

LICENSING HEARING PANEL

21 AUGUST 2018

LICENSING ACT 2003 APPLICATION FOR THE EXPEDITED REVIEW OF A PREMISES LICENCE

**CRICKETERS, 88 HIGH STREET, RAINHAM, KENT
ME8 7JH**

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Principal Licensing and Enforcement Officer

Summary

An application has been received from Superintendent McDermott, on behalf of the Chief Officer of Kent Police, for an Expedited Review of the premises licence at the Cricketers, 88 High Street, Rainham, Kent, ME8 7JH, as the premises have been associated with serious crime and disorder.

The relevant provisions within the Licensing Act 2003 allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned are associated with serious crime or serious disorder, or both.

The Act requires expedited premises licence review applications to be considered within 48 hours to consider what interim steps should be taken, pending a full hearing of the issues within 28 days of the date that the application was served. In this case, the interim steps were agreed at a hearing held on 25 July 2018, pending the full review hearing, which is the matter before the Panel.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in the consideration of all applications relating to the Licensing Act 2003.

2. The application

- 2.1 On 24 July 2018, Superintendent McDermott, on behalf of the Chief Officer of Kent Police, applied for the Summary Review of the premises

licence at Cricketers, 88 High Street, Rainham, Kent, ME8 7JH, as the premises has been associated with serious crime and disorder.

- 2.2 The application has been made in accordance with section 53A of the Licensing Act 2003.
- 2.3 The details of the association of the above premises with serious crime, serious disorder is attached at **Appendix A** (Certificate under S53A (1)(b) of the Licensing Act 2003). A copy of the expedited review application is attached as **Appendix B**.
- 2.4 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.

3. Background

- 3.1 The summary (expedited) review powers under sections 53A to 53C of the Licensing Act 2003 allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and allows the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 3.2 The Act requires expedited premises licence review applications to be considered within 48 hours and a hearing was held on 25 July 2018 to consider what interim steps were required, pending a full hearing of the issues within 28 days of the date that the application was served. At the hearing of 25 July the Panel accepted the application from Kent Police and imposed interim steps that the Police representatives had proposed, pending a full review of the premises licence. The interim steps were:
 - a) A reduction in the operating hours of the premises from 01:00 hours to 23:00 hours on Fridays and Saturdays.
 - b) The removal of all glass, including wine and champagne bottles, after 20:00 hours on Fridays and Saturdays.
 - c) An increase in the minimum number of SIA registered door staff employed on Fridays and Saturday evenings.
- 3.2.1 The Panel considered these interim steps were necessary to provide Greene King with the opportunity to consider the issues associated with the operation of the premises.
- 3.2.2 The Panel noted that Greene King had offered to replace the Designated Premises Supervisor at The Cricketers and trusted that this would take place and would lead to the premises being more carefully managed.
- 3.3 A copy of the decision of this hearing is attached at **Appendix C**.
- 3.4 The Premises Licence for Cricketers, 88 High Street, Rainham, Kent ME8 7JH is attached as **Appendix D**.
- 3.5 The current licensee is Greene King Retailing Limited.

- 3.6 Following the expedited review hearing, the licensee immediately submitted an application to vary the current Designated Premises Supervisor, who is now Rhea Eldridge.

4. Promotion of Licensing Objectives

- 4.1 The licensee is expected to demonstrate that they deal with and understand the promotion of the four licensing objectives.
- 4.2 The four licensing objectives are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

5. Relevant Representations

- 5.1 The licensing authority must take into account any relevant representations made.
- 5.2 Relevant representations are those that:
- Relate to one or more of the licensing objectives;
 - Have not been withdrawn; and
 - Are made by the premises licence holder, a responsible authority or any other person (who is not also a responsible authority).
- 5.3 No relevant representations have been received.

6. Policy and Legal Considerations

- 6.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 6.2 In determining this application, Members may wish to consider information contained in Appendix 4 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives as well as Chapters 9 and 10 of the amended Guidance.
- 6.3 The steps that the licensing authority may consider taking are:
- The modification of the conditions of the premises licence;
 - The exclusion of licensable activities from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence;
 - The revocation the licence.
- 6.4 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of

possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act.

7. Risk Management

- 7.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, the Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

8. Financial and legal implications

- 8.1 There are no direct financial requirements at this time.
- 8.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 8.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to Members as appropriate at the hearing. However, whatever the decision of the Panel members, this must be based on the evidence placed before it and the Panel must decide what weight to attribute to this information.

9. Recommendation

- 9.1 That the Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182 of the Act, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines this application to review the premises licence. The steps that the licensing authority may consider taking are outlined in paragraph 6.

Lead officer contact:

Mandy Francis – Principal Licensing and Enforcement Officer
Telephone: 01634 331922 Email: mandy.francis@medway.gov.uk

Appendices

Appendix A – Certificate
Appendix B – Application for Summary Review
Appendix C – Decision of Interim Hearing
Appendix D – Copy of Current Premises Licence

Background papers

None

Kent Police
Force Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ

CERTIFICATE UNDER SECTION 53A (1) (b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime.

Premises: Cricketers, 88 High Street, Rainham, Kent ME87JH

Premises licence number (if known): MEDWAY-08-PREM-0493

Name of premises supervisor (if known): Mr Glenn Mullen

I am a Superintendent in the Kent Police Force

I am giving this certificate because I am of the opinion that the premises are associated with serious crime and that other procedures under the Licensing Act are inappropriate.

The nature of this offence is so serious as to justify the immediate decision to call an expedited review. Other powers under the licensing act, or other acts, are not appropriate and do not address the issue with immediate effect; a standard licence review would not suffice as it will take 28 days to come to hearing and may be appealed prior to application, allowing the public house to continue operating without any changes to its operation well into the summer period, where it could be reasonably anticipated it will be busier with the potential for heavier alcohol consumption. This will fuel the risk of further serious crime occurring before sufficient measures can be put into place to prevent crime and disorder.

The benefits of dealing with this by way of an expedited review allows an interim step to apply immediately, thereby safeguarding members of the public and preventing further offences.

On Saturday 21st July 2018 around 00:32 hours a violent incident occurred inside of the Cricketers Public House, High Street, Rainham, Kent. This serious incident involved a group of males assaulting at least three separate people. Two males were punched and kicked to the floor inside the premises, in an area of the public house being used for a dancefloor. A female that was not linked to the violent disturbance was caught up in the melee and was hit to the head with a glass bottle that was thrown. CCTV footage of the incidents shows bottles and chairs being thrown and used as weapons. This disturbance then continued outside and into the street, where a further male was punched to ground and knocked unconscious. Kent Police are currently investigating this incident as an assault occasioning Grievous Bodily Harm and assaults occasioning Actual Bodily Harm.

Kent Police are of the opinion that if the premises were to remain open to the public, without modification to the conditions of the premises licence and a change of the management, the venue may be a flashpoint for further incidents of serious crime and disorder.

This enables consideration to be given as to whether further controls are required at the premises so as to prevent serious crime and disorder. Until this consideration is undertaken Police consider that there is a risk of serious crime and disorder reoccurring at the premises.

Due to the above, Police are seeking the interim step of the removal of the designated premises supervisor and the modification of the conditions of the premises licence to prevent serious crime and disorder from reoccurring.

D/Superintendent 8360 MCDERMOTT

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FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[Insert name and address of relevant licensing authority and its reference number (optional)]

Medway Council, Gun Wharf, Dock Road, Chatham, Kent, ME44TR

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I D/Superintendent 8360 McDermott [on behalf of] the chief officer of police for the North Division police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Cricketers.
88 High Street
Rainham**

Post town: Gillingham

Post code (if known): **ME87JH**

2. Premises licence details:

Name of premises licence holder (if known): Green King Retailing Limited

Number of premises licence holder (if known): MEDWAY-08-PREM-0493

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

At approximately 00:32 hours on Saturday 21st July 2018 there was a violent disturbance in the rear area of the Cricketers Public House. This area was being used for a dancefloor whilst a DJ / Disco was in operation. This serious incident involved a group of males who assaulted three separate people. 2 males were punched and kicked to the floor, whilst a female who was not at all linked in the incident was hit to the head with a glass bottle that was used as a missile.

Bottles and stools/chairs were thrown and used as weapons as part of this incident.

The fight/disturbance then continued outside, resulting in a further male being punched to the floor and being knocked unconscious.

To date, one male has been arrested as part of this investigation however a number of other males involved have yet to be located by police.

This is an incident of serious crime and disorder.

Kent Police have had cause to have a number of dealings with the Cricketers Public House this calendar year. Most notably in February 2018 following violent fights at the premises involving glass. This resulted in the varying of the premises licence on request of Kent Police. Additionally during the screening of the World Cup matches this month, whereby the venue was the location of a number of incidents of disorder as a result of poor safety management and planning.

Full evidence will be provided at the hearing.

In order to promote the licensing objectives of the prevention of crime and disorder and promotion of public safety, the interim steps police seek is the removal of the designated premises supervisor (Mr Glenn Mullen) and modification of the conditions of the premises licence, pending the full review hearing.

Modification of conditions such as reduction in operating hours to 2300 hours, removing the use of all glass ware on Friday and Saturdays after 2000 and the employing of additional SIA door staff, will allow the venue to reset during its 'high risk' periods, whilst also allowing the venue to continue to operate during lower risk periods.

During this period the police will be able to examine more closely the operation of the premises and should revocation not be sought, police and management may be able to agree necessary alterations to the operation of the premises including but not limited to: reduction in the operating hours, the requirement for door staff, and the potential change of management.

Signature of applicant:

Date: 24th July 2018

Capacity: D/Superintendent 8360 McDermott - North Division

Contact details for matters concerning this application:

Address: **PC 12000 Chris Hill - North Division Licensing Officer**
Community Safety Unit
Medway Police Station
Purser Way
Gillingham
Kent
ME7 1NE

Telephone number(s): 01634 792276

Email: christopher.hill@kent.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

DECISION OF LICENSING HEARING PANEL

Date of hearing:	25 July 2018
Premises:	The Cricketers, 88 High Street, Rainham, Kent ME8 7JH
Panel:	Councillor Mrs Diane Chambers (Chairman) Councillor Bhutia Councillor Pendergast
Representatives of Kent Police:	PC Chris Hill PC Clare Cossar
Premises Licence Holder:	Bo-Eun Jung, Counsel Luke Elford, TLT Solicitors Kaye Heath, Greene King Andrea Greenwood, Greene King
In attendance:	Mandy Francis, Principal Licensing and Enforcement Officer Laura Caiels, Principal Lawyer Steve Platt, Democratic Services Officer

The Chairman asked those present to introduce themselves and explained the process that the hearing would follow as outlined in the agenda.

The Principal Licensing and Enforcement Officer said that, in accordance with the Licensing Act 2003, the Council had received an application for an Expedited Review from Kent Police, in relation to the premises licence at The Cricketers, 88 High Street, Rainham, as the premises had been associated with serious crime and disorder. She advised that the Act required expedited premises licence review applications to be considered within 48 hours, pending a full hearing of the issues within 28 days of the date that the application was served.

The Principal Licensing and Enforcement Officer stated that the purpose of the hearing was for the Panel to determine what interim steps to take, pending the full review hearing, and advised that the options were:

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the Designated Premises Supervisor from the licence;
- (d) the suspension of the licence.

PC Hill presented the application for an expedited review on behalf of Kent Police and said that The Cricketers was a busy public house which held a disco on Friday

and Saturday evenings. On Saturday, 21 July 2018 at approximately 00:32 hours, a violent incident had occurred at the rear of the premises where the disco was being held and it had continued outside of the premises. PC Hill detailed the sequence of events that had occurred during the disturbance which included a glass bottle being thrown and hitting a female customer on the head.

PC Hill highlighted a previous violent disturbance at the premises in February 2018; this had led to discussions between Kent Police and representatives of the premises which had resulted in a variation to the premises licence to restrict the use of glass and increase the minimum number of door staff.

PC Hill stated that Kent Police were not requesting the suspension of the licence as an interim step, but were seeking a modification of the licence conditions as follows:

1. A reduction in the operating hours of the premises from 01:00 hours to 23:00 hours on Fridays and Saturdays.
2. The removal of all glass, including wine and champagne bottles, after 20:00 hours on Fridays and Saturdays.
3. An increase in the minimum number of SIA registered door staff employed on Fridays and Saturday evenings, from three to four.
4. The removal of the Designated Premises Supervisor (DPS).

Ms Jung, Counsel for the Licensee, questioned PC Hill regarding Kent Police's request that the DPS be removed by the Panel as an interim step. In response PC Hill stated that Kent Police would be satisfied by an assurance from Greene King that they would replace the DPS at The Cricketers. In response to Ms Jung's question regarding a possible reduction in operating hours to 00:00 hours if conditions on the use of glass and door staff were accepted, PC Hill said that, although Kent Police would prefer the operating hours to cease at 23:00 hours, 00:00 hours might be manageable if the other modified conditions were put in place as interim steps.

In response to questions from members of the Panel, PC Hill stated that the age range of the pub's clientele varied depending on the time of day. On Friday and Saturday evenings, younger customers congregated in the disco area at the rear of the premises. At other times this area was set out for restaurant use. PC Hill clarified that, following the incident in February 2018, Kent Police had met with the DPS, the Area Manager and members of Greene King's legal team. Following incidents during the World Cup, a further meeting with the DPS had been held. Asked about the preferred number of door staff, PC Hill said that the CCTV footage of the incident on 21 July 2018 showed that, although the three door staff on duty had worked hard, there had been an insufficient number of them to deal with the level of disturbance. Kent Police were therefore of the opinion that there should be a minimum of four door staff on Friday and Saturday evenings, but would expect a higher number to be on duty for some events.

On behalf of the Premises Licence Holder, Ms Jung emphasised Greene King's experience in operating licensed premises in a professional manner and expressed their regret that this incident had occurred. The Cricketers was a large, well run, family friendly public house. The disco that was held on Friday and Saturday

evenings did not play the type of music that was conducive to violent behaviour. Greene King was actively seeking a new DPS for these high energy premises. The company had previously changed the security firm who provided their door staff and had increased the minimum number from two to three. It was noted that Kent Police had acknowledged the hard work of the door staff. The licence had also been varied to restrict the use of glass on Friday and Saturday evenings.

Ms Jung said that Greene King had tried to work with the Police and, following discussions with the representatives of Kent Police before the hearing, she proposed the following modifications to the licence conditions:

1. From 21:00 hours on Fridays and Saturdays no glass bottles to be given to customers but instead kept behind the bar or decanted.
2. A minimum of four SIA registered door staff to be employed on Fridays and Saturdays.
3. Door staff to start work at 20:00 hours at the latest so they could check the venue and plan for the evening.
4. All licensable activity to cease at 00:00 hours.

Ms Jung added that Greene King had identified a number of experienced individuals for the role of DPS at The Cricketers. They were proactive, energetic long term employees of Greene King who knew the premises.

In response to questions from Panel members, Ms Jung explained that the door staff kept a log of incidents that occurred at the premises. They had taken the names of individuals involved in the incident on 21 July 2018 and had passed them to the Police together with the CCTV footage. Those individuals would be barred from the premises. She confirmed that, at present, only wine and champagne bottles were given to customers and the bottle which hit a customer during the incident was a Prosecco bottle. Members questioned the level of supervision of the DPS and also the amount of 'drinking up time' at the premises. It was noted that 'drinking up time' was not a licensable activity.

The Chairman asked both parties if they wished to sum up. On behalf of the Licensee, Ms Jung urged the Panel to only impose interim steps that were necessary. She hoped that the four modifications to the licence conditions that had been offered would satisfy the Panel that there would not be a reoccurrence of the incident that had taken place on 21 July 2018.

The Chairman asked all parties to leave the room during the Panel's deliberations. They returned for the Chairman's announcement of the Panel's decision.

Decision:

1. In considering the application for an expedited review of the premises licence for The Cricketers, 88 High Street, Rainham, Kent ME8 7JH, the Licensing Hearing Panel had regard to the Licensing Act 2003, the statutory guidance issued under S182 of the Act, the Council's Statement of Licensing Policy and all matters before it, both written and oral.

2. The Panel accepted the application from Kent Police and imposed interim steps that the Police representatives had proposed, pending a full review of the premises licence. These were:
 - a) A reduction in the operating hours of the premises from 01:00 hours to 23:00 hours on Fridays and Saturdays.
 - b) The removal of all glass, including wine and champagne bottles, after 20:00 hours on Fridays and Saturdays.
 - c) An increase in the minimum number of SIA registered door staff employed on Fridays and Saturday evenings.
3. The Panel considered these interim steps were necessary to provide Greene King with the opportunity to consider the issues associated with the operation of the premises.
4. The Panel noted that Greene King had offered to replace the Designated Premises Supervisor at The Cricketers and trusted that this would take place and would lead to the premises being more carefully managed.

Note:

The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would need to be completed within 28 days of the application being received by the licensing authority when the full review hearing will take place. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Premises Licence

Premises Licence Number


Medway-08-PREM-0493

Part 1 - Premises Details

Postal address of premises, or if none, Ordnance Survey map reference or description	
Cricketers 88 High Street Rainham	
Post town	Gillingham, Kent
Post code	ME8 7JH
Telephone number	01634 387272
Where the licence is time limited the dates: Not Applicable	
Licensable Activities authorised by the licence Sale of Retail of Alcohol, Live Music (on the premises), Recorded Music (on the premises), Anything Similar – DJ, Disco & Karaoke (on the premises) and Late Night Refreshment (on the premises).	
The times the licence authorises the carrying out of licensable activities <u>Sale of Retail of Alcohol</u> Sunday to Thursday 09:00 to 00:00 and Friday to Saturday 09:00 to 01:00. Non Standard Times:- Extended 1 hour on the following occasions: St. Patrick's Day, St. George's Day, Bank Holidays (set by Government) Easter – Friday, Saturday, Sunday & Monday, May – Saturday, Sunday & Monday, Whitsun – Saturday, Sunday & Monday, August – Saturday, Sunday & Monday, Christmas – Christmas Eve, Christmas Day & Boxing Day and New Year – New Years Day. Extended from the end of permitted hours New Years Eve to the beginning of permitted hours New Years Day.	
<u>Live Music, Recorded Music & Anything Similar – DJ, Disco & Karaoke</u> Sunday to Thursday 09:00 to 00:00 and Friday to Saturday 09:00 to 01:00. Non Standard Times:- Extended 1 hour on the following occasions: St. Patrick's Day, St. George's Day, Bank Holidays (set by Government) Easter – Friday, Saturday, Sunday & Monday, May – Saturday, Sunday & Monday, Whitsun – Saturday, Sunday & Monday, August – Saturday, Sunday & Monday, Christmas – Christmas Eve, Christmas Day & Boxing Day and New Year – New Years Day. Extended from the end of permitted hours New Years Eve to the beginning of permitted hours New Years Day.	
<u>Late Night Refreshment</u> Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00. Non Standard Times:- Extended 1 hour on the following occasions: St. Patrick's Day, St. George's Day, Bank Holidays (set by Government) Easter – Friday, Saturday, Sunday & Monday, May – Saturday, Sunday & Monday, Whitsun – Saturday, Sunday & Monday, August – Saturday, Sunday & Monday, Christmas – Christmas Eve, Christmas Day & Boxing Day and New Year – New Years Day. Extended from the end of permitted hours New Years Eve to the beginning of permitted hours New Years Day.	

<p>The opening hours of the premises Sunday to Thursday 09:00 to 00:30, Friday to Saturday 09:00 to 01:30. Non Standard Times:- Opening hours will be extended one hour after the times and occasions listed above. The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.</p>
<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies</p>

Part 2

<p>Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence Greene King Retailing Limited Westgate Brewery Bury St. Edmunds Suffolk IP33 1QT Tel: 01284 763222</p>
<p>Registered number of holder, for example company number, charity number (where applicable) Limited Company - 5265451</p>
<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol Rhea Eldridge </p>
<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol Medway-08-PREM-0493 Medway Council</p>

Annex 1 – Mandatory Conditions

Condition 1

No supply of alcohol maybe made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Condition 2

Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)
- (b) Outbreaks of disorder
- (c) Damage

Condition 3

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to**
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or**
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise)**
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective;**
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

Condition 4

The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.

Condition 5

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol**
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either**
 - (a) a holographic mark, or**
 - (b) an ultraviolet feature**

Condition 6

The responsible person must ensure that:-

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-**
 - (i) beer or cider: ½ pint;**
 - (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and**
 - (iii) still wine in a glass: 125ml; and**
- (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and**
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.**

Condition 7

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.**
- (2) For the purpose of the condition set out in paragraph 1:-**
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);**
 - (b) “permitted price” is the price found by applying the formula:- $P = D + (D \times V)$ where:-**
 - (i) P is the permitted price,**
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-**
 - (i) the holder of the premises licence**
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or**
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;**
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and**
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)**
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.**
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.**
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.**

Annex 2 – Conditions consistent with the Operating Schedule

Condition 8

CCTV cameras installed, internally and externally. Maintained in good working order, in accordance with CCTV Code of Practice. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available to Police and Local Authority officers on request.

Condition 9

When regulated entertainment, which generates significant noise, is taking place, doors and windows will be kept shut.

Condition 10

Reproduced or live music is to be set at a level so as not to be audible at the facade of the nearest residential property.

Condition 11

The designated premises supervisor, duty manager or relevant person should assess noise levels on a regular basis, to prevent excessive breakout.

Condition 12

All staff to be trained in all aspects of the licensing legislation and in particular under age sales to support the responsibilities of the Designated Premises Supervisor. Training records will be maintained and available for inspection on request of Police and Licensing Officers.

Condition 13

No regulated entertainment to take place outdoors.

Condition 14

A notice is displayed at the entrance/exit of the premises to remind customers to leave the premises quietly.

Condition 15

A noise limiter shall be installed at the premises by a competent person and set to an agreed level acceptable to the Local Authority Environmental Health department. Once installed and set, the limiter will be maintained in good working order.

Condition 16

Children are not allowed on the premises after 22:00 (10pm).

Condition 17

No licensable activities or consumption of alcohol to take place in any outdoor area after 23:00. No vessels, glasses or bottles to be allowed out in any outside area after 23:00.

Condition 18

To assist the Police in tackling drug abuse in the 'night time economy' by incorporating the use of Ion Track swabbing as a condition of entry when requested by Police. Regular swabbing of public areas as agreed with Police.

Condition 19

Minimum of two SIA registered door supervisors to be employed on Friday and Saturday nights.

Condition 20

External background music to be turned off at 21:00 (9pm).

Condition 21

A risk assessment will be carried out by the DPS or responsible person with regards to any planned sporting event and if deemed necessary two SIA registered door supervisors will be employed. Written record of the risk assessment to be retained by the DPS or responsible person and to be readily available to Police and Local Authority officer if requested.

Condition 22

Staff will be trained to operate a 'Challenge 21' policy, ask those who look under 21 for identification.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

