

GUIDELINES FOR LICENSING REVIEW HEARING PANELS

The chairman will control the proceedings and the following is a guideline for each hearing but may be adjusted if appropriate.

1. The chairman explains the proposed format for the meeting and asks everyone to introduce themselves.
2. The Licensing Officer briefly outlines the review application.
3. The applicant (Responsible Authority and or Interested Party) who asked for the review speaks in support of their application and call any witnesses. Other parties who have made representations on the review to speak in support.
4. The Licence Holder asks the applicant, witnesses and other parties questions.
5. The panel asks the applicant, witnesses and other parties questions.
6. The licence holder responds to the review application.
7. The applicant and other parties (responsible authorities and interested parties) ask the Licence holder questions.
8. The panel asks questions.
9. All parties are asked if they wish to add anything further.
10. The chairman requests everyone to leave the room in order that the panel may reach a decision. The Legal Officer and Committee Co-Ordinator to the panel remain.
11. Everyone will be invited to return to receive the decision. In the event of complex or lengthy applications, the panel may decide to give its decision at a later date.

LICENSING HEARING PANEL

1 APRIL 2011

LICENSING ACT 2003

APPLICATION FOR REVIEW OF A PREMISES LICENCE ROSE INN, 1-3 CATHERINE STREET, ROCHESTER, KENT

Report from: Deborah Upton, Assistant Director (Housing & Corporate Services)

Author: Mandy Francis, Senior Licensing and Enforcement Officer

Summary

Application for review received from Kent Police in respect of the Rose Inn, Catherine Street. The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A. A copy of a plan showing the location of the premises is at Appendix B. A copy of the review application is at Appendix C. A copy of the representation made by the Premises Licence Holder's solicitor is at Appendix D.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003. Paragraph 3 specifically deals with the question of crime and disorder, which is the objective raised in respect of this review application.

2. Background to the application & relevant representations

- 2.1 In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of the Rose Inn, 1-3 Catherine Street, Rochester, Kent MW1 2HJ.
- 2.2 A copy of the review application is at Appendix C and the Panel's attention is drawn to the grounds for the review, related to the licensing objectives of the Licensing Act 2003.
- 2.3 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of

the application (and the application itself) was served on the licence holder and the other responsible authorities.

- 2.4 Before determining the review application, the Council as licensing authority must hold a hearing to consider it and any relevant representations received.
- 2.5 Following the advertising of the review application, no relevant representations have been received from interested parties, or any of the other responsible authorities. However, a representation has been received from the premises licence holder's solicitor, a copy of which is attached at Appendix D.

3. Advice and analysis on determination of review application

- 3.1 At the panel hearing, Members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
 - (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the premises licence;
 - (c) remove the designated premises supervisor (where premises licence authorises sale of alcohol)
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence
- 3.2 "Modification" of the conditions of a licence includes adding new conditions as well as altering or omitting any existing conditions. Where conditions are modified, or where a licensable activity is excluded, the authority can, if it wishes, limit the changes to a period not exceeding three months.
- 3.3 Paragraph 11.16 of the revised guidance issued by the Home Office on 7 October 2010 under Section 182 of the Licensing Act 2003 states "The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the premises licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach".

4. Risk Management

- 4.1 It is essential that the Licensing Authority apply the licensing policy in accordance with the Licensing Act 2003 and regulations made there under.

5. Financial and legal implications

- 5.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if an appeal were made to the courts in respect of the Council's decision, there would be costs associated with this process.
- 5.2 Section 4 of the Licensing Act 2003 provides that in carrying out its functions a licensing authority must 'have regard' to guidance issued under section 182.

6. Decision Required

- 6.1 The Committee is asked to consider and make a decision in accordance with the Licensing Act 2003 as set out in paragraphs 3.1 and 3.2 above in respect of the application by Kent Police for the review of the premises licence for the Rose Inn.

Lead officer contact Mrs Alison Poulson, Business Development and
Licensing Manager
Telephone: 01634 332774
Email: alison.poulson@medway.gov.uk

Background papers

Medway Council's Licensing Policy – available to view on the council's website at www.medway.gov.uk.
Premises licence Medway-05-Prem-0663 (see Appendix A)
Review application (see Appendix C)

MEDWAY COUNCIL

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

Premises Licence

Premises Licence Number

Medway-05-PREM-0663

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

**Rose Inn
1-3 Catherine Street
Rochester
Kent ME1 2HJ**

Telephone Number **01634 880578**

Where the licence is time limited the date

Not Applicable

Name, (registered) Address, Telephone Number and email (where relevant) of the holder of this premises licence, registered number or charity number (where applicable)

**Riverside View Ltd
283 Westferry Road
London
E14 3RS
Tel: 020 7515 2679
Limited Company – 4232574**

Name, Address and Telephone Number of designated premises supervisor where the premises licence authorises the supply of alcohol:-

**Mr Christian Mills
11 Catherine Street
Rochester
Kent ME1 2HJ
Council: Medway Council / Number: Medway-05-PL-0891**

Mandatory Conditions

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.

- 2. (1) The responsible person shall take all reasonable steps to 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 of supply of alcohol for consumption on the premises in a manner which carries a significant risk or leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children**
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - (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
 - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) The outcome of a race, competition or other event or process or
 - (ii) The likelihood of anything occurring or not occurring
 - (e) 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.
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol
- (2) 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 a holographic mark.
6. The responsible person shall 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) customers are made aware of the availability of these measures.
7. 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

Embedded Conditions

Not Applicable

Conditions consistent with the 'Operating Schedule'

Not Applicable

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

| | |
|--------------|--|
| Monday | 10:00 to 23:20 |
| Tuesday | 10:00 to 23:20 |
| Wednesday | 10:00 to 23:20 |
| Thursday | 10:00 to 23:20 |
| Friday | 10:00 to 23:20 |
| Saturday | 10:00 to 23:20 |
| Sunday | 12:00 to 22:50 |
| Seasonal | Good Friday 12:00 to 22:50 / Christmas Day 12:00 to 15:20 & 19:00 to 22:50 / New Years Eve 10:00 (12:00 if it falls on Sunday) to New Years Day 23:20 (22:50 if it falls on Sunday). |
| Non Standard | Not Applicable |
| Other | The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation. |

Sale of Retail of Alcohol

| Activity takes place | ON the premises - YES | OFF the premises - YES |
|----------------------|--|------------------------|
| Monday | 10:00 to 23:00 | |
| Tuesday | 10:00 to 23:00 | |
| Wednesday | 10:00 to 23:00 | |
| Thursday | 10:00 to 23:00 | |
| Friday | 10:00 to 23:00 | |
| Saturday | 10:00 to 23:00 | |
| Sunday | 12:00 to 22:30 | |
| Seasonal | Good Friday 12:00 to 22:30 / Christmas Day 12:00 to 15:00 & 19:00 to 22:30 / New Years Eve 10:00 (12:00 if it falls on Sunday) to New Years Day 23:00 (22:30 if it falls on Sunday). | |
| Non Standard | Not Applicable | |

Signed on behalf of Medway Council

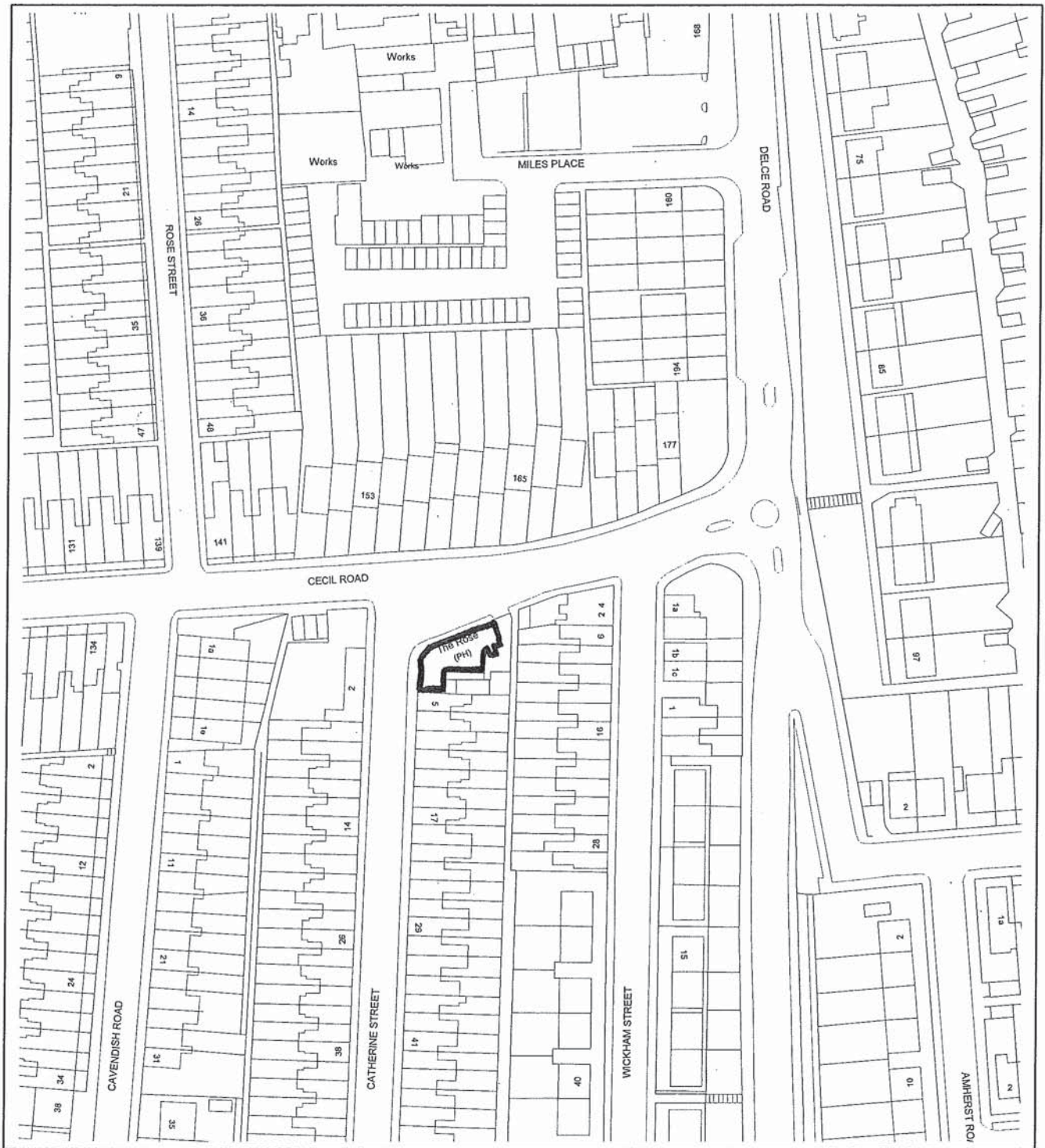


Deborah Upton
Solicitor to the Council

10 March 2011

Date

NORTHGATE SE GIS Print Template



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**Kent
Police**

**Application for review of the Premises
License.**

Rose Inn.
1-3 Catherine Street,
Rochester
ME1 2HJ

Medway-05-Prem-0663

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that you're answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Chief Superintendent 9412 Corbishley on behalf of the Chief Officer of Police

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

Part 1 – Premises or club premises details

| | |
|---|---------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Rose Inn, 1-3 Catherine Street, Rochester, Kent. | |
| Post town Rochester | Postcode (if known) ME1 2HJ |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Riverside View Ltd, Watermans House, Glennaffric Avenue, London. E14 3BW |
|---|

| |
|--|
| Number of premises licence or club premises certificate (if known) Medway-05-PREM-0663 |
|--|

Part 2 – Applicant Details

I am,

- | | Please tick yes |
|--|--------------------------|
| 1 An interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 A responsible authority (please complete (C) below) | X |
| 3 A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) Details of Individual Applicant (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (eg, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

Email address (optional)

(A) Details of Other Applicant

Name and address

Telephone number (if any)

Email address (optional)

(B) Details of Responsible Authority Applicant

| |
|--|
| Chief Superintendent Corbishley. Medway Police Station, Purser Way, Gillingham, Kent. ME7 1NE |
| Telephone number (if any) 01634 792539 |
| Email address (optional) |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | | |
|---|--------------------------------------|---|
| 1 | The prevention of crime and disorder | X |
| 2 | Public safety | X |
| 3 | The prevention of public nuisance | X |
| 4 | The protection of children from harm | |

| |
|---|
| <p>Please state the ground(s) for review (please read guidance note 1)</p> <p>Through;</p> <ul style="list-style-type: none">a) Allowing Disorderly Behaviour.b) Allow Crime.c) Failing to preserve evidence.d) Allowing drunk persons to remain on a licensed premises.e) Failing in the proper control of the licensed premises and the licensable activities. |
|---|

| |
|---|
| <p>Please provide as much information as possible to support the application (please read guidance note 2)</p> <p>The catalyst for this review is a serious assault that occurred on the premises on the 2nd February 2011, the events that preceded the assault and the subsequent licensing visit that was conducted on Tuesday 8th February 2011.</p> |
|---|

The Rose Inn Catherine Street Rochester is a Licensed Premises and is licensed to carry out licensable activity (Appendix 1).

The Premises Licenses Holder - Riverside View Ltd. (Mr Paul Hodgson-Fairless)

Designated Premise Supervisor - Mr Charles Ellis.

Manager - Mr Roy Speller.

Full Time employee - Ms Deborah Painter.

Part Time Employee - Mr Danny Glanville.

Whilst Mr Ellis is named as the D.P.S of the premises. Police have been told that on the 19th July 2010 Mr Ellis left the pub and employment of Riverside View Ltd and resigned as D.P.S. this was at a meeting attended by Mr Hodgson-Fairless, Mr Roy Speller and Mr Ellis. Council records do not reflect this, neither Riverside View Ltd or Mr Ellis notified the Council, Mr Ellis has told police that Mr Hodgson undertook to notify the council on his behalf. In any event Mr Ellis formally resigned as D.P.S on 14th February 2011.

Riverside View Ltd is currently listed with Companies House. Police understand that the company has failed to file accounts and Companies House will strike the company if this remains the case. Enquires by Police suggest that Riverside View Ltd no longer occupy Watermans House E14 3BW. This address is another pub, "The Watermans Arms". It is understood that Punch Taverns took that pub back from Mr Hodgson-Fairless or Riverside View Ltd some time in 2010.

In order to engage with Riverside View Ltd and Mr Hodgson-Fairless, Police have gone beyond the statutory requirements of the LA'03. Police have carried out enquiries with Punch Taverns in order to establish a current address for Mr Hodgson-Fairless however this has proved negative. A copy of this Review Application has been sent to the registered address of Riverside View Ltd and delivered in person to the Rose Inn.

Summary

On the 2nd of February 2011 at 21:00hrs the Rose Inn was open for business. From CCTV footage (TMH/1) obtained by the Police the following employees were present in the Public area of the Pub. Ms Debbie Painter and Mr Danny Glanville. Having viewed the CCTV it is evident that the pub is out of the control.

At 21:30hrs a customer and resident of the pub is the victim of a serious assault. The assault, events that precede the assault and events that proceed the assault demonstrate that the Pub is out of control. Outlined in the circumstances below.

Through out this document I will refer to the suspect for the assault as Male A.

There are two further males who I refer to as;

Male B – This male can be distinguished by his T Shirt that has a "Superman Emblem".

Male C – This male is wearing a wool hat.

Circumstances

Police understand that at 14:00hrs on the 2nd February 2011 the victim met a number of friends in the pub, the friends had been drinking already that day and they and the victim continued drinking until 20:00hrs when the friends left. Police understand that the victim may have consumed 6 – 8 pints of alcohol. It is clear from the CCTV when he returns to the bar area at 21:30 he is unsteady on his feet suggesting that he is still drunk despite having finished drinking 90 minutes previously. I suggest that it would be reasonable to assume that the victim was drunk when he was drinking with his friends and that he and his friends were sold or provided with alcohol whilst drunk contrary to s141 or s142 LA'03 (Licensing Act 2003).

At 21:02hrs Mr Glanville who is the male behind the bar dressed in shorts provides a drink to the Male A. The drink is obtained from an area out of camera 1's shot but where the optics are (this can be seen on Cam.3), the glass is small and the liquid dark. From this it may be reasonable to assume that this was alcohol. Male A consumes this drink in one and swaggers out of camera shot. It is clear from all the CCTV footage that Male A is drunk, unsteady on his feet and swaying and swaggering about. Mr Glanville served alcohol to him contrary to S141 LA'03. In my 20 years experience as a police officer Male A's excitable behaviour may be attributable to controlled drugs use.

Prior to 21:02hrs Mr Glanville can be seen in the C.C.T.V to be constructing a cigarette and at 21:03 his body language suggests that he is smoking that cigarette contrary to s7 Health Act 2006. There are other instances through out the CCTV where Ms Painter allows other customers to smoke in the pub, at 21:45 she herself can be seen to be smoking.

At 21:13hrs Mr Glanville is assaulted by Male A who throws a number of items at him one of which is deflected and knocks a pint of beer from the bar. This is clearly disorderly behaviour however Mr Glanville does not confront Male A or challenge him. This may constitute an offence contrary to s140 LA'03. Police have been told that Mr Glanville left the pub shortly after this because he did not want to or was unable deal with Male A.

Through out the CCTV it is evident that the majority of all those persons present in the Rose Inn are drunk and they continue to be supplied with alcohol. At 21:20hrs Ms Painter can be seen to select a glass and go to an area where the spirit optics are, she raises the glass and it would be reasonable to assume that obtained spirits, she then moves to the mixer tap and may have put coke or a similar soft drink in with the spirits. This full glass is eventually placed in front of Male B who is clearly drunk prior to being supplied with this alcohol. At 21:24 Male B retrieves this alcohol from the bar, consumes some and proceeds to stagger about the bar area.

At 21:30hrs the victim appears in the bar (Bottom left of Picture in the CCTV). From his body language he is I suggest still drunk. What follows is a vicious premeditated and unprovoked attack by Male A on the victim. This attack was a direct result of Mr Glanville's inability and lack of actions earlier in the evening when he himself was assaulted.

The victim was knocked unconscious and it was subsequently discovered suffered a fracture to his jaw that necessitated key hole surgery and a metal plate fixing at the site of the injury. Police understand that the victim has no recollection of the incident. His apparent level of intoxication may have contributed to this. Mr Roy Speller told the victim about the circumstances of the assault a few days later.

What is shocking is the lack of control that Ms Painter has and the apparent contempt she shows towards the victim when he regains consciousness. You would expect any responsible person to act appropriately in these circumstances. Carry out 1st Aid, call emergency services at the very least an Ambulance. Ms Painter does non of this. DC Horner has carried out checks on Police systems and has caused checks to be carried out on South East Coast

Ambulance Service (SECAS). There is no trace of a emergency services being summoned to the pub at the time of the assault or shortly afterwards.

Ms Painter leaves the victim laying on the floor for approximately three minutes. During this time she can be seen on other CCTV cameras to secures the door to the pub so that others can not enter. She also shows more concern for the dog that is running loose in the pub than she shows for the unconscious Victim.

The victim, the suspect and the pub are crime scenes. Ms Painters actions or inaction have frustrated any subsequent police investigation.

At 21:33hrs the victim regains consciousness. Ms Painter can be seen to berate him and push him towards the entrance that leads to his accommodation. At 22:18hrs the victim placed a call to SECAS and was taken to Medway Hospital and from there to East Grinstead for specialist facial surgery.

Following the assault Ms Painter allows, Male A and the other drunken customers remain in the pub smoking and generally making merry.

At 21:34hrs Ms Painter can be seen to retrieve Male A's glass, place it to a spirit optic and top the class up from the mixer tap before placing in on the bar in front of the suspect, we know this is Male A's glass because from CCTV (Cam 3) Male A picks the glass up and drinks from it at 21:37hrs. Ms Pinter joins in the high spirits, dancing and feeding the jukebox.

At 21:54hrs Ms Painter can be seen to place two glasses to the spirit optic and then top them up at the mixer tap. She places these glasses on the bar in front of Male B and another drunk, Male C. We know that this alcohol is for Male B because at 21:55hrs he pays for the alcohol and at 21:59 Male C picks up one of the glasses and drinks whilst staggering about. CCTV (Cam3) also shows Ms Painter ringing this sale into the till and retrieving whatever Male B later places in his mouth from a jar by the till.

At 21:56 Male A can be seen to retrieve a bottle that appears to be alcohol from behind the bar having had a conversation with Ms Painter, he opens the bottle which is retrieved by Ms painter however at 21:58hrs Male A can be seen to bend down behind the bar in an area of the sink and appears to be drinking from the tap, he then turns around and appears to assume the same stance under the spirit optics.

History

On the 15th of July 2010 DC Horner attended the pub and spoke to Mr Speller. On entering the pub it was evident that a number of persons other than those clearly working there were freely going behind the bar. It was established that a photocopy of the Premises License Summary was on display but Mr Speller was unable to produce the Premises License, an incomplete copy of the premises license was produced. A letter (Appendix 2) was sent to the premises license holder detailing the aforementioned and asking that action be taken to resolve it.

On the 8th February 2011 DC Horner and PS Carron carried out a licensing visit to the Pub. This time no summary was on display. Mr Glanville was the only member of staff on duty. Police were told that Mr Speller and Ms Painter were in their accommodation above the pub and despite two requests by Police Mr Speller refused to come and meet police. Mr Glanville was unaware of the location of the Premises License or the Summary, he carried out further enquiries with Mr Speller and was directed to the top of cupboards in the kitchen. These records were retrieved, they were in frames and covered in dust and grime suggesting that they had been there for some period of time. They appeared to be the same records that DC Horner had examined in July and were subject of the letter.

At the time of the visit Police were told that there was a pool competition being played between a team from the Rose and another Pub team from Rainham. There was music playing that could clearly be heard outside the pub and which needed turning down in order that DC Horner could hold a conversation with Mr Glanville without shouting, it could not be described as background but was incidental to the pool match. There may have been several other customers in the pub who were not participating but were watching the pool match as spectators. The pool competition/match is an indoor sporting event, which constitutes an unauthorised licensable activity.

Mr Glanville was asked if he was aware of the contents of the Age Verification Policy that applied to the Rose Inn. He was not, which suggests that he has not been trained in relation to the contents of this mandatory condition if one is in existence.

To date DC Horner the Licensing Officer for Kent Police in Medway has not been contacted by Riverside View Ltd, any officer of that company or Mr Speller in relation to any matter.

Conclusion

The Rose Inn was out of control on Wednesday 2nd February 2011. It may be that Riverside View Ltd has had no direct involvement with the pub or its operation for some time. Mr Ellis the named D.P.S has not been employed by Riverside View Ltd since 19th July 2010 and has not been in control of the pub (as per the definition within the LA'03). Enquiries by Police suggest that neither Mr Speller, Ms Painter nor Mr Glanville are Personal License holders and the pub has been without proper management since the 19th July 2010. The assault on the victim was allowed to happen as a direct result of this lack of proper management by a DPS or Premises License Holder. This lack of management has contributed to other offences.

The following offences may have been committed;

- Unauthorised Licensable Activity (Con. s136 LA'03)
 - a) Sale of Alcohol by virtue of a breach of Mandatory conditions.
 - b) Indoor Sporting Event
- Exposing Alcohol for unauthorised sale (Con. s137 LA'03)
- Allow Disorderly Conduct on relevant premises (Con. s140 LA'03)
 - a) The offence of Grievous Bodily Harm.
- Selling Alcohol to a person who is drunk (Con. s141 LA'03)
- Obtain Alcohol for a person who is drunk (Con. S142 LA'03)
- Smoking and allowing smoking (Con. s7 Heath Act 2006)
- Failure to display the Premises License Summary (Con. s57(4) L.A'03)
- Failure to produce the Premises License or a certified copy (Con. s57 (7) L.A '03)

Resolutions in order of preference.

1. Revocation of Premises License Medway-05-Prem-0663.
2. Suspension of the Premises License for 3 months and the imposition of conditions as at (4) below.

3. Suspension of the Premises License until such time as any conditions that the Licensing Authority may impose as a result of this review are complied with to the satisfaction of the Licensing Authority or the Licensing Officer for Kent Police in Medway.

4. The following conditions being attached to the Premises License;

A Personal License holder to be present and working within the trading area of the Licensed Premises through out the hours that the premises is open for Licensable Activity.

Any member of staff supplying alcohol must take and pass the BII Responsible Retailer course prior to commencing employment.

All members of staff whose role may involve them in the supplying alcohol must take and pass an accredited first aid course prior to commencing employment..

At least one registered first aider must be on the premises and working whenever the premises is open for licensable activity.

A first aid kit must be readily available in the premises that complies with Health and Safety (First-Aid) Regulations 1981

There must be at least one member of staff on duty and present in the trading area when the premises is open for licensable activities who is SIA registered to door supervisor level one.

All members of staff must be trained in conflict management prior to commencing employment.

All staff, who are employed at the premises in a paid or an unpaid capacity will receive training that is relevant to their role in relation to licensable activities.

All staff, who are employed at the premises in a paid or an unpaid capacity in relation to licensable activity shall have individual training records that detail the date and nature of the training, including copies of all training material. Refresher training shall be provided to these same staff on a rolling six monthly basis.

These training records will be kept on the premises and will be available upon request to any police officer or Local Authority Licensing Officer when the request is practicable. Training Records for current employees must be kept for a period of two years for current employees.

A logbook will be kept detailing all incidents or refusals that occur at the premises. This will be a bound book which will detail the following: -

The day, date and time of the incident.

The member of staff making the entry.

All members of staff involved in the incident.

An account of the incident.

Details of any persons injured and the injuries sustained.

The duty manager or supervisor will check and sign the logbook every shift.

No children under the age of 18 years will be allowed on the premises after 1900 hours.

When the premises are open to the public or a section of the public, unless in exceptional circumstance, CCTV should be used to monitor the Licensed Premises.

CCTV to be installed to a standard agreed by police and in accordance with CCTV Code of Practice. The system is to be maintained and serviced on a regular basis; The system must incorporate a recording facility, all recordings must to be stored for a minimum of one calendar month normally 28 days and access to these recordings must be made available to Police and Local Authority officers upon request when the request is reasonable and practicable.

A member of staff who is fully trained in the use of the CCTV system including the retrieval of stored or recorded data, unless in exceptions circumstances, will be available throughout the hours that the premises is open for licensable activity and can provide a copy of any stored or recorded data in a form that can be taken away and viewed at another location.

Have you made an application for review relating to this premises before
If yes, please state the date of that application

Please tick yes
NO

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick yes

X

X

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date

Capacity -

[Handwritten Signature]
16/2/11
Exec Comm

| | |
|---|-----------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| Post town | Postcode |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an email address, please provide your email address (optional) | |

Notes for Guidance

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

Appendices

1. Premises License. Medway-05-Prem-0663.
2. Letter to Premises License Holder. Dated 28/07/2010
3. Copy of Premises Visit sheet. Dated 8th Feb 2011.

MEDWAY COUNCIL

Licensing Unit, Civic Centre, Strood, Kent, ME2 4AU



Premises Licence

Serving You

Premises licence number Medway-05-PREM-0663

Postal address of premises, or if none, ordnance survey map reference or description
Rose Inn
1-3 Catherine Street
Rochester
Kent ME1 2HJ

Telephone No: 01634 880578

Where the licence is time limited the date
Not Applicable

Name, (registered) Address, Telephone No and email (where relevant) of the holder of this premises licence:-
Riverside View Ltd
Watermans House
1 Glenaffric Avenue
London E14 3BW
Registered number of holder, for example company number or Charity number (where applicable):-
Limited Company
4232574

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:-
Mrs Elizabeth Bradford
46 Sydney Road
Rochester
Kent ME1 3HG
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises Licence authorises for the supply of alcohol:-
Medway Council
Medway-06-PL-1214

Mandatory Conditions

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 at 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.

Embedded Conditions

2. Background music can be played as long as it is incidental to another activity.

Conditions consistent with the 'Operating Schedule'
Not Applicable

Conditions attached after a hearing by the Licensing Authority
Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

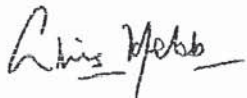
| | |
|--------------|--|
| Monday | 10:00 to 23:20 |
| Tuesday | 10:00 to 23:20 |
| Wednesday | 10:00 to 23:20 |
| Thursday | 10:00 to 23:20 |
| Friday | 10:00 to 23:20 |
| Saturday | 10:00 to 23:20 |
| Sunday | 12:00 to 22:50 |
| Seasonal | Good Friday 12:00 to 22:50 / Christmas Day 12:00 to 15:20 & 19:00 to 22:50 / New Years Eve 10:00 to New Years Day 23:20 (22:50 if it falls on Sunday) |
| Non Standard | Not Applicable |

Sale of Retail of Alcohol - Where the licence authorises supplies of alcohol whether these are on and / or off supplies

| ON the Premises | Yes | OFF the Premises | Yes |
|-----------------|--|------------------|-----|
| Monday | 10:00 to 23:00 | | |
| Tuesday | 10:00 to 23:00 | | |
| Wednesday | 10:00 to 23:00 | | |
| Thursday | 10:00 to 23:00 | | |
| Friday | 10:00 to 23:00 | | |
| Saturday | 10:00 to 23:00 | | |
| Sunday | 12:00 to 22:30 | | |
| Seasonal | Good Friday 12:00 to 22:30 / Christmas Day 12:00 to 15:00 & 19:00 to 22:30 / New Years Eve 10:00 to New Years Day 23:00 (22:30 if it falls on Sunday) | | |
| Non Standard | Not Applicable | | |

The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.

Signed and Dated on behalf of Medway Council Licensing Authority



Licensing Manager

22 May 2007

Dated

Police Copy

Council Copy

Enforcement Register FLO NI Contacts Filed

Licensing Enforcement Visit Sheet

Name of Premises ROSE INN

Address of Premises CATHERINE ST LONDON

Telephone NONE

Date Day TUES Date 8th Month FEB Year 2009-2011

Time 24 hr clock 22:43

Reason for Visit
Complaint As a result of Intel Pro-Active Visit
Check Advertising Operation Advice / Meeting
Enforcement Meeting Target Risk Rating (Compliance Code)

Officers Council Lynsey Keen Charles Bennett Franco De Fazio
Police DC Mark Horner John Lewis Police Officer
Other Agencies UK Border Agency Gambling Commission EHO
Fire Other (details) PS CAROL N 10210

Health & Safety Risk Assessed on the day Low Medium High
Any issues to address:

Licensing Enforcement Officer To Check

DPS on the premises "Alcohol premises only" YES NO Personal Licence checked YES NO
Mobile Numbers of Manager / DPS

Manager / Staff Details Manager Staff Numbers on the premises
Name of Person(s) Dates of Birth
DANNY PAUL GRANVILLE 1/6/83
0791666 89412

How many Personal Licence Holders? Names of PL Authority Licence Number
N.K.

Is the Summary on Display YES NO If Yes, is it Original Certified Photocopy
If Yes, is it Prominent Position Hidden Had to ask

Produce Premises Licence YES NO If Yes, is it Original Certified Photocopy
Licence Date Checked against the file Yes / No

Complying with the conditions YES NO If No details please NOT ABLE TO SAY

Refusal Book Have they got a Refusal Book YES NO Not Applicable

Doorstaff YES NO Not Applicable

| | |
|--|---|
| Gaming Machines (Fruit / Slots Machines) | Are they allowed gaming machines on the premise under the Gambling Act 2005 <ul style="list-style-type: none"> • Holds Club Premises Certificate – Maximum Payout £250 (Cat B4) • Premises Licence – Sale of Alcohol with Bar Area (not restaurants) – Maximum Payout £70 (Cat C & D) |
| There are four categories of machines. The only indicator of category is the level of stakes and prizes rather than the game that is being offered. These games are based on Chance and can include skill. | Have they got gaming machines on the premises YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> How Many _____ Have they got any skills machines on the premises YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Ask who supplies the machines – Details are normally on front of machine:- Have they got a Custom & Excise Permit displayed YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Have they got the relevant stickers Gamcare displayed YES <input type="checkbox"/> NO <input type="checkbox"/> |
| Skill machines do not require a permit. The winnings can include prizes and cash – these are won by the players skill, there is NO element of chance. Types (Trivia, racing, shooting games) | Have they got a permit under the Gambling Act 2005:- Licensed Premises Gaming Machine Permit <input type="checkbox"/> Club Gaming & Club Machine Permit <input type="checkbox"/> Have they got a permit under the Gambling Act 1964:- Section 34 (1) Permits <input type="checkbox"/> Club Registration Part II <input type="checkbox"/> or Part III <input type="checkbox"/> |
| | What is the Expiry Date of Permit <i>31/12/2011</i> |
| Note: If they are takeaways they are not allowed gaming machines | |

Enforcement Action Taken

| | |
|-------------------|---|
| Advice Issued | Details:- <i>SEE BELOW</i> |
| Verbal Warning | Details:- Was it entered in PNB Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Written Warning | Details:- Was it entered in PNB Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Caution | Details:- Was it entered in PNB Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Gaming Machines | Switched Off <input type="checkbox"/> Turned against the wall <input type="checkbox"/> Removed <input type="checkbox"/> Seized <input type="checkbox"/> Was it entered in PNB Yes <input type="checkbox"/> No <input type="checkbox"/> |
| To be followed up | Further visit <input type="checkbox"/> Meeting <input type="checkbox"/> PACE Interview <input type="checkbox"/> Enforcement Meeting <input type="checkbox"/> Intel <input type="checkbox"/> To be reported to another agency:- Police Licensing <input type="checkbox"/> Police Intel <input type="checkbox"/> Police Events <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/> Trading Standards <input type="checkbox"/> EHO Food Hygiene <input type="checkbox"/> EHO Noise <input type="checkbox"/> EHO Smoking <input type="checkbox"/> EHO Health & Safety <input type="checkbox"/> EHO Litter <input type="checkbox"/> Children Services <input type="checkbox"/> UK Border Agency <input type="checkbox"/> Gambling Commission <input type="checkbox"/> Planning <input type="checkbox"/> Community Safety <input type="checkbox"/> Safer Medway Partnership <input type="checkbox"/> Other _____ |

Officer Comments

Box opened 07:35 720076. Noise from sound system NO ACE V PERMIT.

JESSIE PAINTER.

LICENCES FOUND IN KITCHEN CABINETS

185 FEB 2010.

DANNY WOODS At Morden Ave Fri - SUN.

Signed by officer

[Signature] 13132

CAUTION: 'You do not have to say anything. But it may harm your defence, if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.'

RECEIVED 17 MAR 2011

Email: information@walkerslaw.co.uk
Tel: 020 8572 2691
Fax: 020 8572 7364
DX: 3503 Hounslow

**FAO: Lynsey Keen – Senior Licensing &
Enforcement Officer**

Medway Council
Licensing Unit
Business Support Department
Gun Wharf
Dock Road

Our Ref: Chatham
Kent

Your Ref:

Date:

ME4 4TR

FAX: 01634 332006

1/20001/Misc/LJH

LJK/663

16 March 2011

Dear Sirs

Licensing Act – Sections 51 & 52

Rose Inn 1-3 Catherine Street Rochester ME1 2HJ

Our Client: Riverside View Limited

We act on behalf of the above named Company who are the current holders of the Premises Licence for the above premises.

We have been passed a copy of an Application for review of the Premises Licence prepared by Kent Police which Application is to be heard by the Licensing Committee on the 1st April 2011.

Having considered the Application and taken our client's instructions, we wish to make the following representations:-

1. Riverside View Ltd has been the holder of the Premises Licence for about 7 or 8 years. For virtually the entire period of this time there have been no problems with the premises which have involved the Police or any other Authority making any Application to the Licensing Authority.

2. Riverside View Ltd was itself the Tenant of another Public House known as The Waterman's Arms at 1 Glenaffric Avenue London E14 but the pub was closed down about a year ago as a result of the Landlord, Punch Taverns, proposing to substantially increase the rent for the premises which would not be affordable for Riverside View Ltd and it was, therefore, decided that a renewal of the Lease for the premises would not be pursued. Riverside View Ltd

1 of 4

This letter has been typed on recycled paper.

T. A. Walker (Consultant) T. G. Nathan P. K. Dhillon (Assistant Solicitor)

Regulated by the Solicitors Regulation Authority Under SRA Number 0076112

has no legal or other interests in any other properties or businesses and a decision has been made that the Company will be wound-up in due course.

3. In the circumstances, the intention would be for the Premises Licence to be transferred to another party which will probably be Whitehorse Leisure Ltd who are the current freehold owners of the premises at 1-3 Catherine Street.

4. In or about July 2010 Roy Speller entered into a Lease of the said premises for a term of 1 year at a rent of £550 per week. He was taking over the running of the premises from Mr Ellis who was at that stage the Designated Premises Supervisor. Neither of these individuals were employed by Riverside View Ltd or Whitehorse Leisure Ltd. They were merely a Tenant of the premises and it was for them to ensure that they were running the business with the appropriate Licences in place. In any event, the issue regarding the Designated Premises Supervisor has now been resolved and Christian Mills is the current DPS.

5. Although our clients can provide very little information with regard to the incident which occurred on the 2nd February 2011, where it would appear that certain breaches of the Premises Licence occurred, it is interesting to note that all of the alleged breaches occurred within the premises and no member of the public outside of the premises was affected whatsoever.

6. This is not intended to justify what occurred on that date but simply to emphasise that we are not here dealing with a public nuisance as interpreted by the Licensing Authority in accordance with the Licensing Act 2003 and the Regulations made thereunder.

7. Further, although this is not explicit in the Application made by Kent Police, it appears that what they are seeking is a summary review of the Premises Licence as a result of an alleged serious case of crime or disorder. Such a review would take place under Section 21 of the Violent Crime Reduction Act 2006 which inserts a new Section 53A into the Licensing Act 2003. We assume that a Certificate has been provided to the Licensing Authority by a senior member of Kent Police stating that in his or her opinion the premises are associated with serious crime or serious disorder but no such Certificate has been provided to us with a copy of the Application referred to above.

8. Assuming that the above requirements have been complied with, the allegations which are being made are as follows:-

(a) Allowing disorderly behaviour.

(b) Allowing crime.

(c) Failing to preserve evidence.

(d) Allowing drunk persons to remain on a Licensed Premises.

(e) Failing in the proper control of the Licensed Premises and the Licensable activities.

9. It is disputed that the Premises Licence Holder has allowed any of the above to take place. What appears to have happened is that members of staff, namely, Danny Glanville and Debbie Painter, employed by the Tenant of the premises may have completely ignored their obligations as employees with regard to the proper running of the business from the premises.

10. It must be emphasised that no CCTV evidence has yet been provided to our client and it is, therefore, difficult to comment on the allegations being made by Kent Police. That said, it would appear that virtually all of the alleged breaches have occurred behind closed doors and it would appear that the said members of staff were directly involved with the alleged illegal activities which appear to have extended to selling alcohol to persons who are already intoxicated and smoking on the premises. There is also an allegation of drug abuse but, again, no evidence has been provided to support any of this and we are relying entirely upon what Kent Police maintain they have seen on a CCTV recording which has not been produced to our client.

11. Again, because no CCTV evidence has been provided, it is very difficult to comment on why someone at the pub was knocked unconscious and suffered injury as a result. Clearly, it would seem that a number of individuals at the premises were intoxicated and the members of staff referred to above should have taken much firmer control and should not have continued selling any alcohol to anyone who was already intoxicated.

12. If it is the case that these breaches of the Licence have occurred, it is most regrettable but it would appear that advantage has been taken by members of staff of the fact that, for whatever reason, no Designated Premises Supervisor was present on the premises at the time that the various illegal activities are said to have occurred.

13. A new DPS is now in place and the premises appears to be running properly and smoothly and it is hoped that no further problems will arise in the future.

14. We would submit that in the light of the fact that what occurred on the 2nd February 2011 was a one off incident, albeit of a serious nature if it is supported by CCTV evidence, and in the light of the fact that a new DPS is in place, with new staff, the Licensing Committee should be looking no further than imposing reasonable Conditions on the Premises Licence to ensure that better control of the running of the premises is maintained in the future. We do not consider that the one off incident should result in either the Premises Licence being revoked or suspended. Businesses cannot be forced out of operation purely on the basis of a one off incident which occurred within the premises where no members of the public outside of the premises were affected whatsoever.

15. The allegation that there was a failure to preserve evidence is completely refuted in the light of the fact that CCTV evidence was provided to the Police who were given the full cooperation at the time by Mr Speller, the then Tenant of the premises.

16. It is also denied that there was any failure to display the Premises Licence or produce a copy of it as these were held on the premises themselves and were produced to the Police subsequently.

17. So far as concerns the efforts made by the Police to locate the whereabouts of Riverside View Ltd, we enclose herewith copies of letters sent by Riverside View Ltd on the 22nd June 2010 to Medway Police Station and Medway Council.

Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized cursive name.

WALKERS

Encl

RIVERSIDE VIEW LIMITED
THE WATERMANS ARMS
1 GLENAFFRIC AVENUE, LONDON
E14 3BW
TEL: 02070932885
FAX: 02070933189

Date: 22/06/10

MR. FRANK D. FASIO,
MEDWAY COUNCIL,
LICENSING DEPT.
COUNTHAMPTON,
DOCK RD.
CHATHAM KENT
NE4 4TR

RE: ACCOUNT NUMBER

THE ROSE INN,
1-3 CATHERINE ST
ROCHESTER, KENT.
ME1 2HT.

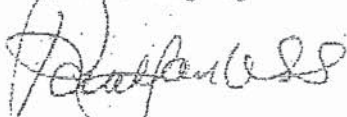
SIR/MADAM

Please note that as from Monday 28th June 2010 Paul Fairless will be moving to
No 283 Westferry Rd, London Ilse of Dogs, London E14 3RS.

Telephone: 02075152679

Would you please amend your account details accordingly.

Yours Faithfully


Paul Fairless

RIVERSIDE VIEW LIMITED
THE WATERMANS ARMS
1 GLENAFFRIC AVENUE, LONDON
E14 3BW
TEL: 02070932885
FAX: 02070933189

Date: 22/06/10

Licensing Dept.
Medway Police Station
Purser Way
Gillingham
Kent ME7 1NE

RE: ACCOUNT NUMBER

THE ROBE INN
1-3 CATHERINE ST
ROCHESTER KENT
ME1 2AT

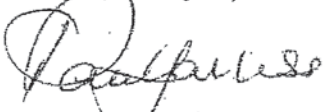
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Paul Fairless