

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: 16 September 2015

Time: 9.30am

Venue: Meeting Room 7 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 6 **Application for a review of a Premises Licence - Command House, Dock Road, Chatham, Kent** **(Pages 3 - 66)**

The attached report is supplementary information provided by the solicitor on behalf of the Command House, Dock Road, Chatham.

For further information please contact Rosie Gunstone, Democratic Services Officer/Stephen Platt, Democratic Services Officer on Telephone: 01634 332715 or 332011 or Email: democratic.services@medway.gov.uk

Date: 10 September 2015



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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	كوردی	331841	ارو	331785	Русский	332374
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URGENT

Licencing Enforcement (Licencing Authority)
Medway Council
Gun Wharf, Dock Road
Chatham
Kent
ME4 4TR

8th September 2015

Dear Sirs

Re: My Client : Command House Ltd
Premises : Command House, Dock Road, Chatham, Kent ME4 4TX
Review Hearing – DOH 16th September 2015


We refer to the e-mail sent overnight.

Attached is evidence in support of the Premises Licence Holder and its wish to operate these premises as a Pub/Restaurant to be known as the Command House and Wine Cellar.

Please could you kindly arrange for this to be distributed to the members and all parties in advance of the hearing.

Should there be any query please do not hesitate to contact me.

Yours faithfully


Stephen Thomas LL.B., A.K.C.
Encs.

THE COMMAND
HOUSE AND
THE WINE CELLAR



COMMAND HOUSE, DOCK
ROAD
CHATHAM, ME 4 4TX

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THE COMMAND HOUSE AND WINE CELLAR

Formerly Command House and Club Mojo

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Statement of Christopher Dyer

My name is Christopher Dyer. I am the DPS at the Command House.

I have prepared this statement to explain what went wrong on the night of 29th June and provide a little detail about the business.

I will be in attendance at the hearing on 16th September and through my solicitor will clarify and deal with matters that may arise.

I have received and read the review papers served in July.

1. I wish to express my deep regret at the circumstances that arose on the night of 29th June and apologise to all concerned, particularly the police and the licensing committee. I was not present on the night in question but thought that I had put in place adequate systems to avoid the problems that did arise. I accept full responsibility for the failings we will discuss at the hearing.
2. I carried out my own internal investigation after the incident.

Findings

I accept there was ineffective management on this occasion. I accept that marketing leading up to this event was incorrect .

My investigations have revealed that some customers had clearly been pre-drinking and a number had alcohol confiscated on entry. Others were refused admission because they were considered to be drunk.

The Club generally only opens on a Friday and Saturday. Natalie, my manager, made a mistake believing that the premises could close at 03.00 a.m.

I took on too much at the time.

That the Club be closed and the premises operate on both floors as a Pub Restaurant to be known The Command House and Wine Cellar.

Attached at Appendix 1 is a business plan, my pub restaurant manager, Myran Ennis prepared in late July setting out proposals to be implemented. At Appendix 2 is Myran's statement that he has made concerning his plans for running the premises.

ABOUT MANAGEMENT

3. I thought it might be helpful if I set out the following:
 - a. My previous experience and background in the licensing industry,
 - b. The steps taken to ensure compliance with the Licensing Objectives when I took over the running of The Command House/Club MoJo in August 2013
 - c. Why everything went so wrong on 29th June

PREVIOUS EXPERIENCE AND BACKGROUND

4. I started work in the licensing trade in 2009 and for the past 3 -4 years have been the DPS running a night club in Maidstone town centre that operates 7 nights a week.
5. I continue to be a DPS at a night club in Maidstone. These proceedings have caused me to reflect on my personal situation. I spoke with the Licensing Officer at Maidstone on Thursday 27th August.
6. The Medway Police had advised him of these proceedings. He confirmed that he was content with management at Maidstone with me continuing as DPS. I have always endeavoured to have a good relationship with police – and endeavoured to deal with any matters that may arise speedily.

STEPS TAKEN TO MEET THE LICENSING OBJECTIVES

7. I took over the running of The Command House/Club MoJo in August 2013. The Premises then comprised a Pub Restaurant on the Upstairs Floor and a Night Club, Club Mo Jo on the Lower Floor I decided to move and live at the premises to maintain effective management at the site. My girlfriend moved in with me. I contacted Geoff Dingsdale at Environmental Health and Sarah Rushton (Environmental Protection Technician) I also met with Gill Angus and Geoff Rowley from the Police.
8. I implemented the advice given. I appointed a good door team. The Doormen all had many years of experience and were chosen to provide a mix of local Medway knowledge and expertise. We interviewed a number of doormen until we found those that met our high expectations. All were SIA trained and verified. The door team had a good rapport with the regular police on duty.
9. I maintained regular contact with the Police.
10. The Club was open predominately only Friday & Saturday. Between August 2013 and January 2014 we received positive reports from police licensing and a number of TENs were applied for enabling us to operate until 06.00. We continued to apply for extensions of hours throughout 2014 and 2015. I was hopeful until this review occurred that we would be able to obtain a permanent extension of the hours to 06.00.

MANAGEMENT CHANGE IN AUGUST 2014

11. By August 2014 I felt the business was in a good place. Natalie Bovey had had been managing the Maidstone outlet so I decided to give her the opportunity to take over at Club MoJo. She had been doing a great job for me with a good track record of no problems. I put Natalie on a 3 month probationary period – see emails at Appendix 3 with the Police.

Training

12. Training was another important part of the management system. Attached at Appendix 4 is the record of Myran Ennis the Pub Manager to give the committee an idea of the training given to each employee.
13. The training includes not selling alcohol to drunk or intoxicated customers. We have very strict procedures to prevent the sale of drunkenness. Staff are trained to look for

potentially aggressive behaviour, slurred speech, swaying, unsteadiness on their feet, uncoordinated speech and movement. Staff will not serve if they believe a person is drunk. If uncertain a member of senior staff is called and a second opinion taken. We will offer water, take them to the quiet area and also call a taxi at our own expense to get them home. Alternatively if with friends we will arrange for them to take the person home.

14. We have a list of taxi's we use who park close to our premises anyway. (See Appendix 5)
15. We always have a first aider on the premises, staff are trained in the use of fire - fighting equipment and know the procedures. We recently had an inspection by the Fire Authority who were happy with the systems I was responsible for and had implemented. We have a full set of risk assessments in place for the premises which were prepared by PRAXIS 42 and are reviewed annually and refresher training given to staff.

GENERAL

16. We have maintained our incident log. Procedures are evaluated to change and improvements made (e.g stopping re-entries) and training materials .I adopt an open forum approach to allow freedom of raising issues and concerns directly with me.
17. At the end of March 2015 I appointed Myran Ennis to be the pub manager of the Command House Pub Restaurant – which has run well under his supervision and as far I am aware has not created any problems. He was not involved in anything related to Club Mo Jo

WHY EVERYTHING WENT WRONG ON NIGHT OF 29th JUNE

18. Natalie, my manager made a mistake on the night thinking that the terminal hour was 03.00 for Club MoJo – see Natalie's statement – Appendix 6
19. Publicity was prepared in April for events in May and June. I believe the dates in question relate to Bank Holiday Monday 26th May, Saturday 7th June, Saturday 14th June, Saturday 21st June and Monday 29th June.
20. This publicity was not checked by me. This was because in April in addition to running Maidstone I was supervising a major refurbishment of the Pub Restaurant at The Command House. I had particular problems with an electrician who constantly held up the project. Eventually I had to replace him with a firm from Brighton. Additionally I had entered into a number of contracts with top DJ's for an event to be held on 2nd May over the May Bank Holiday weekend.
21. Crucially the flyers and posters were prepared by third party graphic designers and incorrect closing timings inserted. These were subsequently corrected and re-printed with the correct timings and re-distributed.
22. Attached at Appendix 7 are the statements of the graphic designers and my Events Manager and at Appendix 8 are the contracts I had with Bass UK for the event of 13th/14th June and the contract with Jay Burton for the event of 6th/7th June. It will be noted that the timings were specifically advised to them and they were at fault in the material they prepared.

STEPS TAKEN ON THE NIGHT TO PREVENT ISSUES ARISING

23. The promotion we ran that night was identical to one we ran in Maidstone that was not considered to be irresponsible. We risk assess the promotion to prevent drunkenness. (See Risk Assessment – Appendix 9) I am alive to the concerns of the Police and in the light of their comments this type of promotion will never be run in the future. In fact because of the change in the nature of the operation Myran has indicated that alcohol promotions will only rarely be required.
24. We did minimum price calculations to make sure we met with the new condition on minimum pricing. We reminded the Doormen and staff as to the new Monday night over at MoJo to pay particular attention to intoxication and had meetings to discuss and what to watch out for.
25. My investigations reveal that people were being turned away who had been drinking prior to arrival and were deemed “drunk”.
26. The barrier at the front of the property was manned by two door staff and there was a barrier locked in place to the front steps to prevent persons getting access to the river.
27. Clubbers could only leave by that route. The route out from the premises was through the car park up on to Dock Road.

28. ACTION TAKEN TO PREVENT A RECURRENCE OF THIS INCIDENT AND BREACH OF LICENSING OBJECTIVES

- All staff were retrained by our licensing solicitor, their understanding of licensing conditions refreshed and steps to be taken to prevent drunkenness
- The Club has been closed
- The premises now operate only as a Pub/Restaurant with an early closing time of 24.00 hours for Sale of Alcohol and Provision of Late Night Refreshment.
- Any regulated entertainment to be provided will cease at 23.00 hours
- The premises will close to the public at 00.30 hours
- Myran Ennis will become the new DPS and run the Chatham operation
- The plans set out in Myran’s business plan presented to me on 24th July be implemented as soon as possible,
- Application has been made for Minor Variation of the Licence to reflect these proposed changes
- The door team has been replaced

Myran Ennis

29. I have found him to be good at his job strong on controls, not afraid to make own decisions or exercise his authority or question those who are more senior if he believes they are wrong. He has a clear understanding of licensing and wishes to succeed in the pub restaurant business.

30. On 1st September 2015 Myran was appointed a joint director of the business with full rights. His vision for the future of the business as set out in his plan at Appendix 1 and suit has been accepted to take these premises forward as a Pub Restaurant.

PUNISHMENTS TO DATE

31. I realise that the only factor that the committee can have regard to is The Licensing Objectives.
32. Having said that I feel the committee should be aware of the fact that the business has sustained total actual losses to date of approximately £25,000.

CONCLUSION

33. I have decided that I cannot run all 3 businesses and particularly 2 night clubs, hence the decision to close the Club.
34. By changing the dynamic of the operation the licensing objectives can be met with the imposition of appropriate fresh conditions. (See Appendix 10 attached setting out proposed conditions suitable for The Command house and Wine Cellar that my solicitor has discussed with the police)
35. Immediate action was taken to prevent a recurrence – as set out at para 28 of my statement.
36. My proposal would be that Myran Ennis should replace me as DPS.

Signed.....

Dated..... 08/09/15

APPENDIX 1

THE COMMAND HOUSE LTD

THE WINE CELLAR

BUSINESS PLAN



COMMAND HOUSE, DOCK
ROAD
CHATHAM, ME4 4TX

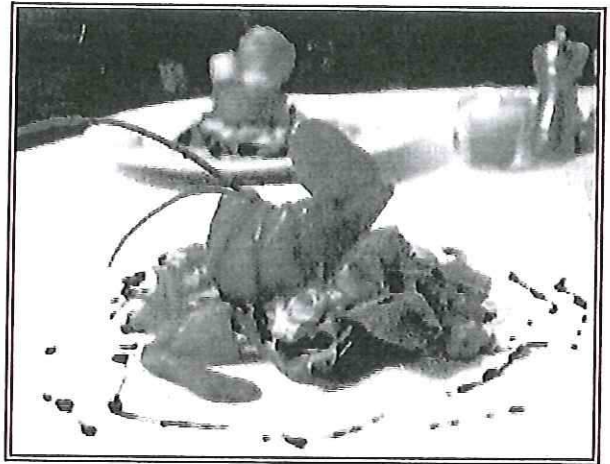
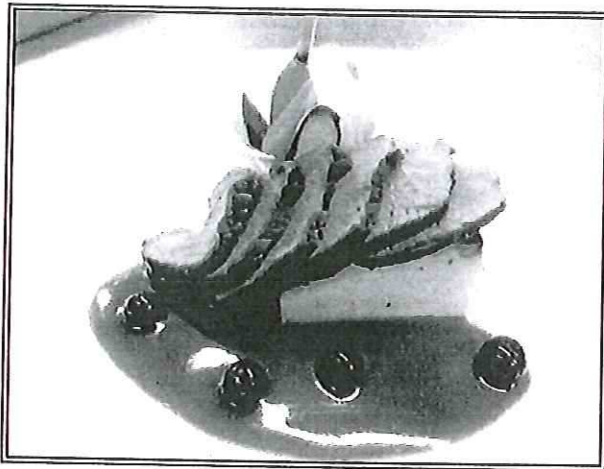
THE PLAN

THE WINE CELLAR

FINE DINING

The aim going forward is to build on our already great quality A La Carte menu offered in The Command House, and offer an enhanced experience for the customer with a new fine dining menu.

The new menu will be completely premium with nothing but the best ingredients we can source. Dishes would be along the lines of Lobster and venison



~SAMPLE MENU~

~STARTERS~

- Pan fried scallops and chorizo with butternut squash puree £7.95
- Home cured beetroot & dill gravadlax with pickled cucumber & chervil sour cream £7.50
- Chicken liver & foie gras terrine with spiced apple chutney relish and toasted brioche £8.95
- Watercress & baby spinach soup with broad beans & chive cream foam 5.95
- Warm salad of pigeon breast, black pudding & lardons £7.50
- Plum tomato & red onion tatin with rocket salad & crème fraiche £6.50

~MAINS~

- Herb and parmesan crusted beef fillet with fondant potato, green beans & red wine jus £22.95
- Roast cod fillet with pesto risotto and a rich cherry tomato compote £14.95
- Pan fried corn fed chicken breast with herb rosti, buttered spinach & a wild mushroom sauce £14.50
- Roast loin of venison with dauphinoise potato, seasonal vegetables & a blackcurrant jus £17.95
- Grilled British lobster with warm new potatoes, rocket, garlic and herb butter and balsamic jus £23.50
- Bubble and squeak crumble with roasted parsnip puree and wilted greens £12.95

~DESSERTS~

- Hot chocolate fondant with a honeycomb ice cream and blackberry compote £6.50
- Honey and nectarine crème brulee with lavender short bread £5.95
- Sticky toffee and banana stack with clotted cream and salted caramel £6.50
- Lemon tart with raspberry sorbet £5.95
- Selection of fine English cheeses with a Kentish apple chutney and oat biscuits £7.95

THE PLAN

THE WINE CELLAR

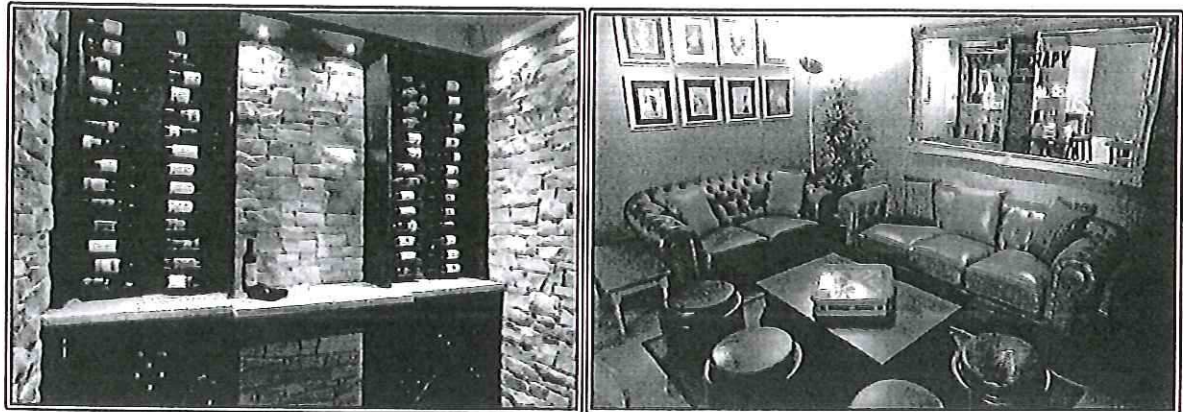
ATMOSPHERE

We will be creating an elegant atmosphere in keeping with the tradition of the building, to achieve this we will be stripping back the current rooms plaster to reveal the original brick work and create the illusion of walking into a Napoleon era wine cellar.

The room would also return to having two real fireplaces either end of the room, this and the candles around the room in addition to the high ceilings (which will be stripped back to reveal the original beams) will really immerse the customer into the atmosphere, so much so they will even forget they are in Chatham!

The tables will have miss match chairs, rustic sturdy table tops, candles will be burning, smooth jazz will be playing, and the windows kept blacked out to help create a more romantic cellar-like atmosphere.

Dotted around the room will be wine racks, barrels and antique style items that will really make you think that you've found a gem in the middle of Medway. There will also be a snug area, for a calm waiting area, or an area to enjoy a relaxing after dinner brandy.



THE PLAN

THE WINE CELLAR

THE BAR

The bar will have the current draught equipment removed, and will serve nothing but fine wine, spirits and the very best in craft beer. It is very important that the people staffing the bar will be properly trained on how to deliver excellent service, and have brilliant knowledge of wines and everything else that the bar should stock. This would be delivered via onsite training.

The bar already has the beginnings of the good looking, rustic feel that we are going for. The current back bar would need its mirror removed and above placed a hanging wine glass rack.

The staff of the bar would be well presented with white shirts and brown waistcoat, and be trained in every aspect of bar work, and waiting tables

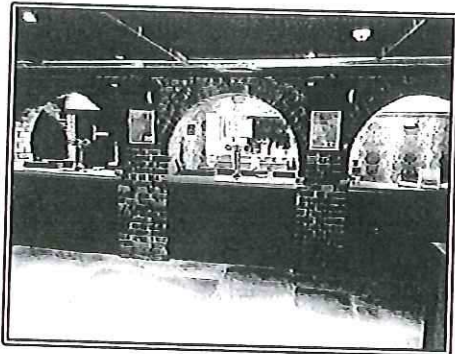


THE PLAN

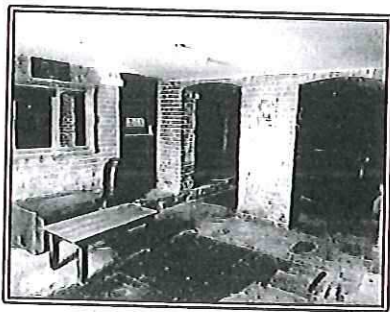
THE WINE CELLAR

REQUIRED WORK'S

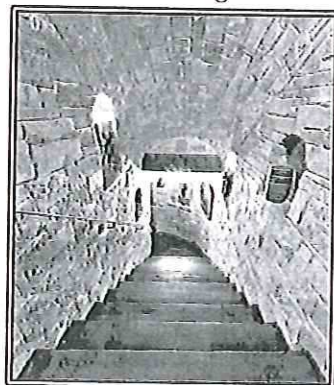
The bar will need stripping of its current draught equipment as it is not in keeping to the atmosphere we are going for. The wall paper on the back of the bar would be removed to reveal the original brick work also. The mirror behind the bar would need to be removed to make way for a wine rack/wine glass shelves.



The current V.I.P area only need a bit of loving care, the start of a snug are is already there. It would require a nice antique style coffee table and chairs, and perhaps some other antique style goodies to really give it the right feel.



The stairs will need some work, as it needs to be a very clear transition between The Command House, and The Wine Cellar. It needs to create the illusion of going somewhere different and exciting. The music needs to change noticeably to jazz, blues or classical as well as the levels of light.



THE PLAN

THE WINE CELLAR

SUMMARY

In summary the entire atmosphere of the room downstairs needs to change, however due to the buildings fantastic heritage the work is much less than you would expect.

The key to being profitable on a food lead business is the table service, as our experience at The Command House has shown. We have seen bills more than double when people receive good table service and are offered the best products on offer.

Fine dining is something that is surely missing in the Medway area. The Population of the area is over 274 thousand people, which means that the customer base is out there. Kent is also known as a reputable area and people will always travel for a good fine dining restaurant/destination gastro.

The aim overall is give something lacking to Medway, this fine area deserves a fine restaurant, to increase the overall attitude towards Medway and raise its affluence among the other areas in Kent.

Date: 24/07/2015

Myran Ennis

COMMAND HOUSE, DOCK
ROAD
CHATHAM, ME4 4TX

APPENDIX 2

Statement of Myran Ennis

My name is Myran Thomas Lewis Ennis. I am the pub manager at The Command House. I have had nothing to do with Club Mojo since I joined in or about end March early April time. The club has been run by Natalie Bovey.

I started off in the licensing business working at the The Hop Farm in Beltrin in the silver service sector.

I have been involved in the licensing trade now for six years working mainly for Wetherspoons based in Maidstone. However after two or three years I progressed with their training regime and would cover for managers at other premises who were absent because of holidays, sickness, paternity leave and the like.

I wanted a permanent pub of my own and Mr Dyer approached me at the beginning of this year. He offered me a job as the pub manager at The Command House.

At the time the pub restaurant was going through a re refurbishment. My duties including training the staff for the pub restaurant sorting out rotas, stock ordering and ensuring that the premises operated well.

The two businesses have been run separately.

We have two chefs here who enjoy their work and I worked with them to improve the menu.

It is fair to say that everyone is in shock after the incidents that occurred on the night of 29 June.

All staff were required to attend a retraining course and Mr Dyer began to think about the future of the club. He asked me to take over the running of both floors of the premises and I prepared a business plan for him which I attach setting out the proposals for the future. He decided to close the club and I understand instructed his solicitor to notify the police and the council of this decision.

The intention now is that the premises should operate as a pub restaurant on both floors what I would describe as the pub dining floor and then the lower floor the wine cellar. This is a really exciting prospect and as I have said I would plan to call the lower floor the Wine Cellar.

The area lends itself beautifully to this aspect of the operation and is similar to other outlets that I have visited or seen.

I have decided that we would have a lounge area for pre dinner and after dinner drinks with the main area being located in front of the bar which is separated in sections by the stone arches being tabled up.

The ceiling would be removed to expose the original wooden beams and the intention is to create a nice atmosphere where people can just have a nice enjoyable social time.

Mr Dyer has given me carte blanche to take this forward and I am delighted to be given the opportunity to become a joint director of Command House Limited with full rights. We hope the wine cellar will be in operation by the end of October. The cost of the refurbishment will be about £15,000 .

The pub restaurant is a popular venue during the day. We are building our evening trade on the back of our a la carte menus.

We hope to attract repeat custom and we would hope that we could build on our current party business. For example recently in the dining room Kent Reliance booked up the dining area for a party.

I plan to produce a Noise Management Plan and Dispersal Policy for approval by the authorities shortly.

Casey is my partner and she and I both plan to move to The Command House and live here.

It is my wish to be the DPS and manger at this site. Chris Dyer feels that he cannot run three operations, located at two venues in different locations on his own. He has decided to focus his efforts on ensuring Maidstone runs well whilst give me all the support necessary to make this enterprise work.

I do not want to do anything that will affect my licensing career. Our solicitor has advised me that I should await the outcome of the licensing hearing before I lodge an application to be the new DPS.

My intention is to try and keep all staff and as the business develops take on more staff. We have a list of approved taxis and I will engage and new door team to be appointed in the event that door supervisors are required.

I wish to emphasise that I have nothing to do with Club Mojo and I was not here on the night of 29 June.

I have read the review papers. All staff as I say were retrained immediately after the incident by our solicitor.

My staff were not involved with Club Mojo and includes someone who holds a personal licence and another who has taken exams and will be applying for his personal licence. I have three other bar staff and two chefs. My plan is to increase the kitchen staff in the short term and take on more waiter/waitress service as the business develops.

Certainly in my time there have been no problems with the regard to the running of the pub restaurant and I feel that this could be a good venture going forward.



2/9/15

APPENDIX 3

Subject: Weekend Report

Date: Monday, 11 August 2014 21:38:50 British Summer Time

From: Chris Dyer

To: Licensing North Division Kent

CC: natalie@clubmojo.co.uk

All,

Meet Natalie (Bovey) the new Duty Manager at The Command House and Mojo.

As 1 year now fast approaches since I took over The Command House & Mojo, I am now in a position where I can transfer the day to day operations to one of my experienced Duty Managers.

Natalie has worked for me for 3 years now at my other venue Bar Chocolate in Maidstone as Duty Manager and has, like myself, a great track record with Licensing and the police and has run many TENS and events for up to 1,500 people in Maidstone. I will of course still be available and I will still be over at The Command House and Mojo several times a week. You can contact me at anytime and I will still remain DPS of the premises.

Further more – as always nothing to report from the weekend just gone.

Regards

Chris

The Command House / Mojo

Subject: RE: Weekend Report

Date: Tuesday, 12 August 2014 07:19:15 British Summer Time

From: Licensing North Division Kent

To: 'Chris Dyer'

Hi Chris

Thanks for letting us know about Natalie. [Do we have any contact details for her]

Regards Geoff

From: Chris Dyer [mailto:chris@clubmojo.co.uk]

Sent: 11 August 2014 21:39

To: Licensing North Division Kent

Cc: natalie@clubmojo.co.uk

Subject: Weekend Report

All,

Meet Natalie (Bovey) the new Duty Manager at The Command House and Mojo.

As 1 year now fast approaches since I took over The Command House & Mojo, I am now in a position where I can transfer the day to day operations to one of my experienced Duty Managers.

Natalie has worked for me for 3 years now at my other venue Bar Chocolate in Maidstone as Duty Manager and has, like myself, a great track record with Licensing and the police and has run many TENS and events for up to 1,500 people in Maidstone. I will of course still be available and I will still be over at The Command House and Mojo several times a week. You can contact me at anytime and I will still remain DPS of the premises.

Further more – as always nothing to report from the weekend just gone.

Regards

Chris

The Command House / Mojo

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Subject: RE: The Command House & Mojo NYE Event
Date: Thursday, 11 December 2014 08:12:05 Greenwich Mean Time
From: Geoff Rowley 46057309
To: 'Chris Dyer'

Hi Chris

Thanks for the new number we will try not to bother you unless we need to!! I agree Natalie seems to have good control of the premises we will try and pop down and see you both prior to the festivities if we get the chance.

Have a great Christmas and New Year

Regards Geoff

From: Chris Dyer [mailto:chris@clubmojo.co.uk]
Sent: 09 December 2014 21:42
To: Christopher Hill PC 46012000; Geoff Rowley 46057309
Subject: The Command House & Mojo NYE Event

Hi to you both.

Its been awhile!

Hope all is well with you both. Both The Command House and Mojo are doing very well from our point of view. Natalie seems to have settled in very well as I knew she would and I hope she is in your eyes also.

I still maintain my full involvement and I am on site about 3/4 times a week. As always I monitor our incident rates and obviously I extremely happy to see that standards I set are being maintained with the robust team we have there.

I have submitted our NYE TEN today. - Nothing we haven't already done may times before.

Any questions please do call me 07788995203 (New number) - It would be good to hear from you - I did say to Natalie we should pop over to see you soon, or for you to come down for a coffee or perhaps an after work drink? It would be good to catch up.

Regards

Chris

The Command House / Mojo

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APPENDIX 4

APPENDIX 5

Main Taxi Contacts for Pick ups from The
Command House / Mojo

Star Taxis
01634 565374

ABC Taxis
01634 840840

Computer Cabs Ltd
01634 848848

Vokes Taxis
01634 222222

APPENDIX 6

I, Natalie Bovey of Command House, Dock Road, Chatham, Kent, ME4 4TX will say as follows:-

1. I have been involved in the licensing trade for the past five years. I passed my licensing qualifications a few years ago. I used to work as a bar person for Wetherspoons and for the past three years have worked in Maidstone for Mr Christopher Dyer.
2. When Chris obtained the Command House I was appointed manager at Maidstone and I believe everything progressed satisfactorily.
3. In August 2014 I was offered the opportunity of becoming the manager at the Command House. I met with the police. I was put on a three month trial and then after further communication with the police my position was confirmed in December 2014.
4. I familiarised myself with the conditions on the licence. If the CCTV was asked for, I would ask the police to provide me with a USB stick and it would be downloaded and given to them.
5. A member of staff would patrol the area when the club was open and telephone me if he felt the music was too loud.
6. At 9:00pm all persons under 16 were required to leave. The pub restaurant closed at 10:00pm. I.D was also taken at the bar and customers were always told they were required to leave at 9:00pm.
7. To avoid persons getting drunk staff were trained and in particular the following factors would be taken in to account in determining whether or not a person was drunk:-
 - a. Were they loud?
 - b. Were they aggressive?
 - c. What was their stance like?
 - d. What was their speech like?
8. It was felt that if a person was drunk we would stop service, provide them with water and take them in to the chill out area and arrange for a taxi to get them home. Alternatively if they had friends arrange for their friends to take them home.
9. My general procedure was to provide a chill down to relax people about an 15 minutes before closing time.
10. Opening at 10:00pm we are alive to the fact that people may have been drinking beforehand. We took steps to prevent drunkenness occurring. At no time during my tenure in charge did the police raise any issues with regard to drunkenness at the premises.
11. I thought my staff and I were doing a good job. As an added precaution we also had trained door staff who not only checked ID but would refuse admission to anyone they thought was drunk.

12. The entrance is always barred off and people queue up at our black gate. We have interlocking barriers which prevent nightclub users having access to the river. These barriers run from the black gate up the steps of the premises.
13. Clubbers leave by the same route. Our staff are positioned at the black gate and walk the floor during the evening. Generally we have two members of door staff at the black gate and two walking the floor. On leaving people would then walk through the car park up to Dock Road. Taxis are also located in the car park.
14. We have a list of taxis we use. Because taxis queue up in the car park we only give out numbers if people ask.
15. On the night in question we had four staff on duty in the club plus myself and four door staff. Two are responsible for the entrance and exit and two were walking the floor.
16. We do not normally open on Mondays – we normally open on Fridays and Saturdays where we have a terminal hour of 4:00 am. We had a similar event on Monday 26th May when we finished at 2:00 am and everyone was out by 2:30 am. On that occasion Chris had reminded of the earlier time.
17. I was not privy to the advertising. I was aware that incorrect hours had been advertised for events in May and June but this was down to the marketing people and was not something I dealt with. Chris and others dealt with this to rectify the situation.
18. On the night in question I made a mistake. I knew the terminal hour was different to Friday and Saturday, believing it was 03:00 am, I planned to close the premises at 03.00 am, turning the lights on, reducing the volume of music and encouraging people to leave at about 02.45 am.
19. It is no excuse but I had been advised over the weekend that a close friend had been told he only had a few weeks to live and was suffering from terminal cancer. That was playing on my mind, I was not focussed on my job which is one reason why I made the mistake.
20. As a result I have been suspended on full pay pending the outcome of this case. Things went wrong that night.
21. I have been distressed by this ever since and apologise to all concerned.
22. I have had sleepless nights with worry. It was not a deliberate error and I am very sorry for what happened.

Signed.....

Dated.....

8/9/15

APPENDIX 7

I, Liam Kelly of The Command House, Dock Road, Chatham Kent ME4 4TX

Until recently I was the Events Manager at Club MoJo.

My duties included booking artists, dealing with online marketing and dealing with Artwork prepared by 3rd Parties.

Advertising for events from May to the end of June was prepared by third parties, Spike O'Connel, Joseph White and Bass UK and Jay Burton.

Normally Chris Dyer would check the artwork before it was issued. In April he was very busy overseeing the pub refurbishment, dealing with contractors and preparing for a major event for the early May Bank Holiday on 2nd May.

We had several top DJ's booked. I know that Chris had a lot of problems with the electrician during the refurbishment.

I was more focussed on the May event, Chris was overseeing the whole of the works, the Club, the event and his Maidstone premises as well as the Bank Holiday event. Mistakes were made in the Artwork that we did not appreciate and allowed the designers to go to print.

As soon as we realised mistakes had been made the flyers and posters were reprinted. Bass UK were contacted and we did everything we could to locate the road boards to remove them. Bass UK were not prepared to remove their boards. Bass UK chose to use road boards to market its event scheduled for 13th June.

Signed.....

Dated..... 8/9/15

I, Joseph White of 18, Lascelles Gardens, Rochford Essex will say as follows:

I am a self employed musician and graphics designer

In April of this year I was asked to prepare Artwork for an event at Club MoJo on 21st June. I worked on a template I use for other clubs. Most of the premises I work for finish at 06.00. I was more focussed on the art work describing the event and did not realise until after I had supplied the posters and flyers that I had incorrectly stated the wrong time.

When the mistake was made we put up a Social Banner to advise of the correct timing.

Signed.....


Dated..... 8/9/15

I, Spike Masters O'Connell of 33, Salisbury Road, Rainham, Kent ME8 0BJ

I am a graphic designer.

In April of this year I was responsible for preparing flyers and posters for two Monday evening events to be held at end of May and end of June. I prepared the art work from a template I had for premises in Maidstone I had obtained on a previous occasion. I incorrectly indicated a closing time of 04.00 on the poster.

I was subsequently notified of the error and arranged for fresh posters to be re-printed with the correct closing time of 02.00.

I would like to confirm that I only prepared flyers and posters. No road boards were used in the marketing. I was asked to assist in the removal boards placed by Bass UK.

Signed.....

Dated..... 08/09/14

APPENDIX 8

3rd Party Outside Promoter Contract

The contract is entered into this day 28th February 2015 between Mojo and Bass UK, and its representatives Dave "Nation" and Stevie Fry, for promoting their event Bass UK at Mojo / The Command House, Dock Road, Chatham on the agreed date of 13th June 2015.

A: Definitions and Terms

1. Definitions: Mojo located at The Command Hose, Dock Rd, Chatham Kent, ME4 4TX, shall be henceforth referred to as "VENUE". Dave and Stevie will be referred to as "PROMOTER". "PROMOTION" is defined as the actual event scheduled fro this contract.
2. The contract is specifically for one (1) night commencing 10pm to 4am. It shall be henceforth referred to as "NIGHT"
3. Duration of contract: VENUE and PROMOTERS agree the duration of this contract is for one (1) night commencing 13th June 2015.
4. The VENUE reserves all rights to operate and close the VENUE as management deems necessary.

Failing to do so may result in their EVENT being cancelled without notice or compensation of any kind.

C. Compensation and expenses

1. VENUE and PROMOTERS agree to the following distribution of Revenue from the NIGHT:

- a. PROMOTER retains all RECEIPTS from Door Sales.
- b. PROMOTER to pay for all promotional material, promotional activity and entertainment in the form of live DJ's, Acts.
- c. VENUE to retain all RECEIPTS from the bar sales
- d. VENUE to pay for all bar staff, door staff and management

D. Dissolution

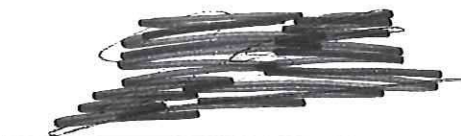
This contract, or any of the aforementioned items listed, can at any time be severed by the VENUE if any of the above conditions or terms are breached by the PROMOTER or if both PROMOTER and VENUE are in mutual agreement to such changes in the duration of the life of the NIGHT or specie of the contract.



The Command House /Mojo



Dave "Nation" t/a Bass UK
Mobile: 07504758168



Stevie Fry t/a Bass UK
Mobile: 07951101474

3rd Party Outside Promoter Contract

The contract is entered into this day 2nd February 2015 between Mojo and "Rave for Ruby" and its representative Jay Burton, for promoting the charity event "Rave for Ruby" at Mojo / The Command House, Dock Road, Chatham on the agreed date of 6th June 2015.

A: Definitions and Terms

1. Definitions: Mojo located at The Command Hose, Dock Rd, Chatham Kent, ME4 4TX, shall be henceforth referred to as "VENUE". Dave and Stevie will be referred to as "PROMOTER". "PROMOTION" is defined as the actual event scheduled fro this contract.
2. The contract is specifically for one (1) night commencing 10pm to 4am. It shall be henceforth referred to as "NIGHT"
3. Duration of contract: VENUE and PROMOTERS agree the duration of this contract is for one (1) night commencing 6th June.
4. The VENUE reserves all rights to operate and close the VENUE as management deems necessary.

B: Duties and Responsibilities:

4. VENUE Duties and Responsibilities:

- a. VENUE agrees to provide a clean and safe environment for said PROMOTORS clientele. Specifically to provide all necessary support staff ie: bartenders, door staff and duty manager.

6. PROMOTER Duties & Responsibilities:

- b. PROMOTER agrees to promote said VENUE positively for terms of contract, and within both the Licensing Act and VENUES Premises License conditions, both are supplied as part of this contract. See Appendix.

Specific items are as follows:

- i. PROMOTER is liable for the production of all marketing material and is therefore liable for any errors that contravene the VENUE'S Premises License or breaches the Licensing Act 2003
- ii. All errors must therefore be corrected, re-printed and re-distributed immediately at the cost of the PROMOTER
- iii. The PROMOTER agreed to not participate in FLY POSTERING or use what are commonly known as ROAD BOARDS to promote their EVENT. If the PROMOTER breaches this and commits both or either act, then the PROMOTER accepts the VENUE will pass on their contact details to any interested party, such as Local Authority, Police or Licensing and the VENUE accepts no responsibility. The PROMOTER will be responsible for removing at their own cost such marketing material.


Failing to do so may result in their EVENT being cancelled without notice or compensation of any kind.

C. Compensation and expenses

1. VENUE and PROMOTERS agree to the following distribution of Revenue from the NIGHT:
 - a. PROMOTER retains all RECEIPTS from Door Sales.
 - b. PROMOTER to pay for all promotional material, promotional activity and entertainment in the form of live DJ's, Acts.
 - c. VENUE to retain all RECEIPTS from the bar sales
 - d. VENUE to pay for all bar staff, door staff and management

D. Dissolution

This contract, or any of the aforementioned items listed, can at any time be severed by the VENUE if any of the above conditions or terms are breached by the PROMOTER or if both PROMOTER and VENUE are in mutual agreement to such changes in the duration of the life of the NIGHT or specie of the contract.



The Command House /Mojo



Jay Burton (Rave for Ruby)

APPENDIX 9

RISK ASSESSMENT: Monday Madness Event

Potential Hazard	Who is at risk?	Existing Control Measures	Risk Rating	Preventative Measures	Responsibilities
Drunkenness	All persons attending the event	<p>Reduced ABV alcohol to be used. Only singles were served in single transactions. Only a limited range to be £1. All other drinks at full price. Radios provided to all staff, management and door staff for effective communication. Free water available and given to people appearing to be intoxicated by bar staff, management or door staff. Anyone appearing to be intoxicated was removed to a safe area and assessed by a First Aider immediately. Water to be given as a precautionary measure. Limited number of drinks per person. 5 vouchers were given to exchange at the bar – once used – drinks became full price drinks.</p>	Medium	<p>Alcohol will not be served to people deemed/suspected as intoxicated. Training and team talk had prior to opening up to discuss the possible scenarios that could occur and what is expected of bar staff and door staff.</p>	Duty Manager, DPS

APPENDIX 10

CONDITIONS – THE COMMAND HOUSE AND WINE CELLAR

The Mandatory Conditions continue but the following conditions replace the conditions in Annex 2 being consistent with the operation of a pub restaurant. Indoor Sporting Events to be removed as an approved entertainment.

1. The operational hours for sale of alcohol Sunday to Saturday will be 10:00 to 24:00 hours. Regulated Entertainment will only be provided between 10.00 and 23.00. The Premises will close by 00.30
2. Following the provision of Section 177 live music and recorded music remain as regulated entertainment between 8am and 11pm.
3. 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 28/31 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.pnn.police.uk)
4. 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.
5. 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.

6. For all events that are open to the general adult public after 8:30pm there should be a minimum of 2 door supervisors per 75 persons on any evening at the front entrance/exit and additional door supervisors for every 75 additional persons. Additional door supervisors are expected to walk the event area and buildings to ensure all patrons are monitored. For the purpose of this condition an event is defined as one where live music or recorded music is provided to entertain members of the public but does not include provision of live music by two performers or less.
7. 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.
8. The licence holder 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.
9. No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.
10. A register of complaints shall be kept and made available for inspection to police, environmental health and licensing authority on request. Staff will be employed to monitor occupancy levels. As part of their role they will monitor patrons in each area (a) Upstairs Bar (d) Downstairs Bar and (c) Outside Areas so as not to exceed levels as set in their risk assessment.
11. The premises shall have a written dispersal policy that outlines the procedures for events and general trading operation for management, door supervisors and staff. The policy shall contain procedures on (a) supervising customers to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet so as to not disturb neighbours in the vicinity (b) procedure on refusing entry or banning those who repeated cause a nuisance by noise and rowdy behaviour.
12. At all events there shall be a qualified first aid person, trained to a nationally recognised standard, on the premises and easily identifiable. A notice stating the availability of first aid person shall be prominently displayed inside and outside the premises and shall be protected from damage or deterioration. There shall be first aid equipment and materials available at the premises whilst the premises are trading.
13. The licence holder shall produce risk assessments that must have proper regard to the Health and Safety Executive guidance 'The Event Safety Guide: A guide to health, safety and welfare at music and similar events'. It must address but is not limited to risks specific to the nature of the proposed event and its potential to undermine the licensing objectives. The risk assessments must be submitted in writing either by post or electronically to Police Licensing Team (licensing.north.division@kent.pnn.police.uk), the local Licensing Authority and Environmental Health a minimum of 31 days before the event.
14. When regulated entertainment and background music takes place outdoors a noise management plan must be in place to review the impact of noise prior to, during and after each event. The noise management plan shall be periodically reviewed and/or when significant changes occur in the operation, building or event type or following a complaint.
15. The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons stating the actual operating hours of the premises.
16. At all events staff will only provide the use of polycarbonate, plastic or toughened glasses. All bottled drinks will be decanted into the plastic containers.
17. Temporary structures will be limited to a stage or marquee, which will be positioned away from the river and displayed on the outside plans.
18. Advertising of events at the premises will be limited to posters on the premises and on the premises website