



LICENSING HEARING PANEL

10 AUGUST 2020

LICENSING ACT 2003 APPLICATION FOR SUMMARY REVIEW OF A PREMISES LICENCE

**FLEUR DE LIS, 46 GILLINGHAM ROAD, GILLINGHAM,
KENT, ME7 4RR**

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Licensing Manager

Summary

An application has been received from Superintendent Price, on behalf of the Chief Officer of Kent Police, for an Expedited Review of the premises licence at Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR, as the premises has 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 is 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 22 July 2020 where it was determined that the premises licence for Fleur De Lis be suspended, 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 20 July 2020, Superintendent Price, on behalf of the Chief Officer of Kent Police, applied for the Summary Review of the premises licence in

respect of Fleur De Lis, 46 Gillingham Road, Gillingham, Kent ME7 4RR, as the premises has been associated with serious crime and disorder.

- 2.2 The application was 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 **Exempt Appendix F** (Certificate under S53A (1)(b) of the Licensing Act 2003) and this is supported by photographic evidence. A copy of the summary review application is attached as **Exempt Appendix G**. The documents are appended to the report at item 7.
- 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 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 22 July 2020 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 that hearing the Panel determined that the premises licence be suspended, pending the full review hearing. A copy of the decision of this hearing is attached at **Appendix A**.
- 3.3 The Premises Licence for Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR, is attached as **Appendix B**.
- 3.4 The current licensees are Mr Clive Richard Smith and Mrs Theresa Smith and the current Designated Premises Supervisor is Mr Clive Richard Smith.

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 Representations in support of the premises are attached at **Appendix C**.
- 5.4 A representation in support of the review application is attached as **Appendix D**.
- 5.5 A representation from the freehold owner of the premises is attached at **Appendix E**.

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, 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 6.3.

Lead officer contact:

Mandy Francis –Licensing Manager
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Appendices

Appendix A - Decision of the Interim Hearing held on 22 July 2020
Appendix B - Copy of Current Premises Licence
Appendix C - Representations from the public in support of the premises
Appendix D - Representation from the public in support of the application
Appendix E - Representation from the freehold owner of the premises
Exempt Appendix F – Certificate
Exempt Appendix G – Application for Summary Review

Background papers

None

MEDWAY COUNCIL

DECISION OF LICENSING HEARING PANEL

Date of hearing:	22 July 2020
Premises:	Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR
Panel:	Councillor Mrs Chambers (Chairman) Councillor Hackwell Councillor Kemp
Representatives of Kent Police:	PC Clare Cossar PC Chris Hill
Premises Licence Holders:	Mr Clive Richard Smith Mrs Theresa Smith
In attendance:	Mandy Francis, Licensing Manager Laura Caiels, Principal Lawyer Jon Pitt, Democratic Services Officer

The Chairman asked the Licensing Manager to outline the matter before the Panel. The Licensing Manager stated 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 for Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR, as the premises had been associated with serious crime and disorder. She explained that the Licensing Act 2003 required expedited premises licence review applications to be considered within 48 hours, pending a full review hearing within 28 days of the date that the application was served.

The Licensing Manager stated that the purpose of the hearing was for the Panel to determine what interim steps to take, pending the full review hearing, and explained 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.

The following documents were included in the main agenda pack: -

- Appendix A - pages 15 to 16, The Certificate
- Appendix B – page 17 to 20, The Application for Summary Review

PC Hill explained that an incident of serious crime and disorder had occurred at the premises on Sunday 19 July for which there was an ongoing investigation. Two offences were being investigated in relation to the incident, the first being an assault occasioning actual bodily harm (ABH) and the second more serious assault occasioning grievous bodily harm (GBH). In addition, the crime scene had been cleaned by staff at the premises following the incidents.

The Panel was shown CCTV footage of the two incidents. PC Hill confirmed that there was an ongoing criminal investigation into the assaults. Based primarily on what had occurred during these incidents, Kent Police were concerned that other incidents could be occurring at the pub and not being reported. The Police were therefore seeking suspension of the premises license for 28 days pending a full review of the licence. It was not considered that modification of the conditions of the premises licence would be sufficient to prevent similar incidents from occurring in the future. It was also considered that the removal of the designated premises supervisor from the licence would not be sufficient as it would effectively still be the same people running the premises.

Mr Smith, the Premises Licence Holder, questioned the Police representatives to ask why no statements had been taken by the Police on the day of the incidents. PC Cosser advised that witnesses at the scene had said that no incident had taken place and therefore, witness statements had not been taken. PC Hill confirmed this statement.

In response to questions from members of the Panel, the Police advised that there had been a previous incident at the Fleur De Lis on 4 July. The Police had not been called but there had been a fight outside the pub. There had been a further disturbance on the evening of 4 July. Mr Smith had been advised by the Police to consider closing the premises with Mr Smith having declined to do so. Later that evening, PC Hill had to attend due to there being a disturbance at the premises. A further request was made for the pub to close with Mr Smith's daughter having complied with this request. There had been no serious disorder previously at the Fleur De Lis but there had been some isolated incidents, particularly on match days at Gillingham FC.

Mr Smith said that, with hindsight, he wished that he had acted differently in relation to the incidents at his premises but that he had been concerned for his safety as one year previously he had intervened in an incident outside the premises and been assaulted as a result.

Mr Smith advised the Committee that the lady seen in the video cleaning the bar area after the incidents on 19 July was a customer rather than a member of staff. The two assault victims had been banned from the pub. The perpetrator would also

be banned although as his identity was not known, it had not been possible to advise him of this.

The incidents had been isolated and there had not been any previous trouble regularly associated with the premises. The prospect of being shut down for a first offence, after 31 years of trade, was hard to accept. It would result in bankruptcy for Mr Smith and four staff would lose their jobs. In relation to the disturbance on 4 July, Mr Smith said that the premises had already stopped serving ahead of PC Hill having attended.

There being no questions from the representatives of the Police, Mr Smith responded to questions from Panel Members, Mr Smith said that he only knew the first name of the perpetrator. There had not been any other serious incidents in the premises in the last year and cost of employing security staff would be prohibitive. The lady who had cleaned the bar area after the incidents had obtained the cleaning materials from the end of the bar. Following the first incident, Mr Smith had shouted to the perpetrator, from behind the bar, to tell him that he needed to leave. However, Mr Smith had been told by a number of customers that the victim had started the fight and Mr Smith was concerned that the victim of the first assault may still be in the vicinity of the premises. The victim of the second assault had insisted that he did not want the Police to be involved and that he had fallen over.

In response to further questions from the Panel Members, Mr Smith stated that the licensed hours for the Fleur De Lis were 11:00 to 23:30 Sunday to Thursday and 11:00 to 00:30 on Friday and Saturday, but that the premises had been closing slightly earlier than this. The pub did not serve any food with one member of bar staff working each shift. A risk assessment had been undertaken ahead of the re-opening of the premises following Covid-19 and customer details were taken for the NHS Track and Trace scheme. The staff had not had specific incident training but knew to call Mr Smith in the event of an incident. If he was not available, then the staff member would call the Police. The Fleur De Lis kept a record of people who had been banned from the premises. Details of incidents were not recorded with CCTV being relied upon as an alternative. The victim of the second assault had insisted that they did not want Police involvement. Mr and Mrs Smith regretted that they had not initially been honest with the Police about the incidents.

The Chairman asked both parties if they wished to sum up. Mr Smith said that he felt that the premises complied with the licensing objectives and that he was reluctant to involve the Police in matters unless it was necessary.

In response to further questions from the Panel, Mr Smith said he had only seen the CCTV footage of the incidents for the first time when the Police had asked to see it. There was a possibility that information collected for NHS Track and Trace would help to identify the perpetrator of the offences.

Summing up, PC Hill confirmed that the expedited review of the premises licence of the Fleur De Lis had been requested due a serious incident of crime and disorder associated with the pub. Case law from 2015 demonstrated that a premises could be deemed to be associated with serious crime and disorder based upon a single incident. It was extremely concerning to the Police that no staff or customers present

at the premises had intervened during the incident. The licensing objectives that were particularly relevant to this incident were the prevention of crime and disorder and public safety. These had not been upheld. The cleaning products that had been used following the second incident had been handed over the bar rather than having been picked up. It was accepted that staff had been frightened during the incidents but the Police were concerned that there could be further crime and disorder associated with the premises. Kent Police were therefore seeking suspension of the premises licence pending a full hearing. During the interim period, the Police were willing to work with the licensees to look at how the issues highlighted could be addressed.

Decision:

1. In considering the application for an expedited review of the premises licence for Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR, 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. In light of the seriousness of the incidents that had occurred at the premises on 19 July 2020, the risk of further incidents and the concerns expressed by the representatives of Kent Police regarding how the licensees of the premises had responded to the incidents, the Panel suspended the premises licence for a period of up to 28 days, pending a full review hearing.

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. When calculating the 48 hour period, any non-working day can be disregarded



MEDWAY COUNCIL

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

Premises Licence

Premises Licence Number

Medway-05-PREM-0413


Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Fleur de Lis 46 Gillingham Road	
Post town	Gillingham, Kent Post code ME7 4RR
Telephone number	01634 310105
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), Dancing (on the premises), Films (on the premises), Indoor Sporting Events, Anything Similar - Karaoke 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> Monday to Thursday 09:00 to 00:00, Friday to Saturday 09:00 to 00:30 and Sunday 10:00 to 23:30. Non Standard Times:- Extended to 00:30 on the following occasions:- Burn's Night, St. Patrick's Day, St. George's Day and Bank Holiday's (set by Government). Extended New Years Eve 11:00 to New Years Day 00:00. Extended 1 hour pre-match and 1 hour post event of the following occasions – Olympic, Commonwealth Games, Football – World & European Cup (qualifying and finals), Rugby – World and European Cup (England, Wales, Scotland, Ireland & Lions Tours), Cricket – National team in World Cup, Test Matches, The Ashes and England Tours, Boxing – Major World Championships and Motor Sports – Grand Prix and World Rally Championship.	
<u>Live Music, Recorded Music, Dancing, Films, Indoor Sporting Events and Anything Similar - Karaoke</u> Monday to Thursday 10:00 to 23:00, Friday to Saturday 10:00 to 23:30 and Sunday 10:00 to 22:30. Non Standard Times:- Extended to 23:30 on the following occasions:- Burn's Night, St. Patrick's Day, St. George's Day and Bank Holiday's (set by Government). Extended New Years Eve 11:00 to New Years Day 00:00.	
<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 to 01:00 on the following occasions:- Burn's Night, St. Patrick's Day, St. George's Day and Bank Holiday's (set by Government). Extended New Years Eve 23:00 to New Years Day 00:00. Extended 1 hour pre-match and 1 hour post event of the following occasions – Olympic, Commonwealth Games, Football – World & European Cup (qualifying and finals), Rugby – World and European Cup (England, Wales, Scotland, Ireland & Lions Tours), Cricket – National team in World Cup, Test Matches, The	

Ashes and England Tours, Boxing – Major World Championships and Motor Sports – Grand Prix and World Rally Championship.
The opening hours of the premises Monday to Thursday 09:00 to 00:30, Friday to Saturday 10:00 to 01:00 and Sunday 10:00 to 00:00.
Non Standard Times:- Opening hours will end 30 minutes after the times and occasions listed above.
The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.
Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence Mr Clive Richard Smith and Mrs Theresa Smith Fleur de Lis 46 Gillingham Road Gillingham Kent ME7 4RR
Registered number of holder, for example company number, charity number (where applicable) Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol Mr Clive Richard Smith 
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol Medway-05-PL-0867 Medway Council

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

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by:-

- (a) The British Board of Film classification (BBFC), where the film has been classified by that Board or
- (b) The Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) applies to the film in question and the admission of children must be in accordance with any recommendation made by the Licensing Authority.

Condition 4

- (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 5

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

Condition 6

- (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 7

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 8

- (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 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 façade of the nearest residential premises with the exception of six (6) events a year.

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

Outdoor areas will not be used after 23:00 Monday to Sunday.

Condition 13

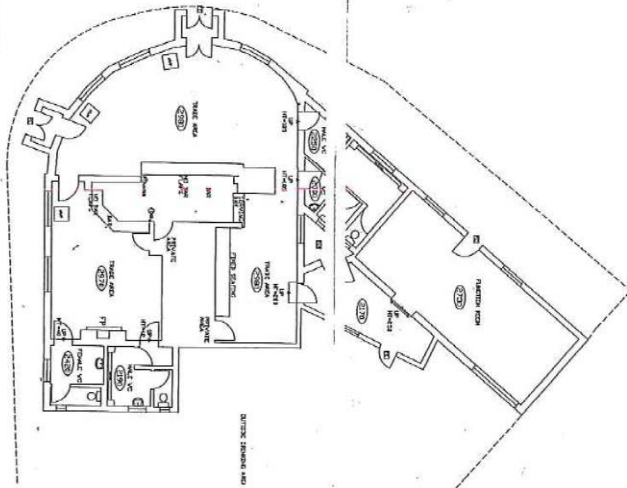
All staff to be trained in all aspects of the licensing legislation and in particular under age sales. It is recommended that records are kept of the nature and frequency of such training.

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

Not Applicable

Annex 4 – Plans

BUILDING SURVEYED AREA = 1829 SQ. M
 LIGNETS IN CELLS
SCALE 1:100
GROUND FLOOR



INDICATIVE ONLY
SCALE 1:250



Property ID	307342/078
Property Name	Pharm-Becks BH
Address	46 Stephens Road Gibraltar
Licensing Status	PHARMACY
Date of Survey	16/09/2016

**AGREED BY
 MEDICAL LICENSING
 AUTHORITY**

- SCHEDULE OF ADDITIONAL ACCREDITATION:**
- 2 Stairways
 - 2 Lifts
 - 3 Letting rooms with full bar
 - 3 Letting rooms without full bar
 - 6 Rooms

- LEGEND**
- (350) CEILING HEIGHT
 - VANIN
 - FIRE FLIGHT
 - FIRES
 - TOILET
 - URINAL
 - WASH HAND BASIN
 - SINK
 - STAIR
 - EXPOSURE LIGHT
 - DISPERGENT BOARD
 - SMOKE DETECTOR
 - HEAT DETECTOR
 - FIRES EXTINGUISHER
 - FIRES EXTINGUISHER CO2
 - FIRES EXTINGUISHER FOAM
 - FIRES EXTINGUISHER WATER
 - FIRES EXTINGUISHER POW
 - SPRINKLER OUTLETS
 - HYDROPHOR
 - FIRE ALARM CALL POINT
 - STAIR
 - SINK UNIT
 - MEASUREMENT WITH PIPES
 - BAR FLAP

From:
Sent: 24 July 2020 14:04
To: Licensing
Subject: Fleur de lis pub gillingham

Good afternoon.

I have just been to my local family pub for a drink as I do on a regular basis with my partner and children only to find that they are closed due to unforeseen actions by a select few!! I feel that this is rather unfair not only the regulars but more so the landlord and landlady of the pub as I feel they run a good pub with good rules and abide by there duties.

I have been going to this pub for many years now and as I say with my family and I certainly would NOT be taking my children there If it was a troubled environment. I'd like to think that the cause of this issue be dealt with and the right people be punished not the landlord and landlady!! They run a good pub as I said...

Many thanks

Francis, Mandy

From:
Sent: 24 July 2020 16:59
To: Licensing
Subject: Representation for the Fleur De Lis Review

I am writing as the daughter of the publicans of the Fleur de Lis. My name is Hayley Smith, I hold a personal license and myself and my own little family move in and look after the pub on the rare occasion they can get away for well deserved break.

My parents, Clive & Theresa Smith have been in the licensing game I believe for 38 years, all of my life anyhow. They have lived and run the Fleur de Lis for 31 years. I was 6 when I moved in.

Over the years this pub as been the hub for many.

It attracts OAPs for daytime drinks to starve off any loneliness. (Might I add that even whilst this review is taking place they've been turning up unaware of the current situation the place finds itself in only to be turned away.)

They've have a card team, where by local teams from other pubs/clubs get to mix in a friendly atmosphere on a fortnightly basis.

The Fleur de Lis has a hall/function room which attracts local bands to practice their skills.

The Fleur de Lis also have been successful in many fundraising events, including that of several cancer charities over the years and the most recent Help for Hero's whereby we made the local newspaper with my dad presenting the cheque to the charity. (I'll enclose a picture of this to show the common spirit of the Fleur De Lis, it's punters and owners alike).

You may or may not not know but when another local pub closed it doors, the police contacted my parents and asked if they would be happy to be the 'designated away football fan pub' this means that when Gillingham hosts a match, we welcome the away supporters in their droves. There have never been any fights, even from some of the teams with some reputations that precede them. On one occasion there were some vandalism after the match, but still no fighting occurred. My dad at that time (I was also there) stopped serving until all had left the vicinity. That day we were also celebrating being at the Fleur 30 years.

I myself have 2 children aged 4 and 9 and have never felt unsafe in there with my children in tow. My parents are strict and have barred many people over the years that have pushed boundaries. They keep a book as evidence as to whom is barred and why.

As with the most recent incident (probably most severe incident experienced to my knowledge) at this establishment, those involved have been barred for life. There can be no retribution involving the pub as they are no longer welcome. I believe my father who was in attendance at the time, behind the bar as the situation occurred made a bad judgement, a one time only bad judgement, on behalf of a friend who didn't want anything to come of this, had I been witness to this at the time, I hope I might have insisted on contacting the police despite the wishes of the victim. I am too appalled that the people drinking at the time did not intervene. I feel for the premises to have its licensed stripped is a very high price to pay though .

As a family (and me myself a license holder, of the next generation) we have sat down together and discussed the situation thoroughly. We are all ever so remorseful this has happened and for even to those that had to endure witnessing it.

We have several ideas to put in place, to improve further staff training and we are in the process of reaching out to the police for further input, to build bridges, to ensure nothing like this can ever unfold again.

I believe my parents are the centre of this community. People come to visit them from all walks of life.

During the lockdown of Covid when the Fleur De Lis was forced to shut its doors, I set up a gofundme page on the request of some regular customers, to help it survive and keep afloat. The government grant although greatly received, paid all bills only until the second week in June (NOT including any form of wage for my parents) The GoFundMe page was shared over 1.7 thousand times and raised enough funds to ensure it wouldn't collapse during the closure, a whopping £1844 was raised.

We had some of our regulars on a daily basis, literally everyday, sitting on our property outside for a few hours a day. It means so much to everyone. I hope this helps you to understand the sheer importance of the place to those that care and attend on a regular basis. It is not a place to be feared, it is welcoming to all.

It would be a travesty to see it go and under due to circumstances such as this.

If I can be of any further assistance or clarity please do not hesitate to contact me.

Kindest regards,

Hayley Smith.



Francis, Mandy

From:
Sent: 24 July 2020 21:41
To: Licensing
Subject: Fleur De Lis - 46 Gillingham Road Gillingham

Good Evening,

I write to you in connection with the above premises. I have heard the pub license is under review and frankly I am shocked. On any and every visit to the pub I have never found a negative vibe, never have I felt unsafe, or under any concern of risk of crime. I have found the Fleur to be family friendly, with space for the children to play whilst I sip away, righting the world with friends and family. I am sure like any pub, there is never a guarantee everyone walking through the door is respectful, well mannered and a reputable character, and any attempt of anyone to suggest otherwise is quite frankly insane.

Like any and every pub, the Fleur is at risk of having the odd 'bad egg', coming in stirring up those who have come for a drink or two, and like any pub, ultimately the actions of the patrons is very much the act of those solely. Whilst I may know little about the owners, I know they are in their older years, have disabilities and limitations - and even with silver hair, you cannot and should not expect them to be of the physique to pull apart two brawling intoxicated individuals. I suspect also, like every pub across the country - I would expect the landlords to use sense, reason and logic, in determining when the police need to be invited to the premises, to deal with those intoxicated. As with every pub in the country, each county would need to have an off-branch of the police, such as the BTP to manage and respond to every incident ever reported to them, if the landlords are expected to report every minor incident. Something I am sure as a local government, and being responsible for funding, you are all too aware of being 'impossible'.

The request to suspend the license on the basis of the "failure to promote the prevention of crime and disorder" seems bewildering though.

All I have ever witnessed when present is a request for respect and courtesy from the landlord and landlady. Swearing too much will request respect and decorum, I fail to see how a family who request a lack of swearing would willfully and willingly "fail to prevent" any other disorder.

They are a small family owned pub, away from the high street, away from a path anyone where anyone and everyone could stumble across them already inebriated. They are out of the way, and the idea they should require a full team of security. Perhaps on a football day, when rowdy fans violate decorum of any kind - but for the average day where there is a small passing trade of mostly local and repeated patrons?

I feel the idea of revoking or even considering revoking the license or the terms of the license, because of the occasional incident is an unnecessary and from a personal perspective inappropriate response to the occasional bar brawl. I have seen and heard more bar fights on Coronation Street in the last 6 months, than I have known to happen at the Fleur. I suspect at the end of this, the family are either going to have to sell what remains of their livelihood, or invest so much in immediate response to "promote prevention of disorder" (such as hiring Security personnel full time) their livelihood will considerably impact.

Otherwise, I do not understand what else a family run pub can do than to ban those who cause trouble? I have never heard of "crime" in the pub, beyond assault - again, hardly the fault of the Landlords.

I feel the response is excessive and unnecessary. COVID has already significantly impacted this family pub, and the donations and promotion of the pub has helped to keep it alive. Two people, nay one person can start a fight, sober or inebriated - I fail to see what else a small family run pub can do, beyond the efforts I have witnessed personally. I feel safe taking my kids into the pub, and allow them to play with the family. I don't know what else can be said. I have no investment in the pub, I go in there now and then, I talk to the family, let the kids play together - I have nothing to lose by emailing. But it seems the family have everything to lose, by people like me and others, telling you how the occasional moron can start a fight anywhere. How an older couple might not be able to slide across the bar like David Hasselhoff, and break up the offenders with no effort. How quite frankly I support their decision to

not involve the police on what otherwise is just "another incident" where at the end of the incident, the two parties 'made up'.

Would I rather have the police turn up at an emergency where life and limb are endangered? or turn up at a pub scrape where they end with one buying the other a drink?

Francis, Mandy

From:
Sent: 25 July 2020 20:50
To: Licensing
Subject: Fleur de Lis

To whom it may concern,

My name is _____, I am writing this email with regard to the recent closure of the Fleur de Lis pub in Gillingham. I can only assume that there is not much difference I can make in a general sense of things but I would like to make myself heard all the same. I have been drinking in the Fleur for roughly 8 years and I can honestly say I do not believe the pub is a risk to its patrons. I have seen only a handful of altercations in the whole time drinking there and in every instance the landlord and locals have done their best to make sure no one is seriously hurt once all is said and done. I have always known I can take my family and young child to the Fleur without any worry of violence or danger. As well, the Fleur functions as the away pub during Gillingham's home games and I can guarantee any club's fans who have attended will say mirror the same sentiment. I truly feel that losing the Fleur due to the violent behaviour of 2 idiotic patrons will be a genuine loss for our town.

Yours sincerely

Francis, Mandy

From:
Sent: 25 July 2020 18:36
To: Licensing
Subject: Fleur de lis

Hi to whom it may concern, regarding the fleur de lis you can't close this pub it's a lovely family boozier with lots of close friends in there and a lovely landlord and landlady, May have a few idiots every now and then but where doesn't there have been great nites in there with family fund raisers for different charity's and this and that would hate to see another good pub taken and lovely bar staff losing there jobs.

Thanks

Francis, Mandy

From:
Sent: 26 July 2020 00:08
To: Licensing
Subject: Fleur de lis ME7 4RR

To whom it may concern,

I am writing to you in representation of Clive and Terry Smith,i believe these publicans are upstanding citizens.i worked for them for many years from the age of 18-32,the two of them are very fair and honest people.They have worked hard to build a happy place for people to go to,to enjoy their free time-great memories of darts,cards pool karaokes,jukebox always on,great atmosphere, laughing singing and dancing,food on the bar on a sunday lunchtime,how a pub should be!!!i live back in Scotland now and call in for a coffee and catch up with them whenever i visit my mum and daughter,im still in close contact with Hayley their daughter too.

I am absolutely saddened by the fact they have been shut down,through other people's actions.

I lived in midway from 14-36 and the men involved in this trouble are well known to cause fear both of them, and are known to the police.One having spent most of his life in prison ,for serious violent crimes,with only himself to blame and many victims because of his actions,a known drug user with no morals ,manners or respect for himself ,let alone anyone else.

This incident was going to happen whether it was in the fleur,or somewhere else.

Clive deserves to be what he is,a brilliant publican,a landlord,a friend, and see his last year before retirement with the real customers who have loyally stuck by him lately,through this pandemic,his only mistake was to give someone a chance, that shouldnt even be walking the streets.

Yours sincerely,

From: [REDACTED]
Sent: 27 July 2020 00:37
To: Licensing
Subject: Fleur De Lis

Good Morning

I am writing you this email as a former employee of Clive and Theresa smith of the Fleur De Lis. I recently heard via numerous people that the pub has been closed down following an incident recently.

To loose the Fleur De Lis as a place to drink and socialise in would be actually quite sad, The pub when I worked there and a have continued to drink in there a number of years has always felt safe to me.

Everybody knows everybody, we greet each other warmly including Clive and Theresa who are always pleased to see everybody who comes through their doors.

Whilst working there I never at any point felt unsafe and it was the one pub I would walk into on my own to have a drink when I wasn't working. The people who drink in there are like one big family who have all happily drank together for years, and when the pub was shut due to covid-19 I would often walk past and see the regulars sat in the outside garden bit at the front with their own tin as drinking there has been such a large part of their life for so long. I would imagine it gave them some familiarity to be in their local pub drinking.

The pub has seen many charity events over the years one the most recent was the help for heroes day/night which I unfortunately could not make but see lots of photos afterwards and what a success it was as well.

Clive and Theresa have always made sure people are respectful when they are leaving the pub also and because people respected them both so much they did just that as they was leaving the pub.

They are the pub for the away team when any matches are being played, I have drunk in the pub on these days as did the rest of the regular customers and at no point has there ever been any issue nor have I ever felt unsafe neither has anybody else even when some teams you expected trouble from there never was. The atmosphere in the pub has always been a fun, happy atmosphere of everyone enjoying each others company.

I leave this email here and I hope that within a short space of time myself and the rest of the people who frequent the Fleur De Lis are able to go and visit Clive and Theresa once again and all be able to enjoy each others company again.

-----Original Message-----

From:

Sent: 24 July 2020 21:18

To: Licensing

Subject: Review of premises licence at the public house Fleur De Lis

To who this may concern,

I have been a barmaid in the Fleur De Lis public house for over 24 years, I wasn't in the premises on the day of the incident that took place and due to this the public house has closed to review of the premises license, but from my own experience over the years I have worked there and there have been issues, which u get in all public houses. I can assure you Mr and Mrs Smith handled other situations accordingly to how it should have been dealt with, if at any time I thought Mr and Mrs Smith never dealt or handled any situations accordingly in any way and thought that mine or the public life's was in any danger I would not of been an employee for as long as I have. If I can be of any further assistance please do not hesitate to contact me.

Yours faithfully

Francis, Mandy

From:
Sent: 27 July 2020 21:29
To: Licensing
Subject: Fleur de Lis closure

Dear to this concern

I and my entire family are now heartbroken at the prospect of not being able to share so many potential fantastic moments with so many freindly people from all walks of life from one end of the country to the other, this is an absolute injustice and a scandale that such a lovely family run pub over 3 decades could be closed for the sake of a few, we as a comunity need to stand by our pub as the family that has run it so successfully for so many years has stood by our side, i implore you to think past where you sit now, and think of the thousands of people that could experience the feeling and love that we all have for many many years

Yours hopfully

Francis, Mandy

From:
Sent: 27 July 2020 22:03
To: Licensing
Subject: Closure of the Fleur de lis public hse

To whom it may concern

My name is ,i am 54 years old,and i have lived in Gillingham since i was 15 after moving to England with my family.

My Father and Mother started to Drink in the Fleur de lis and i attended on occasions as this was a family pub.

I started to drink in this pub 3 yrs later on my 18th birthday and have continued to use this establishment ever since.

In this 36years i have met some very dear friends and have been involved in some momental occasions including being involved and a part of Telethon charity,we managed to raise over £1700 for said charity,and on other times have raised monies for cancer research and help for heroes. Each gathering with families involved, were very entertaining and trouble free,to the point of me feeling comfortable enough to include my young family to enjoy the good times arranged by the landord of the pub.

I have known Clive and Terry the licencees for 31 years and class them as friends.

At Christmas for instance the landord would arrange a Father Christmas party for all the young ones,definatly enjoying and sharing the festive times amongst all.

I have celebated big date birthdays and as have friends and family and thoroughly enjoyed every time.

I would like to say that all these occasions were all friendly and trouble free.

The pub also is the "away supporters pub" in Gillingham for many busy football games against big teams including Chelsea,Westham and Newcastle just to name a few,all of these match days were enjoyable and again peaceful.

As a law abiding citizen i and many more, feel that a travesty would occur if the decision is the close the Fleur De Lis a family pub.

I think that to close the establishment for all of the patrons is grossley unfair because of the stupidity of a couple of men.

I hope you can see the bigger picture and keeps the pub open so myself and many more decent people can still enjoy good times in the Fleur De Lis.

Yours sincerely

Licensing Unit
Gravesend Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA11 1AU

27th July 2020

To whom it concerns

RE: Fleur De Lis, Gillingham Road, Gillingham

I am writing to make a formal representation concerning the review of the premises license, of the Fleur De Lis Public House, Gillingham.

I have frequented the Fleur De Lis on many occasions, and I have never witnessed the licensees, Clive and Terry Smith, not exercise the four principles of licencing. I have completed the licencing course, so I have working knowledge of the responsibilities and objectives of licensing. Even on busy football days the licensees promote good behaviour and I have witnessed them working with the Police to prevent crime and disorder and to promote public safety. I have 27/07/2020 never witnessed any possibility of harm to children.

I can certainly confirm that the incident that led to this review, is not the normal experience I've had when using the Fleur De Lis. As such I believe that the Fleur De Lis should be allowed to reopen and continue to be operated by Mr and Mrs Smith.

Yours Faithfully

Councillor Mark Prenter

27 JUL 2020

Appendix D

22nd July 2020

Licensing Unit
Gravesend Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA11 1AU

Dear Sir/madam

I am writing to you in respect of the attached notice in respect of the review of premises licence, being Fleur De Lis, 46 Gillingham Road, Gillingham, Kent, ME7 4RR.

I live opposite this public house and I fully agree with the police requesting this review of the landlord's failure to promote prevention of crime and disorder.

there is always people standing in the street (Taraigar Street) by the BT green boxes located outside the pub with glasses and bottles of beer so are effectively drinking in the street and the landlord has been seen standing out there with them. If the weather is cold or raining then the customers stand in the door way inside the pub and smoke without being told to go outside, which I believe is illegal as it is smoking inside, the cigarette butts are just strewn over the pavement for the local road sweeper to pick up despite there being a cigarette bin on the wall.

The customer's cars are parked all over the pavement whilst they are there drinking before they drive home, making it hard for pedestrians to pass without having to walk in the road. I have also witnessed a regular customer get into his car regularly whilst frequenting the pub to smoke a joint before going back into the pub.

There is not many Friday night, Saturday day or night or Sunday day or night that there is not a very loud argument in or outside of the pub and the police are in attendance frequently.

The first day of reopening since lockdown (4th July) there was no social distancing enforced, even the pedestrians walking past the pub had no room for social distancing as the pavement was full of groups of customer covering the whole pavement whilst drinking. In the evening when it was just getting dark the police were in attendance due to what was a very loud disturbance.

On Sunday 18th July around 5.30/6 pm there was four ambulance crew and two police in attendance to the pub and one man taken out on a stretcher whilst there were some very loud crowds of about 7/8 people standing outside. The police left with evidence bags.

As a local resident I support the review of the pubs licence as I feel there is no consideration for anything but the profit of the landlord, it's as if it's as long as there spending money it doesn't matter. The pub opens its doors at 10 am every day of the week and closes around 12pm to 1am and the customers are allowed to stand

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outside in the street drinking and shouting until this time despite it being a residential area. The pub has no beer garden or outside drinking area so it is all done in the street outside of the pub on the public footpath.

I appreciate that living near a pub I expect to hear some noise but residents should not have to put up with the loud drunken arguments and disturbances that happen so frequently. I can't even have my windows open due to the noise levels some days and when there is a local football match (Gillingham FC) the pub allows home and away supporters to the pub which is a very rowdy day where there is beer glasses and bottles left all over the place outside and even on the walls of the surrounding properties, it is as if they don't care as long as they get the money the customers can do what they like.

I am glad that the police have requested this as I have lived here for 10 years and it is only getting worse, I can understand the police's request as they are so often in attendance to the pub.

Yours Sincerely



BY EMAIL AND FIRST CLASS POST
Licensing Department
Medway Council
Gun Wharf
Dock Road
CHATHAM KENT ME4 4TR

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.26713
#GS3282974
Your ref:
Date: 22 July 2020

Dear Sirs

Re: Licensing Act 2003 – Review Proceedings
Fleur De Lis, 48 Gillingham Road, Gillingham ME7 4RR
Premises Licence number Medway-05-PREM-0413

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for expedited review of the premises licence issued under Section 53A Licensing Act 2003. We understand that a “hearing” to consider that application and whether interim steps were appropriate was held earlier this morning.

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd to the full review which must take place within the next 28 days.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client’s premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Fleur De Lis is the subject of a lease in favour of the current premises licence holders, Mr and Mrs Smith who have been in occupation of these premises since September 1994.

Please note we take a wholly neutral stance with regard to the allegations made given that our client has no operational responsibility for the operation of these premises.

On the basis of the information given within the expedited review application, it is not clear whether or not the premises licence holders were on site at the time of the incident on Sunday 19th July 2020. It is clear, however, that mistakes were made when the premises were cleaned and the officers should not have been misled when telephone enquiries were made. It appears, however, that the CCTV was made available to the Police.

On the catalogue of incidents provided, it is clear that the licensing objectives could be promoted moving forward by a programme of staff training. We respectfully submit that a condition

requiring the training of staff with regard to their duties and responsibilities under Licensing Act 2003 should be attached to the premises licence.

On the information that is currently available, the imposition of such a condition would be an appropriate and proportionate response to the issues that resulted in the application for review.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise of the date upon which this will be considered by the Licensing Sub Committee. It may be that our client may wish to expand upon this representation if further information comes to light. It may do that either in writing or by appearing before the Committee at the review hearing.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS