social distancing, the rule of 6, the wearing of face masks and table service.

CCTV shows that the premises opened and allowed customers to consume alcohol on the premises on the following dates and times:

Friday 27th November 13:16 to 20:26
Thursday 26th November 12:36 to 18:20
Monday 23rd November 11:21 to 11:46
Sunday 22nd November 13:52 to 18:15
Saturday 21st November 16:38 to 18:47
Friday 20th November 16:12 to 17:31
Tuesday 17th November 18:37 to 19:36
Thursday 12th November 12:20 to 20:34
Wednesday 11th November 17:19 to 19:26

The premises licence holder at The Hop & Rye is Michael Knight. The business owners at the time of the incident leading to this review on Friday 27th November were both Mark Greenfield and Ian Wilson. At the time of the incident Mark Greenfield was on holiday. On 4th December 2020 during the expedited review hearing, Mark Greenfield made it clear that in his opinion Ian Wilson was responsible for the failings of the premises. Whilst he accepted Michael Knight had been involved, he believed that Ian Wilson had intimidated Michael Knight and had abused his position of being the boss and Michael's employer. Mark Greenfield asked that the premises be given a second chance. He explained that he had every faith in Michael Knight remaining premises licence holder and stated he wanted Michael Knight to take on the position of designated premises supervisor. Mark Greenfield explained that as a result of these matters, he had ended his business relationship with Ian Wilson and assured the panel that Ian Wilson would have no further involvement.

Sadly, Kent Police do not have faith in the ability of Michael Knight to be either a responsible premises licence holder or future designated premises supervisor. It is the opinion of Kent Police that footage

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

from the CCTV would suggest that Michael Knight was not intimidated or influenced by Ian Wilson as claimed at the expedited hearing. It is our opinion that Michael Knight and the premises have shown a complete disregard to the rules and regulations imposed by the government during these unprecedented times, rules that were imposed to control the spread of this deadly virus and ultimately save lives.

Whilst it may be the case that the business partnership has ended, the police and the licensing panel would have no control over that decision being rescinded in the future.

The premises have shown a blatant disregard to the rules and their actions have put customers and the public at risk. Kent Police have no faith that the premises would comply with any further conditions that the panel could impose on the licence. The premises have been operating since 2019 without an active designated premises supervisor in post. The removal of Michael Knight as premises licence holder is not an option available to the licensing panel.

In support of this application, Kent Police submit the following item:

1 - MG11 witness statement PC HILL 12000

Having considered the available options, Kent Police seek revocation of the premises licence.

OFFICIAL (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"/>	<input type="text"/>	<input type="text"/>	<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

OFFICIAL (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 - PC HUNT 11044

Date - 17/12/20

Capacity - Kent Police Licensing Officer

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.

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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: **Christopher Hill**.....Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable 12000**

This statement (consisting of 6 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.

Signature: **C. Hill** Date: **16/12/2020**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police officer based at Medway Police Station. I joined Kent Police in January 2005 meaning I have served as Police Officer for nearly 16 years. For the past 6 years I have worked as part of the North Division Licensing Team based within the Community Safety Unit at Medway. This role predominately involves implementation of the Licensing Act 2003 with the aim of reducing crime and disorder and increasing safety around licensed premises.

On Monday 14th December 2020 I conducted a review of a CCTV hard drive which had been seized from the Hop and Rye Public House, Hollywood Lane, Rochester. This analysis of the CCTV footage was completed in preparation for Premises License Review of the Hop and Rye following reports of repeated breaching of coronavirus restrictions and the opening of the premises for licensable activity when the premise could not lawfully do so.

On viewing the footage from the CCTV hard drive of the Hop and Rye I saw the premises open and selling apparent alcoholic drinks for consumption on the premises on the following times and dates (times and dates as listed on the CCTV hard drive):

Friday 27th November –between 13:16 and 20:26Thursday 26th November –between 12:36 and 18:20Monday 23rd November –Between 11:21-11:46Sunday 22nd November –between 13:52 and 18:15Signature: **C. Hill**Signature witnessed by: **N/A**

Continuation page 2

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Continuation statement of: **Christopher Hill**
Saturday 21st November –between 16:38 and 18:47

Friday 20th November – between 16:12 to 17:31

Tuesday 17th November – between 18:37 and 19:36

Thursday 12th November – between 12:20 and 20:34

Wednesday 11th November- between 17:19 and 19:26

A national lockdown was imposed in England on 5th November 2020 as part of the UK Government's response to the rising infection rate of Covid-19. This required that pubs could only operate a takeaway service, making it a breach of these regulations for consumption to be permitted on site. The footage from the Hop and Rye shows that the management at this premises allowed customers to consume drinks on the premises on nine separate occasions within a sixteen-day period. This not only shows a complete disregard for the law in terms of the Government imposed lockdown but also exposed numerous people to a potential risk of infection to a virus that has so far killed thousands of people nationally.

Footage from the Friday 27th November 2020 showed that between 13:16 hours and 20:25 hours the premises licence holder (Mr Michael Knight) allowed entry to the premises to 6 customers, all of which consumed alcohol on site. During this time no person was wearing a mask or face covering and social distancing was not observed. I observed at least 19 different sales of alcohol from the CCTV footage all of these sales were made by Michael Knight from behind the bar. All consumption and all sales were made in the rear bar of the premises, I believe that this was the case in an attempt to keep these 'lock ins' hidden from authorities. The only other person present in the footage that I know the details of are Ian Wilson who I understand is one of the lease/business

Signature **C. Hill**Signature witnessed by **N/A**

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owners of the Hop and Rye. This lock in only came to an end at this time because PC Hunt and I attended the premises, discovering it open.

Footage from Thursday 26th November 2020 showed that between 12:36 hours and 18:33 hours the premises licence holder (Mr Michael Knight) allowed entry to 7 customers, all of which consumed alcohol on site. A large proportion of these customers were different to those that attended the lock-in on Friday 27th November. Between these times Michael Knight made at least 6 sales of alcohol from the bar. All sales were made in the back bar. During this footage Michael Knight and Ian Wilson can be seen playing pool together and laughing together. The front entrance door is locked throughout these times and opened by Michael Knight on each occasion to let customers in. It appears that this 'lock in' wasn't by invitation only. At 13:59 hours the footage shows a male arrive at the bar, whilst wearing a mask and holding empty milk cartons ready for them to be filled for a takeaway. Whilst this off sale is taking place; this male appears to notice the back bar being used. He wanders through and joins those already present in the back bar and purchases further drinks (in addition to his filled containers), which are served in glasses and consumed in the back bar. Ian Wilson and six other males are seen to leave the bar at 17:53 hours, leaving Michael Knight and one other male in the bar. They play at least four frames of pool and continue to consume alcohol on the premises during this time.

Footage from Monday 23rd November 2020 shows Michael Knight serve a drink to an unknown male at 11:21 hours. This male consumes the drink on site whilst chatting to Michael Knight before leaving at 11:46. No other persons are present between these times.

Signature **C. Hill**Signature witnessed by **N/A**

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Footage from Sunday 22nd November 2020 shows Michael Knight and Ian Wilson present in the pub at 13:52 hours. Ian Wilson is seen to purchase alcohol, handing money to Michael who then serves the drink. Ian Wilson and Michael Knight play pool together whilst both consuming alcohol. They are joined by another male around 40 minutes later. At 14:33 hours a male and female enter the pub through the front door. They stand at the front bar for a while, without being noticed (this is because Michael Knight is busy playing pool in the back bar). They enter the back bar and appear surprised to see persons present inside. They appear to be invited into the back, whereby they purchase drinks and sit down to consume them inside. There are 5 people present in total. At least 6 alcohol sales are observed on the footage before they all leave the site at 18:15 hours the same day.

Footage from Saturday 21st 2020 November shows Ian Wilson Arrives at the pub with an unknown female at 16:38 hours. They pay for and are served alcohol by Michael Knight which is then consumed in the back bar. They are joined by another unknown male at 18:09 hours who looks as if he was initially wanted a takeaway sale (he arrived with empty drink containers for filling). The unknown male walks through to the back bar where he is sold alcohol in a glass by Michael Knight and consumes it on site with the other present. He also has his drink containers filled and later takes them away with him. All persons leave at 18:47 hours.

Footage form Friday 20th November 2020 shows an unknown male and female arrive at 16:12 hours. They purchase drinks from Michael Knight. They consume these drinks in the back bar, whilst socialising with Michael Knight, who is also consuming alcohol. The couple leave at 17:31 hours.

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Footage from Tuesday 17th November 2020 shows 4 males (including Ian Wilson) purchasing and consuming alcohol in the back bar of the premises between 18:37 and 19:36 hours. Payment for these drinks is taken by Michael Knight.

Footage from Thursday 12th November 2020 shows 9 people (including Ian Wilson and Michael Knight) on the premises, again in the back bar. This occurs between 12:20 and 20:34 hours. Numerous alcohol sales take place, all of which are served by Michael Knight in exchange for money.

Footage from Wednesday 11th November 2020 shows Michael Knight and an unknown female sat in the back bar of the pub. Between the hours of 17:19 and 19:26 Michael Knight and the female sit and consume alcohol together. The female appears to purchase alcoholic drinks from the bar, handing money to Michael Knight.

In addition to the reviewing CCTV footage on the above listed dates, I also checked the footage from between Saturday 31st October to Wednesday 4th November 2020 inclusive. I checked these days because this time period was prior to national lockdown and therefore public houses, including the Hop and Rye were able to open and have customers inside. There were however a number of restrictions imposed by the government on the trade at that time in an attempt to curb the infection rate occurring during this pandemic. These measures included but were not limited to: the wearing of masks whilst moving around the public house (by staff and customer unless exempt), the serving of all drinks to tables to limit the movement of people inside, a 22:00 terminal hour, and 'the rule of 6'. From viewing the footage of five days of operation whilst under these restrictions – I would state that in my professional opinion the premises were highly non-compliant with the regulations at this time. Throughout the footage on all dates mentioned, table service is not adhered to, with customer

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almost unanimously served drinks after approaching or queueing at the bar. Numerous people can be seen walking around the bar without the wearing of face masks, without this being challenged by staff. There are a multitude of occasion when groups are seen to congregate in numbers larger than 6, in addition to groups of people intermixing. All of these factors again would put the public at greater risk of either exposure to or the spreading of the Covid-19 virus.

Signature **C. Hill**Signature witnessed by **N/A**