

## ANNEX B

Kent Police  
 Police Station  
 Central Ave  
 Sittingbourne  
 Kent ME

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

Merlins  
 47 Leysdown Road  
 Leysdown  
 Sheerness  
 Kent ME12 4RB

Premises licence number (if known): SHE/SWALE/189/0224

Name of premises supervisor (if known): Leonora Dunne

I am a Superintendent  <sup>3</sup> in the Kent police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

Grounds

1. On 17<sup>th</sup> April 2009 there was a serious incident involving up to 15 persons in a fight which happened in the licensed premises and then continued outside.

2. One person sustained serious injury having been stabbed with a pool cue in the neck. Following this further serious injury was caused to a second person

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

when they were run over by a vehicle out side the premises which was a continuation of the same incident.

3. The CCTV system in the premises did not cover the area where the incident occurred and recordings were not able to be taken off the system as no one knew how to down load images.

4. All persons involved in the incident were heavily intoxicated.

5. An incident had been reported to police by the DPS on the 10<sup>th</sup> April 2009 reporting an incident of criminal damage to windows following the ejection of a drunk person.

A standard review is not appropriate because: -

1. The standard review route will take at least 28 days to come to hearing and can be appealed

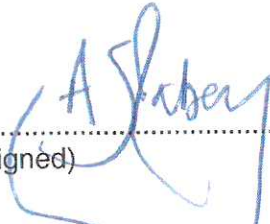
2. This is the start to the holiday season and the consumption of alcohol at premises will be increasing during the coming months.

3. There are two bank holidays in May and a school holiday when it is expected there will be an increase in holiday makers using the premises.

4. Other powers of closure are not applicable retrospectively.

5. Although the police were called by staff it is believe that mandatory conditions will prevent crime and disorder as just one more incident of this nature is one too many when it is eminently preventable.

6. Interim measures applied by a licensing panel has the ability to prevent crime and disorder with immediate effect

 A. J. Sabery Supt.  
.....  
(Signed) (Date) 21/4/09

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Swale Borough Council  
 East Street  
 Sittingbourne  
 Kent

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I PC Barbara Murray [on behalf of] the chief officer of police for the Mid Kent police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Merlins  
 47 Leysdown Road  
 Leysdown**

Post town: Sheerness

Post code (if known): **ME12 4RB**

**2. Premises licence details:**

Name of premises licence holder (if known):

Mrs L Dunne  
 47 Leysdown Road  
 SheernessKent

Mr E Thompson  
3/5 King Street  
Margate  
Kent

Number of premises licence holder (if known): SHE/SWALE/189/0224

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

At 22:58 hours on Friday 17th April 2009 police received a call from Mrs Lee Dunne, the Designated Premises Supervisor, concerning a fight that was happening at the licensed premises. The circumstances are as follows: -The DPS and her husband, who is the owner of the premises, began work at 2030 hours on Friday 17th April 2009. There were a group of approximately 15 persons, both male and female, in the bar. Mr Dunne described them in interview as being 'coked up' but none of the group was asked to leave and they were served alcohol and allowed to stay in the premises through out the evening. As the evening progressed they became increasingly loud and annoying. Mr Dunne described them as banging pool balls down onto the table and becoming loud. Mrs Dunne, the DPS, stated that she did not consider that any of them were drunk and continued to sell them alcohol. Some time just before 2300 hours Mr Dunne, who was near the bar, heard the sound of a glass being broken and saw that someone had smashed a glass against the pool table. He then saw one of the group hit another with a pool cue, which broke, and the person who was hit sustained a stab wound to his neck. At this point Mr Dunne and his door supervisor ejected the whole group and locked the door to the club to stop them re entering. Mr Dunne stood outside and saw that the fight continued, with some of the group kicking another one to the ground and another hammering on the window of a car apparently in an attempt to get at the driver. The car was then driven off and some of the group were seen to be standing in the middle of the road outside of the club shouting and gesturing at the driver in an attempt to goad him. The car was then driven at speed at those in the road and three of the group were hit, two males and a female. It is believed that all of them sustained injuries, although the female left the scene and was not traced. It was at this point that Mrs Dunne called the police and officers attended the scene along with other members of the emergency services. The road was closed and treated as a crime scene and persons were arrested for the offence of Grievous Bodily Harm. Two persons were admitted to hospital. The man with the stab wound to the neck was discharged. One of the men who had been hit by the car was admitted and found to have a fractured skull and had bleeding on the brain and was detained. The second man who was hit by the car sustained cuts and bruising all over his body but he was not taken to hospital. Enquiries at the club to seize the CCTV found that while there was a digital system fitted at the premises, the

cameras did not cover the area where the pool table was situated and in any case no one knew how to download images, and so the system was of no immediate use. Officers who attended the scene and dealt with the offenders described them as being heavily intoxicated either through drink or drugs or both. When Mr and Mrs Dunne were interviewed at Sittingbourne Police Station following the incident they both denied that any of the group had been drunk or had been drinking excessively. They also said that police would not have been called if the incident had ended with the ejection of the group following the fight with the pool cue. The police were only called because the car had been used to continue the altercation and had caused serious injury. There has been one previous call to these premises this year, which was on the 10th April 2009. This again was from Mrs Dunne, who reported that a person who had been ejected from the club for being drunk had broken a window. The police accept that apparently this premises has had little trouble in the past, however the admission by the DPS and her husband shows that we are not informed of even serious assaults. This incident was extremely serious, and it is the opinion of the police that it happened as a direct result of the alcohol consumed by the offenders, along with any other possible substances that they may have consumed. The premises has subsequently been swabbed, on Tuesday 21st April 2009, and tested using the Ion Track Drug Trace machine and a reading of 3.65 for cocaine from a swab taken from the cubicle in the gentleman's toilets was recorded. This indicates that there has been drug use within this area. While the initial incident within the premises with the pool cue was serious in itself, the incident outside with the car was worse and resulted in far worse injuries to three other people. The incidents outside the licensed premises were a continuation of the fight inside and are directly attributable to the club. It is necessary to apply for a review of this premises licence in order to ensure that the prevention of crime and disorder objective is addressed. The police ask that the Licensing Committee consider the below listed conditions which it is felt are necessary to ensure that incidents of this kind do not happen in the future. As interim conditions prior to a full review hearing, as a minimum the police ask the committee to consider the removal of the pool table and cues until the CCTV is fitted in accordance with the below conditions and that consideration is given to restricting the sale of alcohol to 1800 hours to 2300 hours Monday to Sunday, again until CCTV is fitted in accordance with the suggested conditions. Therefore the conditions are as follows: -

1. The sale of alcohol will be restricted to 1800 hours to 2300 hours Monday to Sunday until CCTV is fitted to the satisfaction of the police.
2. The premises will close at 2330 hours
3. A minimum of 2 SIA registered door staff will be employed on Friday and Saturday during the trading period and for any Bank Holiday Sunday and Monday.
4. The pool table in the main bar area will be removed until CCTV is fitted to the satisfaction of the police. The pool table in the children's area will remain but will be exclusively for the use of persons under the age of 16 years.

The further conditions I would ask the committee to consider, either at this interim step stage or at the full review stage, are as follows: -

1. CCTV to be fitted to a standard agreed to by the police that complies with The CCTV Code of Practice (2008 edition) produced by the Information

**Commissioners Office, with the entire public area of the premises to be monitored by CCTV.**

- 2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.**
- 3. CCTV shall be operational at all time that members of the public and/or staff are on the premises.**
- 4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.**
- 5. The Police or Local Authority will have access to these images at any reasonable time.**
- 6. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image immediately on request.**
- 7. 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.**
- 8. A minimum of 2 door supervisor will be employed at the premises from 2000 hours, on every Friday and Saturday until close of trading, and on every day of any Bank Holiday period again starting at 2000 hours until close of trading.**
- 9. An additional a minimum of 2 SIA registered door supervisors will be employed whenever the function room is in use from the time the event starts to the close of trading.**
- 10. All security staff will wear a reflective jacket, tabard or armband.**
- 11. All security staff will display their name badges by way of a reflective armband.**
- 12. It is the responsibility of the Designated Premises Supervisor to ensure that all incidents are reported to the police.**
- 13. A logbook will be kept detailing all incidents 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.**
  - Any other details thought relevant.**
  - Each day has to be signed and dated.**
- 14. A register will be kept of all security staff working at the premises for every time that the premises are open for trading. This register will be a bound book and it will contain the following information: -**

**Day and date of entry.**

**Time that member of security staff starts and finishes work.**

**Full name.**

**SIA registration number.**

**Signature of the member of security staff.**

15. Regular checks will be made in the toilets in order to discourage drug use within them. These checks will be a minimum of every 20 minutes during trading hours and will be logged.
16. Access will be given at all reasonable times to the police in order for swabs to be taken for the Ion Track Drug Testing machine.
17. Police will be permitted to use the Ion Track Drug Testing machine as a condition of entry at all reasonable times during trading hours.
18. All glassware to be removed and replaced by toughened or Polycarbonate glass and any bottled drinks to be decanted.
19. The premises will become a member of the Swale Safe radio network (subject to the agreement of the Board of Directors) whenever the network is able to operate in the Leysdown area.
20. All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

Signature of applicant:

Date: 22th April 2009

Capacity: Mid Kent Licensing Officer



**Contact details for matters concerning this application:**

Address:

**Sittingbourne Police Station  
Central Avenue  
Sittingbourne  
ME10 4NR**

Telephone number(s): 07980 770428

Email: [barbara.murray@kent.pnn.police.uk](mailto:barbara.murray@kent.pnn.police.uk)

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.





Licensing Act 2003

## PUBLIC NOTICE

Application for a review of the Premises Licence

Name of Applicant: PC Barbara Murray (Kent Police)

Premises: Merlins, 47 Leysdown Road, Leysdown,  
Sheerness, Kent, ME12 4RB

Grounds for licence review: \_\_\_\_\_

Issues under Crime and Disorder

Date of Notice: 22<sup>nd</sup> April 2009

This application can be viewed at Swale Borough Council, Swale House, East Street, Sittingbourne Kent ME10 3HT during office hours.

Objections or further representations must be received within 10 days of the date of this notice. Review application forms are available from the Licensing Department at Swale Borough Council.

It is an offence knowingly or recklessly to make a false statement in connection with an application. Any person who makes a false statement is liable, on summary conviction, to a maximum fine of £5,000.

Kent Police  
Police Station  
Central Ave  
Sittingbourne  
Kent ME

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises<sup>2</sup>:*

Merlins  
47 Leysdown Road  
Leysdown  
Sheerness  
Kent ME12 4RB

Premises licence number (if known): SHE/SWALE/189/0224

Name of premises supervisor (if known): Leonora Dunne

I am a Superintendent  <sup>3</sup> in the Kent police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

Grounds

1. On 17<sup>th</sup> April 2009 there was a serious incident involving up to 15 persons in a fight which happened in the licensed premises and then continued outside.

2. One person sustained serious injury having been stabbed with a pool cue in the neck. Following this further serious injury was caused to a second person

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

when they were run over by a vehicle outside the premises which was a continuation of the same incident.

3. The CCTV system in the premises did not cover the area where the incident occurred and recordings were not able to be taken off the system as no one knew how to download images.

4. All persons involved in the incident were heavily intoxicated.

5. An incident had been reported to police by the DPS on the 10<sup>th</sup> April 2009 reporting an incident of criminal damage to windows following the ejection of a drunk person.

A standard review is not appropriate because: -

1. The standard review route will take at least 28 days to come to hearing and can be appealed

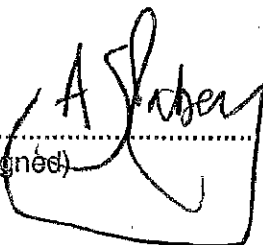
2. This is the start to the holiday season and the consumption of alcohol at premises will be increasing during the coming months.

3. There are two bank holidays in May and a school holiday when it is expected there will be an increase in holiday makers using the premises.

4. Other powers of closure are not applicable retrospectively.

5. Although the police were called by staff it is believed that mandatory conditions will prevent crime and disorder as just one more incident of this nature is one too many when it is eminently preventable.

6. Interim measures applied by a licensing panel has the ability to prevent crime and disorder with immediate effect

 A. S. Sult  
-----  
(Signed) (Date) 21/4/09

# 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 your 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, Superintendent Andrew Rabey 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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Merlins 47 Leysdown Road Leysdown	
<b>Post town</b> Sheerness, Kent	<b>Postcode (if known)</b> ME12 4RB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mrs L Dunne 47 Leysdown Road Sheerness Kent  Mr E Thompson 3/5 King Street Margate Kent
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<b>Number of premises licence or club premises certificate (if known)</b> SHE/SWALE/189/0224
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### Part 2 – Applicant Details

I am,

- 1 An interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

Please tick yes

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- 2 A responsible authority (please complete (C) below)
- 3 A member of the club to which this application relates (please complete (A) below)

**(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**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>Email address (optional)</b>

**(B) Details of Responsible Authority Applicant**

Kent Police Police Station Central Avenue Sittingbourne Kent ME10 4NR
<b>Telephone number (if any)</b> 07890 770428 (PC Barbara Murray)
<b>Email address (optional)</b> 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 | <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"/>            |

<p><b>Please state the ground(s) for review (please read guidance note 1)</b></p> <p>The review is being requested following a serious incident of crime and disorder both at the premises and immediately outside of the club, which was a continuation of the original incident.</p>
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**Please provide as much information as possible to support the application (please read guidance note 2)**

At 22:58 hours on Friday 17<sup>th</sup> April 2009 police received a call from Mrs Lee Dunne, the Designated Premises Supervisor, concerning a fight that was happening at the licensed premises. The circumstances are as follows: -

The DPS and her husband, who is the owner of the premises, began work at 2030 hours on Friday 17<sup>th</sup> April 2009. There were a group of approximately 15 persons, both male and female, in the bar. Mr Dunne described them in interview as being 'coked up' but none of the group was asked to leave and they were served alcohol and allowed to stay in the premises through out the evening. As the evening progressed they became increasingly loud and annoying. Mr Dunne described them as banging pool balls down onto the table and becoming loud. Mrs Dunne, the DPS, stated that she did not consider that any of them were drunk and continued to sell them alcohol. Some time just before 2300 hours Mr Dunne, who was near the bar, heard the sound of a glass being broken and saw that someone had smashed a glass against the pool table. He then saw one of the group hit another with a pool cue, which broke, and the person who was hit sustained a stab wound to his neck. At this point Mr Dunne and his door supervisor ejected the whole group and locked the door to the club to stop them re entering. Mr Dunne stood outside and saw that the fight continued, with some of the group kicking another one to the ground and another hammering on the window of a car apparently in an attempt to get at the driver. The car was then driven off and some of the group were seen to be standing in the middle of the road outside of the club shouting and gesturing at the driver in an attempt to goad him. The car was then driven at speed at those in the road and three of the group were hit, two males and a female. It is believed that all of them sustained injuries, although the female left the scene and was not traced.

It was at this point that Mrs Dunne called the police and officers attended the scene along with other members of the emergency services. The road was closed and treated as a crime scene and persons were arrested for the offence of Grievous Bodily Harm.

Two persons were admitted to hospital. The man with the stab wound to the neck was discharged. One of the men who had been hit by the car was admitted and found to have a fractured skull and had bleeding on the brain and was detained. The second man who was hit by the car sustained cuts and bruising all over his body but he was not taken to hospital.

Enquiries at the club to seize the CCTV found that while there was a digital system fitted at the premises, the cameras did not cover the area where the pool table was situated and in any case no one knew how to download images, and so the system was of no immediate use.

Officers who attended the scene and dealt with the offenders described them as being heavily intoxicated either through drink or drugs or both. When Mr and Mrs Dunne were interviewed at Sittingbourne Police Station following the incident they both denied that any of the group had been drunk or had been drinking excessively. They also said that police would not have been called if the incident had ended with the ejection of the group following the fight with the pool cue. The police were only called because the car had been used to continue the altercation and had caused serious injury.

There has been one previous call to these premises this year, which was on the 10<sup>th</sup> April 2009. This again was from Mrs Dunne, who reported that a person who had been ejected from the club for being drunk had broken a window.

The police accept that apparently this premises has had little trouble in the past, however the admission by the DPS and her husband shows that we are not informed of even serious assaults. This incident was extremely serious, and it the opinion of the police that it happened

as a direct result of the alcohol consumed by the offenders, along with any other possible substances that they may have consumed.

The premises has subsequently been swabbed, on Tuesday 21<sup>st</sup> April 2009, and tested using the Ion Track Drug Trace machine and a reading of 3.65 for cocaine from a swab taken from the cubicle in the gentleman's toilets was recorded. This indicates that there has been drug use within this area.

While the initial incident within the premises with the pool cue was serious in itself, the incident out side with the car was worse and resulted in far worse injuries to three other people. The incidents outside the licensed premises were a continuation of the fight inside and are directly attributable to the club.

It is necessary to apply for a review of this premises licence in order to ensure that the prevention of crime and disorder objective is addressed. The police ask that the Licensing Committee consider the below listed conditions which it is felt are necessary to ensure that incidents of this kind do not happen in the future.

As interim conditions prior to a full review hearing, as a minimum the police ask the committee to consider the removal of the pool table and cues until the CCTV is fitted in accordance with the below conditions and that consideration is given to restricting the sale of alcohol to 1800 hours to 2300 hours Monday to Sunday, again until CCTV is fitted in accordance with the suggested conditions. Therefore the conditions are as follows: -

1. The sale of alcohol will be restricted to 1800 hours to 2300 hours Monday to Sunday until CCTV is fitted to the satisfaction of the police.
2. The premises will close at 2330 hours
3. A minimum of 2 SIA registered door staff will be employed on Friday and Saturday during the trading period and for any Bank Holiday Sunday and Monday.
2. The pool table in the main bar area will be removed until CCTV is fitted to the satisfaction of the police. The pool table in the children's area will remain but will be exclusively for the use of persons under the age of 16 years.

The further conditions I would ask the committee to consider, either at this interim step stage or at the full review stage, are as follows: -

1. CCTV to be fitted to a standard agreed to by the police that complies with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office, with the entire public area of the premises to be monitored by CCTV.
2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
3. CCTV shall be operational at all time that members of the public and/or staff are on the premises.
4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
5. The Police or Local Authority will have access to these images at any reasonable time.



6. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image immediately on request.
7. 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.
8. A minimum of 2 door supervisor will be employed at the premises from 2000 hours, on every Friday and Saturday until close of trading, and on every day of any Bank Holiday period again starting at 2000 hours until close of trading.
9. An additional a minimum of 2 SIA registered door supervisors will be employed whenever the function room is in use from the time the event starts to the close of trading.
10. All security staff will wear a reflective jacket, tabard or armband.
11. All security staff will display their name badges by way of a reflective armband.
12. It is the responsibility of the Designated Premises Supervisor to ensure that all incidents are reported to the police.
13. A logbook will be kept detailing all incidents 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.
  - Any other details thought relevant.
  - Each day has to be signed and dated.
14. A register will be kept of all security staff working at the premises for every time that the premises are open for trading. This register will be a bound book and it will contain the following information: -
  - Day and date of entry.
  - Time that member of security staff starts and finishes work.
  - Full name.
  - SIA registration number.
  - Signature of the member of security staff.
15. Regular checks will be made in the toilets in order to discourage drug use within them. These checks will be a minimum of every 20 minutes during trading hours and will be logged.
16. Access will be given at all reasonable times to the police in order for swabs to be taken for the Ion Track Drug Testing machine.
17. Police will be permitted to use the Ion Track Drug Testing machine as a condition of entry at all reasonable times during trading hours.

18. All glassware to be removed and replaced by toughened or Polycarbonate glass and any bottled drinks to be decanted.
19. The premises will become a member of the Swale Safe radio network (subject to the agreement of the Board of Directors) whenever the network is able to operate in the Leysdown area.
20. All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

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

--	--	--	--	--	--	--	--	--	--

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

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the

Please tick yes

- 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

**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 22<sup>nd</sup> April 2009

Capacity Mid Kent Police Licensing Officer

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) PC Barbara Murray Sittingbourne Police Station Central Avenue	
<b>Post town</b> Sittingbourne	<b>Postcode</b> ME10 4NR
<b>Telephone number (if any)</b> 07980 770428	
<b>If you would prefer us to correspond with you using an email address, please provide your email address (optional)</b>  Barbara.murray@kent.pnn.police.uk	

**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.

ANNEX B

Kent Police  
Police Station  
Central Ave  
Sittingbourne  
Kent ME

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises<sup>2</sup>:*

Merlins  
47 Leysdown Road  
Leysdown  
Sheerness  
Kent ME12 4RB

Premises licence number (if known): SHE/SWALE/189/0224

Name of premises supervisor (if known): Leonora Dunne

I am a Superintendent  <sup>3</sup> in the Kent police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

Grounds

1. On 17<sup>th</sup> April 2009 there was a serious incident involving up to 15 persons in a fight which happened in the licensed premises and then continued outside.

2. One person sustained serious injury having been stabbed with a pool cue in the neck. Following this further serious injury was caused to a second person

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

when they were run over by a vehicle outside the premises which was a continuation of the same incident.

3. The CCTV system in the premises did not cover the area where the incident occurred and recordings were not able to be taken off the system as no one knew how to download images.

4. All persons involved in the incident were heavily intoxicated.

5. An incident had been reported to police by the DPS on the 10<sup>th</sup> April 2009 reporting an incident of criminal damage to windows following the ejection of a drunk person.

A standard review is not appropriate because: -

1. The standard review route will take at least 28 days to come to hearing and can be appealed

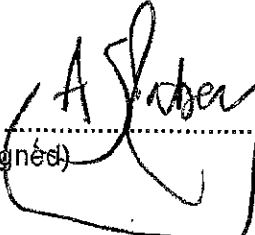
2. This is the start to the holiday season and the consumption of alcohol at premises will be increasing during the coming months.

3. There are two bank holidays in May and a school holiday when it is expected there will be an increase in holiday makers using the premises.

4. Other powers of closure are not applicable retrospectively.

5. Although the police were called by staff it is believed that mandatory conditions will prevent crime and disorder as just one more incident of this nature is one too many when it is eminently preventable.

6. Interim measures applied by a licensing panel has the ability to prevent crime and disorder with immediate effect

 Subi.  
(Signed) \_\_\_\_\_ (Date) 21/4/09

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Swale Borough Council  
East Street  
Sittingbourne  
Kent

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I PC Barbara Murray [on behalf of] the chief officer of police for the Mid Kent police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Merlins  
47 Leysdown Road  
Leysdown**

Post town: Sheerness

Post code (if known): **ME12 4RB**

**2. Premises licence details:**

Name of premises licence holder (if known):

**Mrs L Dunne  
47 Leysdown Road  
SheernessKent**

Mr E Thompson  
3/5 King Street  
Margate  
Kent

Number of premises licence holder (if known): SHE/SWALE/189/0224

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

At 22:58 hours on Friday 17th April 2009 police received a call from Mrs Lee Dunne, the Designated Premises Supervisor, concerning a fight that was happening at the licensed premises. The circumstances are as follows: -The DPS and her husband, who is the owner of the premises, began work at 2030 hours on Friday 17th April 2009. There were a group of approximately 15 persons, both male and female, in the bar. Mr Dunne described them in interview as being 'coked up' but none of the group was asked to leave and they were served alcohol and allowed to stay in the premises through out the evening. As the evening progressed they became increasingly loud and annoying. Mr Dunne described them as banging pool balls down onto the table and becoming loud. Mrs Dunne, the DPS, stated that she did not consider that any of them were drunk and continued to sell them alcohol. Some time just before 2300 hours Mr Dunne, who was near the bar, heard the sound of a glass being broken and saw that someone had smashed a glass against the pool table. He then saw one of the group hit another with a pool cue, which broke, and the person who was hit sustained a stab wound to his neck. At this point Mr Dunne and his door supervisor ejected the whole group and locked the door to the club to stop them re entering. Mr Dunne stood outside and saw that the fight continued, with some of the group kicking another one to the ground and another hammering on the window of a car apparently in an attempt to get at the driver. The car was then driven off and some of the group were seen to be standing in the middle of the road outside of the club shouting and gesturing at the driver in an attempt to goad him. The car was then driven at speed at those in the road and three of the group were hit, two males and a female. It is believed that all of them sustained injuries, although the female left the scene and was not traced. It was at this point that Mrs Dunne called the police and officers attended the scene along with other members of the emergency services. The road was closed and treated as a crime scene and persons were arrested for the offence of Grievous Bodily Harm. Two persons were admitted to hospital. The man with the stab wound to the neck was discharged. One of the men who had been hit by the car was admitted and found to have a fractured skull and had bleeding on the brain and was detained. The second man who was hit by the car sustained cuts and bruising all over his body but he was not taken to hospital. Enquiries at the club to seize the CCTV found that while there was a digital system fitted at the premises, the



cameras did not cover the area where the pool table was situated and in any case no one knew how to download images, and so the system was of no immediate use. Officers who attended the scene and dealt with the offenders described them as being heavily intoxicated either through drink or drugs or both. When Mr and Mrs Dunne were interviewed at Sittingbourne Police Station following the incident they both denied that any of the group had been drunk or had been drinking excessively. They also said that police would not have been called if the incident had ended with the ejection of the group following the fight with the pool cue. The police were only called because the car had been used to continue the altercation and had caused serious injury. There has been one previous call to these premises this year, which was on the 10th April 2009. This again was from Mrs Dunne, who reported that a person who had been ejected from the club for being drunk had broken a window. The police accept that apparently this premises has had little trouble in the past, however the admission by the DPS and her husband shows that we are not informed of even serious assaults. This incident was extremely serious, and in the opinion of the police that it happened as a direct result of the alcohol consumed by the offenders, along with any other possible substances that they may have consumed. The premises has subsequently been swabbed, on Tuesday 21st April 2009, and tested using the Ion Track Drug Trace machine and a reading of 3.65 for cocaine from a swab taken from the cubicle in the gentleman's toilets was recorded. This indicates that there has been drug use within this area. While the initial incident within the premises with the pool cue was serious in itself, the incident outside with the car was worse and resulted in far worse injuries to three other people. The incidents outside the licensed premises were a continuation of the fight inside and are directly attributable to the club. It is necessary to apply for a review of this premises licence in order to ensure that the prevention of crime and disorder objective is addressed. The police ask that the Licensing Committee consider the below listed conditions which it is felt are necessary to ensure that incidents of this kind do not happen in the future. As interim conditions prior to a full review hearing, as a minimum the police ask the committee to consider the removal of the pool table and cues until the CCTV is fitted in accordance with the below conditions and that consideration is given to restricting the sale of alcohol to 1800 hours to 2300 hours Monday to Sunday, again until CCTV is fitted in accordance with the suggested conditions. Therefore the conditions are as follows: -

1. The sale of alcohol will be restricted to 1800 hours to 2300 hours Monday to Sunday until CCTV is fitted to the satisfaction of the police.
2. The premises will close at 2330 hours
3. A minimum of 2 SIA registered door staff will be employed on Friday and Saturday during the trading period and for any Bank Holiday Sunday and Monday.
4. The pool table in the main bar area will be removed until CCTV is fitted to the satisfaction of the police. The pool table in the children's area will remain but will be exclusively for the use of persons under the age of 16 years.

The further conditions I would ask the committee to consider, either at this interim step stage or at the full review stage, are as follows: -

1. CCTV to be fitted to a standard agreed to by the police that complies with The CCTV Code of Practice (2008 edition) produced by the Information

**Commissioners Office, with the entire public area of the premises to be monitored by CCTV.**

- 2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.**
- 3. CCTV shall be operational at all time that members of the public and/or staff are on the premises.**
- 4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.**
- 5. The Police or Local Authority will have access to these images at any reasonable time.**
- 6. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image immediately on request.**
- 7. 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.**
- 8. A minimum of 2 door supervisor will be employed at the premises from 2000 hours, on every Friday and Saturday until close of trading, and on every day of any Bank Holiday period again starting at 2000 hours until close of trading.**
- 9. An additional a minimum of 2 SIA registered door supervisors will be employed whenever the function room is in use from the time the event starts to the close of trading.**
- 10. All security staff will wear a reflective jacket, tabard or armband.**
- 11. All security staff will display their name badges by way of a reflective armband.**
- 12. It is the responsibility of the Designated Premises Supervisor to ensure that all incidents are reported to the police.**
- 13. A logbook will be kept detailing all incidents 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.**
  - Any other details thought relevant.**
  - Each day has to be signed and dated.**
- 14. A register will be kept of all security staff working at the premises for every time that the premises are open for trading. This register will be a bound book and it will contain the following information: -**
  - Day and date of entry.**

Time that member of security staff starts and finishes work.

Full name.

SIA registration number.

Signature of the member of security staff.

15. Regular checks will be made in the toilets in order to discourage drug use within them. These checks will be a minimum of every 20 minutes during trading hours and will be logged.

16. Access will be given at all reasonable times to the police in order for swabs to be taken for the Ion Track Drug Testing machine.

17. Police will be permitted to use the Ion Track Drug Testing machine as a condition of entry at all reasonable times during trading hours.

18. All glassware to be removed and replaced by toughened or Polycarbonate glass and any bottled drinks to be decanted.

19. The premises will become a member of the Swale Safe radio network (subject to the agreement of the Board of Directors) whenever the network is able to operate in the Leysdown area.

20. All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

Signature of applicant:

Date: 22th April 2009

Capacity: Mid Kent Licensing Officer



Contact details for matters concerning this application:

Address:

Sittingbourne Police Station

Central Avenue

Sittingbourne

ME10 4NR

Telephone number(s): 07980 770428

Email: barbara.murray@kent.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.