

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Sevenoaks District Council

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 Superintendent Keers [on behalf of] the chief officer of police for the 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:

**The Royal Oak
West Yoke
Ash**

Post town: Sevenoaks

Post code (if known): **TN15 7HT**

2. Premises licence details:

Name of premises licence holder (if known): Shepherd Neame Ltd.

Number of premises licence holder (if known): 11/00342/LAPMV

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]

The Royal Oak public house is a premises situated in a semi-rural location, on a main road close to New Ash Green.

The premises licence stipulates the times for the supply of alcohol on Friday and Saturdays as 10:00 - 01:00 hours, and stipulates the opening hours on Friday and Saturday as 10:00 - 01:30 hours.

At 01:55 hours in the early morning of Sunday 11th August 2013 a male person was subject of a serious assault, where he was punched and then kicked repeatedly in a totally unprovoked attack. The victim did not fight back, instead crouching down and protecting his head with his arms.

The assault took place directly outside the entrance of the premises, in the smoking area in front of several witnesses. Both the victim and the offender had been drinking in the bar area of the premises, but did not know each other.

Shortly before the assault, the bar area was still busy, with between 10-15 customers and a member of bar staff. CCTV from the premises shows people still drinking alcohol. The victim of the assault also confirms this in a signed witness statement, and it is very likely customers were still being served.

The victim suffered a suspected broken nose, and a large deep wound running the length of his nose. This bled profusely immediately after the attack, and in a matter of seconds following the attack, the victims friends dragged the victim inside the premises, where he lay on the floor with his legs raised in an attempt to stem the bleeding. The victim was covered in blood and had a visible wound to his nose. Pictures taken by customers at the time show how serious the injury appears.

The victim of the attack states that he vociferously and clearly requested an ambulance a number of times, but heard the premises supervisor state a number of times, "He doesn't need an ambulance, take him home, we're not having the police here". The premises supervisor himself also admits taking the phone from the victims friend and speaking with the 999 operator.

CCTV footage was not made readily available to attending police officers, and upon a police licensing visit on 13th August 2013, initially advised that the footage had been deleted. Subsequently however, the supervisor was cooperative and allowed a viewing of the footage, which confirms the above out of hours licensable activity. The CCTV system has been seized for further analysis.


A standard review is not suitable because:

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

- **Other powers of closure are not applicable retrospectively**
- **Although the staff themselves are helpful police 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**
- **Interim measures applied by a licensing panel has the ability to prevent crime and disorder with immediate effect.**

The added value of interim steps being imposed at an expedited review may effectively address the problems with immediate effect in the following manner:

- 1) Reduction in supply of alcohol all days of the week to 23:00 hours**
- 2) Reduction in closing time of premises all days of the week to 23:30 hours.**
- 3) Removal of the current DPS.**
- 4) CCTV system to be replaced or adapted to allow immediate taking of images recorded by police upon arrival whether on disk, video tape or otherwise. All recordings to be kept for a minimum period of 28 days - prevention of crime and disorder, by allowing immediate viewing and circulation aiding apprehension of offenders - this allows an interim measure by the premises with CCTV coverage continuing following an incident**

Signature of applicant:  PC 9923 PR

Date: 14th August 2013

Capacity: Superintendent

Contact details for matters concerning this application: PC 9923 BERESFORD

**Address: Licensing Officer
Tasking & Coordination Unit
Maidstone Police Station
Palace Avenue
Maidstone
Kent**

Telephone number(s): 101

Email: west.division.licensing@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.