

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Swale Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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 Supt Lukey [on behalf of] the chief officer of police for the North Division 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 & Mr E Thompson

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 approximately 01:15 on Sunday 9th July 2017 there was a violent disturbance directly outside Merlins. This serious incident involved four males exiting Merlins club and immediately punching another four males to the head causing serious injuries.

Injuries:

Injured Person 1 – Male has suffered a fractured jaw in three places. This has required surgery and the insertion of a metal plate.

Injured Person 2 – Male was knocked unconscious at the time of the incident and required hospital treatment. This victim has subsequently suffered a potentially life threatening bleed on the brain.

Injured Person 3 - Male has suffered a black eye and bruising to the rib area.

Injured Person 4 - has suffered injuries to his facial area.

This is an incident of serious crime and disorder.


Three suspects for the offences are still outstanding and have yet to be located by police. One of the outstanding suspects is the son of the premises owner.

Merlins were in breach of their premises licence at the time of this incident by failing to comply with two conditions, which potentially could have prevented such an incident occurring or assisted in the subsequent police investigation.

Full evidence will be provided at the hearing.

In order to promote the licensing objectives of the prevention of crime and disorder, promotion of public safety and protection of children from harm, the interim step police seek is a suspension of the Premises Licence pending the full review hearing.

The suspension of the premise licence will allow the premises to reset pending the full review. During this period the police will be able to examine more closely the operation of the premises and should revocation not be sought, police and management may be able to agree necessary alterations to the operation of the premises including but not limited to: reduction in the operating hours, the requirement for door staff, and the potential change of management.

 5/17/10/17

Signature of applicant:

Date: 13th July 2017

Capacity: Superintendent Lukey - North Division

Contact details for matters concerning this application:

Address: **PC 12000 Chris Hill - North Division Licensing Officer**
Community Safety Unit
Medway Police Station
Purser Way
Gillingham
Kent
ME7 1NE

Telephone number(s): 01634 792276

Email: christopher.hill@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.

Kent Police
Force Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ

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.

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

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

Name of premises supervisor (if known): Mrs Leonora Dunne

I am a Superintendent in the Kent Police Force

I am giving this certificate because I am of the opinion that the premises are associated with serious crime and that other procedures under the Licensing Act are inappropriate.

The nature of this offence is so serious as to justify the immediate decision to call an expedited review. Other powers under the licensing act, or other acts, are not appropriate and do not address the issue with immediate effect; a standard licence review would not suffice as it will take 28 days to come to hearing and may be appealed prior to application, allowing the public house to continue operating without any changes to its operation well into the summer period, where it could be reasonably anticipated it will be busier with the potential for heavier alcohol consumption. This will fuel the risk of further serious crime occurring before sufficient measures can be put into place to prevent crime and disorder.

The benefits of dealing with this by way of an expedited review allows an interim step of suspension to apply immediately, thereby safeguarding members of the public and preventing further offences.

On Sunday 9th July 2017 around 0115 hours a violent incident occurred directly outside Merlins between two groups of males. This serious incident involved four males exiting Merlins club and immediately punching another four males to the head causing serious injuries.

As a result of this incident:-

Victim 1 - has suffered a fractured jaw in three places. This has required surgery and a metal plate inserted into his jaw area. This is currently being investigated by Kent Police as assault occasioning Grievous Bodily Harm (GBH).

Victim 2 - was knocked unconscious at the time of the incident and required hospital treatment.

This victim has subsequently suffered a potentially life threatening bleed on the brain. This is currently being investigated by Kent Police as assault occasioning Grievous Bodily Harm (GBH).

Victim 3 - has suffered a black eye and bruising to his rib area. This is currently being investigated by Kent Police as assault occasioning Actual Bodily Harm (ABH).

Victim 4 - has suffered injuries to his facial area. This is currently being investigated by Kent Police as assault occasioning Actual Bodily Harm (ABH).

Merlins have been found to be in breach of their premises licence by failing to meet two conditions listed. These conditions were applied to the premises licence after a previous committee hearing and were felt necessary to promote the licensing objectives.

1. The premises had no SIA registered door supervisors present at the time of this incident. The premises licence details that two should have been present, a factor which could have potentially prevented this violent incident.

2. The premises licence also requires a member of staff to be on duty who can make CCTV recordings of any incident, this was not the case. Kent Police were not provided with the correct recorded copy of CCTV from Merlins as requested, a matter that has hindered the police investigation into this incident.

Kent Police are of the opinion that if the premises were to remain open to the public it may be a flashpoint for further incidents of serious crime and disorder. Furthermore, the Police wish to see this premises temporarily closed until a full review of the facts can be undertaken by the Council Licensing Committee with regard to the management of the premises. This enables consideration to be given as to whether further controls are required at the premises so as to prevent serious crime and disorder. Until this consideration is undertaken Police consider that there is a risk of serious crime and disorder reoccurring at the premises.

Due to the above, Police are seeking the interim step of suspension of the premises licence to prevent serious crime and disorder from reoccurring.

Superintendent Lukey



5/11/10 10434
