

15/6/12

# APPENDIX C



## Kent Police

Chief Officer of Police Representation in relation to an application for grant of premises licence made under Part 3 Section 17 Licensing Act 2003 (S18 Licensing Act 2003)

RECEIVED  
- 8 JUN 2012

### Details of person making objection

Name of Chief Officer of Police	Chief Inspector Adrian Futers
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone. ME15 6NF
E-mail address	Licensing.midkent@kent.pnn.police.uk
Telephone Number:	01622 604403

### Details of premises representation is about

Name of Premises:	Earls
Address of premises:	30 Earl Street Maidstone Kent
Date application received by police	17/05/2012
Date representation sent to Licensing Authority	08/06/2012
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because ....

*Please use separate sheets where necessary*

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

Please see attached sheet

*Please use separate sheets where necessary*

**Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary. Consider s106 Licensing Act 2003.*

The Police seek the attachment of the following conditions to assist in the prevention of crime and disorder.

Please see attached sheet

Signed: Neil Barnes

Date: ...08.\06.\2012.....

Print name: .....PC Neil Barnes .....

Force Number: .....10051.....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

**Please give the reason for the representation and detail the evidence supporting it:**

A new application has been received for Earls, 30 Earl Street, Maidstone. The application is to allow Licensable activities to be carried out at the premises between:

Sunday -> Wednesday = 07:00hrs to 00:00hrs  
Thursday = 07:00hrs to 01:00hrs  
Friday & Saturday = 07:00hrs to 03:00hrs

The licensable activities requested are Films, indoor sporting events, live/recorded music, dance, "similar" description and the supply of alcohol.

The application also requests late night refreshment with the requested times running to 30 minutes after the above times.

In fact the premises already has a Premises licence, (No. 11/01302/LAPRE) which currently allows for the same activities and similar operating hours the only difference being that on Fridays and Saturdays the activities must stop at 02:00hrs. This current licence also covers the first floor which does not appear on the new application.

Therefore we have received a new application simply to extend the premises licence by 1 hour on Fridays and Saturdays and to remove the first floor from the licensed area.

Although this would normally be covered by way of a simply variation it is our understanding that it has been confirmed that a new application is desired and that the old licence will be surrendered upon successful application.

Kent Police are aware that this New Application is significantly lacking in conditions when compared to the existing Licence.

Starting in 2008 Kent Police started to log a number issues at the premises, many of which centred around the use of the seating area at the front of the premises. The issues included, drunken persons being found on premises, fights, serious assaults, CCTV not working, customers at the front of the premises blocking the road to traffic and abusive behaviour to both attending Police and passing members of the public. Despite meetings with management and warnings to the premises the situation did not improve and in August 2009 the premises was taken to review. The DPS at the time was the current DPS, David Greenslade.

Included with this representation is a copy of that review (Appendix A).

As a result of this review, Maidstone Licensing Committee imposed several conditions on the premises:

- *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.*
- *There shall be no glass outside.*
- *All soft drinks for outside consumption shall be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.*
- *The Police or Local Authority will be provided with a recording by way of tape, CD ROM or any other suitable means of CCTV image immediately upon request.*
- *Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of the Police or Local Authority.*
- *Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect persons walking by and not to cause obstructions.*

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Quite simply these conditions worked and the number of incidents at the premises dropped off significantly.

This New Licence Application makes no reference to these conditions, it is clearly wishing simply to go back to the days before the review.

Kent Police are therefore raising these representations as, other than a passing of time nothing has changed, it is the same premises with the same DPS. The Licensing Committee felt it necessary to impose those conditions then and there is nothing in the New Application to show how those issues, (which were clearly a negative impact on the Licensing Objectives) are to be avoided or resolved.

Mr Greenslade (DPS) has approached the Police several times enquiring how he could open up the front of the premises again, each time he has been told that he needs to do something to address the problems that occurred. There appears to be nothing in this New Application that covers this.

In the time leading up to the review Mr Greenslade was involved in several meetings with the Police, more than enough warning was given that if the situation didn't improve a review would be launched and yet he was either unable or unwilling to control the front of the premises. Again Kent Police can not see what has changed now. Why or how will he suddenly be able to control this troublesome area when he couldn't before.

For Kent Police not to make representations against this New Application would be effectively to go against the Licensing Sub Committee. Kent Police believe the evidence shows that it was exactly the correct thing then and believe that nothing has changed. There is nothing to suggest that the environment which lead to the problems in the first place has gone away, the problems were simply stopped by the imposition of Licence Conditions. A removal of these conditions without any other steps to control the issues will simply lead to them returning.

**Suggested conditions that could be added to the Licence to remedy the representations or other suggestions the Licensing Sub-Committee may take into account:**

Kent Police have no objection to the extra hour requested in the New Application.

However they believe that if a New Licence is granted then it should have the same conditions as the old one, after all nothing else has changed.

# APPENDIX A

## (B) Details of Responsible Authority Applicant

Kent Police Palace Avenue Maidstone Kent ME15 6NF
Telephone number (if any) 01622 604403/01622 604402 (PC Barbara Murray)
Email address (optional) licensing.midkent@kent.pnn.police.uk

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                        |                               |
| 3 The prevention of public nuisance    | X                             |
| 4 The protection of children from harm |                               |

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

The review is being applied for due to the continued lack of control of customers sitting outside on the footpath to the front of the premises. People walking past are subjected to intimidation, jeering and general abuse. Customers have also been allowed to walk off away from the premises carrying glasses.

In addition since 17<sup>th</sup> March 2009 there have been a series of public order incidents associated with the premises, with one incident resulting in an assault of Grievous Bodily Harm where a person was injured by a bottle or glass. There have been 2 further incidents that have involved glasses from the pub.

Meetings have been held with the DPS however the problems have reoccurred and it is the opinion of the police that conditions are necessary to control the conduct of the customers.

A X10W39A

**Please provide as much information as possible to support the application (please read guidance note 2)**

Earls is a town centre licensed premises. The trade is largely wet led, although there are very successful live music nights, which attracts a very mixed client base, and food is served during the day. It is on a busy thoroughfare leading to the main shopping area and there are several other licensed premises nearby, although only one of these is another public house. All the rest are restaurants.

There are tables and chairs situated at the front of the pub on Earl Street where the customers are in the habit of sitting and standing to smoke and drink. This area has become an extension of the pub.

During 2008 there were several complaints from members of the public to both the police and Maidstone Borough Council concerning the conduct of those customers who used the tables and chairs at the front of the public house. The complaints were about the footpath being blocked by customers, who refused to move and were abusive. Passers by also complained of being shouted at and intimidated by those standing and sitting in this area. Police officers also complained of being abused by customers standing outside and in some instances of customers trying to obstruct officers when trying to deal with incidents in Earl Street.

Both PC Barbara Murray and Stephen Noble have witnessed the intimidating and rowdy behaviour of customers using the seating area.

On 10<sup>th</sup> October 2008 a meeting was held with David Greenslade, the DPS, PS Ian Jones, PC Barbara Murray and Stephen Noble. The above was explained to Mr Greenslade and concern was expressed over the supervision of the customers using the seating area. It was acknowledged that when problems were brought to the notice of the staff action was taken, but it appeared too often that customers carried on with anti social behaviour and intimidation with no staff having any knowledge of it. Mr Greenslade agreed to ensure that his staff supervised the area more closely and that the number of tables and chairs would be reduced to stop the obstruction of the footpath.

The number of tables was reduced and no incidents were reported over the wintertime. However since the fine weather has begun complaints have been passed to both the police and council, again about the behaviour of the customers outside on the footpath. Local businesses have expressed their concern that customers are reluctant to walk down Earl Street past the pub. This is especially true of Saturday afternoons and Bank Holidays. One shop manager stated that one of his customers had parked his car outside the pub on a weekend afternoon and come back and found that customers had put their beer glasses on the roof. Several other shops said that customers have complained they are intimidated by the shouting and jeering that customers indulge in, especially if young women walk by.

In addition to the general complaints about customers outside of the pub there have been several disturbances at the premises since April.

07/03/2009 at 1630 hours – Two persons were seen to walk along Market Buildings towards the High Street carrying glasses. They were drunk and abusive towards shopkeepers and the town centre PCSO had to remove the glasses from them.

16/04/2009 at 1844 hours – Report of a large fight involving 20 persons at the pub.

16/04/2009 at 2050 hours – Report of a group of youths at the premises causing problems. One male arrested for drunk and disorderly.

16/05/2009 at 2045 hours - Police carried out a licensing visit during Operation Ibis. PC Murray and PS Jones spoke to the DPS, Dave Greenslade, about two drunks. One was being led out of the bar area by another person and was having difficulty walking and the other was standing outside on the footpath with a pint drink in his hand. PC Murray spoke to the man and saw that he was unsteady on his feet, his speech was slurred and he was swaying from side to side as he stood. He was drunk. Mr Greenslade was told that neither person should be served any more alcohol.

16/05/2009 at 2130 hours – An assault (GBH) occurred at the premises where a person was bottled or glassed. The CCTV was not working at the time of the offence in the pub.

27/05/2009 at 2030 hours – Person arrested for a public order offence. The male was ejected from Ashes, made threats to the door staff that he would be back to 'cut' them. The male then walked to Earls, picked up an empty glass from an outside table and, carrying the glass, began walking back to Ashes, where he was arrested.

14/06/2009 at 0012 hours – Report from patrol that there was a disturbance at the pub and two males had been throwing glasses around.

It is the opinion of the police that the DPS at Earls is unable to control the customers outside of the premises. In addition there have been several incidents involving glasses or bottles, one of which resulted in a serious injury. In order to ensure there are no further serious injuries and to control the customers who sit and stand out side of the pub drinking, the police ask that the committee impose the following conditions under the

- Prevention of crime and disorder, and
- The prevention of public nuisance

objectives: -

1. No off sales.
2. No open vessels, bottles or other type of containers will be allowed outside of the licensed premises other than within the area marked 'Terrace seating' on the first floor of the submitted plans.
3. All drinking vessels will be polycarbonate.
4. All bottled drinks to be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.
5. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
6. CCTV shall be operational at all time that members of the public and/or staff are on the premises.
7. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.



8. The Police or Local Authority will have access to these images at any reasonable time.
9. The Police or Local Authority will be provided with a recording by way of tape, CD Rom or any other means of the image, immediately upon request.
10. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.
11. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect persons walking by and not to cause an obstruction.

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

Please tick yes

Day Month Year

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**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)

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: **Ian Jones**

Age if under 18: **018** (if over 18 insert 'over 18') Occupation: **Police Sergeant**

This statement (consisting of 2 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.

Signature: **I Jones**  Date: **12th August 2009**

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the police officer responsible for the policing of Maidstone Town Centre. I have held this position for nearly three years. This role involves dealing with all commercial premises in the town centre and the crime associated with them. I have a responsibility to reduce and detect crime.

As part of my role I have dealings with many pubs and clubs. The crime and disorder associated with them is of great concern to me. I have put together many policing operations to promote the licensing objectives and to reduce the alcohol fuelled and drug crime that often occurs in the town centre. I have an overview of all licensed premises and I have an awareness of those premises that produce increased amounts of disorder.

One such premise is Earls in Earl Street, Maidstone. I have visited this pub on many occasions as part of routine licensing operations, calls relating to disorder, and visits to the manager, David Greenslade. When I have been in full uniform passing the premises on foot I have been subject to verbal abuse from customers inside and outside the pub. On one occasion in the Summer of 2008 I was on foot outside the pub when a male shouted some abuse at me. I spoke to this male who was unsteady on his feet and smelt very strongly of intoxicants, he was drunk. I then spoke to the partner of Mr Greenslade and she stated that it was his birthday, by way of excuse. I did not accept this and told her that he must not be served any more alcoholic drink due to his state. Another example is on 16<sup>th</sup> May this year I was in uniform outside the pub and saw and extremely drunken

Signature: **I Jones**  Signature witnessed by:  
**Typed by: IJ**

Continuation page 2

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Continuation statement of: **Ian Jones**

male with a partially full pint glass in his hand. Another drunken male was being led out of the bar.

Mr Greenslade was spoken to about these issues.

Last year I dealt with two complaints from members of the public trying to use the footpath, one with a child in a buggy. Both raised issues of drunks that were patrons of the pub blocking access on the pavement. Both complainants stated that they had been abused by those drunks when they asked them to move. I had dealings with Councillor Fran Wilson in relation to this issue as she passed me the details of one of the complainants.

I have spoken to many police officers about the premises. Many of the officers have been subject to verbal abuse from drunken people in the pub, but also drunken people outside. Many officers have complained that patrons outside the pub also overspill into the road in Earl Street. I have witnessed this when off duty. I was sitting outside Mexxa Mexxa with my wife and children in May this year and saw patrons of the pub with pint glasses in hand standing in the road. A French registered camper van vehicle came up the road and turned round outside the Hazlitt Theatre. The people in the road did not move and it was very clear that the camper van due to its size was having difficulty. It was clear to me that they were being deliberately obstructive and anti-social by not simply giving way. When I had finished at Mexxa Mexxa I walked up Earl Street with my family. On seeing the pavement obstructed by people, rather than have my family subjected to any kind of abuse, I walked them into the road around the drunken people.

I compare Earls to other similar type premises in the town and Earls is the only establishment where I have encountered issues of these types to any greater extent. I have had many meetings with Mr Greenslade and he presents as very supportive of the police. However, I would comment that I am not sure that he takes what the police and council licensing officers have to say seriously as the same kinds of issues reoccur time after time.

Signature

**I Jones****Typed by: IJ**

Signature witnessed by