

Application for the review of a premises licence or club premises certificate under Section 51 of the Licensing Act 2003



I, PC Andre Smuts, on behalf of Kent Police apply for the review of a premises license under section 51 of the Licensing Act 2003 for the premises prescribed below.

Part 1 – Premises or club premises details

Postal address of premises:	
Woodland Tavern 99 Canterbury Street	
Post town: Gillingham	Post code: ME7 5TS

Name of premises licence holder or club holding club premises certificate (if known) Mr Lee Gaul,

Number of premises licence: Medway-05-PREM-0168

Part 2 – Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested part (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:	PC 11250 Andre Smuts Kent Police Medway Police Station Purser Way Gillingham ME7 1NE
Telephone number:	01634 792733
E-mail address:	licensing.north.division@kent.police.uk

This application to review relates to the following licensing objectives:

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Kent Police submit this application for the review of premises license for Woodland Tavern, Canterbury Street, Gillingham to promote the licensing objectives, namely the prevention of crime and disorder and public safety.

Kent Police will produce evidence relating to areas of concern regarding:

- Assaults occurring at the premises
- Ignored requests for premises CCTV
- The Designated Premises Supervisor being unco-operative
- A male staff member attacking a customer
- Incidents of disorder and crime not being reported to the Police

As a result, Kent Police request that the operating schedule for Woodland Tavern, Canterbury Street, Gillingham is amended to include several requested conditions and that the designated premises supervisor is removed.

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Please provide as much information as possible to support the application

(please read guidance note 2)

On 8th March 2024, a customer was said to have been attacked by a member of staff, the partner of the manager of Woodland Tavern. The customer was punched to the face as he was sitting at a table, causing him to fall to the floor. After he fell to the floor the suspect continued to kick and punch the customer, rendering him unconscious. This assault came to be as a result of the suspect apparently not liking the way the victim had clapped his hands to attract the attention of bar staff.

Attempts on 1st May 24 to obtain the CCTV from Mr Gaul were unsuccessful and he explained that the premises CCTV wiped after 30 days. Mr Gaul is the holder of the premises licence and the designated premises supervisor (DPS) for this pub.

There is no record of this incident being called into the police.

When asked what measures would be put in place to prevent staff at the premises from assaulting others: Mr Gaul explained that the suspect no longer worked at the pub as he had broken up with the pub manager.

A copy of these emails is submitted as Appendix 1: Emails 1st May 2024.

Approximately 2150, 3rd May 2024 PC Smuts spoke in person with Mr Gaul. It was explained that the suspect should not be allowed back at the pub in the interests of safeguarding customers. Mr Gaul explained that he could not prevent who his manager gets involved with and although the suspect had broken up with his pub's manager, if she got back together with the suspect and came back to the pub, he could not do anything about it. It was advised that if the suspect returned to the premises and there were a recurrence then it would reflect badly on the premise and possibly trigger further licensing action.

As a result of this incident and the advice offered, PC Smuts wrote a letter to Mr Gaul on 14th May 2024 reiterating the advice and requesting that he consider applying for a voluntary variation to have a CCTV condition added to the premises licence and their current staff training condition amended. This was emailed to his email address.

A copy of this email is submitted as Appendix 2A: Email, 14th May 2024.

A copy of this letter is submitted as Appendix 2B: 'Letter dated, 14th May 2024.'

No licence variation was submitted after this request.

Approximately 0040 hours on 31 August 2024, a victim of an assault called police. He was said to have been headbutted by another pub customer, causing his nose to bleed heavily.

There is no record of the premises reporting this to police.

On 5th September 2024 a CCTV request was sent Mr Gaul for the footage of this assault.

A screen shot of this request is submitted as Appendix 3: 'DAMS request, 05/09/24.'

Requests of this nature are received into the recipient's email inbox.

The same day, at 1424 hours a follow up email was sent to Mr Gaul requesting that the request was actioned.

A copy of this email is submitted as Appendix 4: 'Follow up email, 05/09/24.'

Nothing was heard from Mr Gaul and no CCTV was provided, so 5 days later, on 10th September 2024, PC's Smuts and Knight attended the pub and spoke with the manager. She said Mr Gaul had told her about the CCTV request, but that she was not capable of downloading the footage. She showed the officers the premises CCTV system, but the CCTV only saved for 8 days, so the footage was no longer available to view. Prior to the footage self-deleting she had recorded a portion of the disturbance from inside the pub, from the CCTV screen onto her personal phone. She did provide this footage, but the quality was evidentially poor.

She mentioned in passing that she was getting back together with her ex-partner, the male accused of assaulting a customer on 8th March 2024.

After unsuccessful attempts to obtain CCTV for the second assault on 24th August I wrote a further letter to Mr Gaul on 2nd Oct 2024 and sent this to his email address. In this email I requested his acknowledgement that he received the letter.

No acknowledgement was received.

A copy of this email is submitted as Appendix 5A: Email, 2nd Oct 2024.

A copy of the letter is submitted as Appendix 5B: Letter dated 2nd Oct 2024.

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Within this letter Mr Gaul was asked again to submit a voluntary licence variation via the local authority to have the initially asked for conditions placed onto the premises licence as conditions, with the addition of a 'report all crime and disorder' condition.

I informed Mr Gaul that should he have chosen not to submit the voluntary variation within a three week period, then consideration would be given to request a license review hearing for the conditions to be imposed on the premises.

As a follow up to this most recent letter, on 11th October 2024 I wrote a further letter to Mr Gaul, referring to my first two letters.

A copy of this letter is submitted as Appendix 6: Cover letter dated 11th October 2024.

I mailed a copy of this letter via special delivery, along with copies of the first two letters to three addresses linked to Mr Gaul, namely Woodland Tavern, his premises in Swanscombe, Kent (The Sun, 16 Swanscombe Street) and his home address.

In this letter I asked for Mr Gaul to acknowledge receipt.

As per Royal Mail tracking reports, the letter addressed to:

-The Sun, Swanscombe was received and signed for at 1327, Tuesday 15th October 24.

-Woodland Tavern was received and signed for at 0931, Wednesday 16th October 24.

A copy of these reports is submitted as Appendix 7: Royal Mail receipts.

No acknowledgement of the letters was received.

As Kent Police have lost valuable opportunities to deal with violent crimes happening at this premises and to better promote the licensing objectives i.e. the prevention of crime and disorder and public safety, we ask that the subcommittee impose the three conditions previously asked for, namely:

1. Staff Training:

All persons who sell or supply alcohol to customers must have licensing training.

-Training must take place within six weeks of employment.

-Any new employees will be supervised until the training has taken place.

-Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.

-Training records must be kept on the premises and shall contain the nature, content, and frequency of all training.

-Records must be made available for inspection by police, police licensing officer and authorised officers from Medway Council upon request either electronically or in hard copy.

2. CCTV:

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

-Cameras shall record all ingress and egress to the premises, fire exits, external smoking areas, and all areas where the sale and supply of alcohol occurs.

-Equipment must be maintained in good working order, with recordings correctly time and date stamped.

-Recordings must be kept in date order, kept for a period of 31 days and handed to police and authorised officers upon requested.

-The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority upon request.

-The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.

-In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the police licensing officer immediately. (licensing.north.division@kent.police.uk)

3. Police contact:

All incidents of crime and disorder to be reported to the police utilising 999/101/online report/live chat facility where appropriate.

It is the understanding of Kent Police Licensing department that Mr Gaul holds the position of Designated Premises Supervisor (DPS) at up to 11 premises linked to him, for which he is the holder of the premises licences.

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For this reason, in conjunction with Mr Gaul clearly demonstrating his contempt for a responsible authority and hence the licensing act and objectives by:

- ignoring continued attempts to come to an agreement,
- seemingly not being concerned as to alleged violent suspects working at his premises,
- not being prepared to take decisive action to limit risk of harm to the public,
- not being readily contactable,
- and not acknowledging requests for contact on numerous occasions,

it is the opinion of Kent Police that he is not deemed appropriate to hold the position of DPS at this premises. For this reason, Kent Police request that the committee consider imposing a change of DPS at Woodland Tavern.

Please tick if yes.

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

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: PC 11250 A. Smuts

Date: 28/10/2024

Capacity: Police Alcohol Licensing Officer, North Division, Kent Police.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) PC 11250 Andre Smuts Kent Police Medway Police Station Purser Way	
Post town Gillingham	Post code ME7 1NE
Telephone number (if any) 01634 792733	
If you would prefer us to correspond with you using e-mail: E-mail address: licensing.north.division@kent.police.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.

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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.