

STATEMENT OF WITNESS
(Cj Act 1967,s9,MC Act 1980. Ss5A(3)(a) and 5B, MC Rules 1981 r70)

STATEMENT OF: Stephen William Noble

AGE OF WITNESS (If over 18, enter Over 18): Over 18

OCCUPATION OF WITNESS: Licensing Enforcement Officer

The following statement consisting of 4 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 28th June 2012

Signed -----

I am the above named person. I am a Licensing Officer employed at Maidstone Borough Council and have been for over 9 years. My job involves the administering and processing of Premises Licence applications, particularly the enforcement of all conditions attached to them and applying legislation included in the Licensing Act 2003.

In late 2008 and early 2009 I had dealt with or had reported to me various incidents and complaints involving the customers and patrons of Earls public house, Earl St, Maidstone, Kent, ME14 1QA.

These included fights, instances of verbal abuse and intimidation of passers by, obstruction of the pavement and road and drunken behaviour directly outside the premises.

Various meetings were held with myself, PC Barbara Murray (the then Police Licensing Officer), Sgt Ian Jones and the owners and manager of Earls Sanjay Raval and David Greenslade. Despite these meetings and advisory visits to the premises, the issues continued. As a result, Kent Police applied for a Review of the Premises Licence held by

Earls. Following the evidence presented at the Review Hearing, the committee determined a number of conditions which included the following:-

There shall be no consumption of alcohol outside the premises other than in the terraced area on the first floor shown on the submitted plans; And also,
There shall be no glass outside.

Following the implementation of these and other conditions, the drunken and anti social activity that occurred outside the premises has stopped. The footpaths and areas outside the premises are now kept clear apart from the occasional group of smokers. I have received no further complaints from those who live or work in the vicinity of Earls or those who happen to walk past the premises in the course of their daily business.

On the afternoon of Friday the 12th of August 2011 I was walking past Earls when I saw that there was a large group of people sitting at tables and standing on the pavement outside Earls. Some of them were drinking what appeared to be beer and other alcoholic drinks from glasses. I could see that the group of people had become large enough to block the pavement and that people were having to walk into the road to get past.

I watched for a short time and could clearly see there was the consumption of what appear to be alcohol taking place outside the premises. This was in direct breach of the conditions imposed by the Licensing Committee at the Review Hearing in 2009.

I entered Earls and spoke to Mr David Greenslade, the manager and Designated Premises Supervisor.

I asked him why people were outside drinking when he had conditions on the licence which prohibited that specific activity. He told me that he had received a licence which did not have those conditions on if following an application for a transfer of the Premises Licence. I explained to Mr Greenslade that he should understand the conditions imposed by the Licensing Committee still stand and that it must be an administrative error. Mr Greenslade was quite obstructive and said that whilst he had this licence without the conditions on it he would continue to allow the consumption of alcohol to continue.

I told Mr Greenslade that the conditions could not be removed without an application for a variation of licence and that he should get those persons who were drinking outside, back inside. I told him that although the conditions may be missing from this newly issued licence he should be fully aware the conditions are still valid. Once again he stated he would be operating as per the licence that was sent to him.

I returned to the office and confirmed it had indeed been an administrative error and made arrangement for a new Premises Licence, showing the full set of conditions to be sent to Mr Greenslade, however it was not possible to issue a new licence before the end of business. Therefore I made a decision to monitor the situation over that weekend with a view to pursuing any issues that came to light.

On the afternoon of Saturday the 13th of August 2012 I again saw a large group of people outside the premises consuming alcohol. The group was larger than the day before and again covered the entire front of the premises. Once again people were forced out into the road to get past the group and as I made further observations throughout the afternoon, the group were becoming more and more boisterous and on occasion those outside were shouting to those inside the premises and occasionally using swear words.

On Monday the 15th of August I hand delivered the amended Premises Licence for Earls showing the full conditions imposed by the Licensing Committee following the review in 2009. Following receipt of the new licence, Mr Greenslade complied with all conditions and I subsequently chose to take no further formal action. Since that time, there have been no further instances of groups congregating outside the premises and the premises has operated as per the conditions on the licence.

As a result, and using the evidence gathered from that August weekend it is my honest opinion that should conditions be removed from the Premises Licence for Earls which restrict the consumption of alcohol outside the premises, it is only a matter of time before the same issues of drunken and anti social behaviour occur again. It was clear from what I observed during those two afternoons that the great majority of customers had come outside onto the pavement to consume alcohol where there was a distinct lack of control or supervision.

I will say that Mr Greenslade is a very good manager and supervises his customers very well when they are inside the premises. The problems clearly arise when those customers go outside onto the pavement where their behaviour is not monitored by any member of staff, particularly during warm or dry days. In my view, the conditions applied by the Licensing Committee in 2009 are still appropriate and fully promote the licensing objectives as set out in the Licensing Act 2003.

I make this statement of my own free will and can confirm it is a true and accurate account of events. I am happy to attend any hearing or court and present this evidence in person if required.

(Signed) -----