

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 11044 HUNT

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Alfred Martin & Rita Martin

Number of premises licence or club premises certificate (if known) MEDWAY-05-PREM-0003

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)

☒

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

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

Please tick

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

☐

(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 11044 Hunt Medway Police Station Purser Way Gillingham Kent Police ME71NE
Telephone number (if any) 01634 792388
E-mail address (optional) 11044@kent.pnn.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 checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

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

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

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Please provide as much information as possible to support the application

(please read guidance note 2)

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

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

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

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

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

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

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

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

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closed on time then this assault would not have occurred.

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

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

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

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

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

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

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

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

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Please tick yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

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- 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

Please tick yes



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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity

.....

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

Post town

Post code

Telephone number (if any)

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

Notes for Guidance

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

WITNESS STATEMENT

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

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

This statement (consisting of _____ page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

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

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

Signature: **Mark Squires**

Signature witnessed by:

Typed by: Mark Squires

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Continuation statement of: **Mark Squires**

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

Signature

Mark Squires

Signature witnessed by

Typed by: Mark Squires



**Kent
Police**

Working to keep **Kent** safe

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

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

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

Date: 9th October 2017

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

Dear Mr Martin

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

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

9th September
Male: 6.15 (cocaine)
Female: 6.47 (cocaine)

15th September
Male: 6.70 (cocaine)
Female: 7.72 (cocaine)

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

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

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

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

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

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

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

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

Yours sincerely

PC 11044 Dan Hunt
North Division Licensing Officer