



Kent Police

Chief Officer of Police Representation in relation to an application for **variation** of premises licence **to specify individual as premises supervisor** made under Part 3 **Section 37** Licensing Act 2003 (S37(5) Licensing Act 2003)

| Details of person making representation | |
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| Name of Chief Officer of Police | Chief Inspector Peter Steenhuis |
| Postal Address: (Area Headquarters) | Police Station London Road Swanley Kent BR8 7AG |
| E-mail address | carol.perkins@kent.pnn.police.uk |
| Telephone Number: | 101 |

| Details of premises representation is about | |
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| Name of Premises: | New Inn Public House |
| Address of premises: | 75 St Johns Hill Sevenoaks Kent Police TN13 3NY |
| Date application received by police | 02/04/2012 |
| Date representation sent to Licensing Authority | 12/04/2012 <i>Must be within 14 days of receipt - S.37(6) Licensing Act 2003</i> |

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? **YES/NO**

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| If yes, complete the following statement: - Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because the proposed premises supervisor, David THOMAS does not have the necessary support, abilities, confidence or experience to run a public house with a history of clearly defined problems and recent serious crime. The reasons are outlined below; |
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The New Inn is currently awaiting a review hearing, where Police have requested revocation of the premises licence, due to serious crime taking place at the premises. In the meantime, via a letter from the Premises Licence Holder (Admiral Taverns) Police were informed that a new DPS, David THOMAS, had been placed into the pub. He was described by Admiral Taverns as 'an experienced operator with good standards'.

On 12th April 2012, the Sevenoaks police licensing officer met with David THOMAS at Sevenoaks Council Offices. Notes were made of the conversation in the presence of David. The following concerns were noted:

- David stated that this would be the first pub that he has run as a DPS.
- When asked about previous bar experience, he stated he had worked a couple of shifts at another pub, but was unable to name the DPS at that pub.
- He then clarified he didn't work behind the bar, but helping the staff.
- When asked about the managing of the pub, David was under the impression that it was the role of the leaseholder of the property (his employer) Reginald ESQULANT. David did not understand the responsibilities of being a DPS.
- When asked about his history with the New Inn, he explained that he had worked there since about Christmas 2011 (around the time that the pub was taken over by a third-party leaseholder). This involved helping out and moving barrels, and he had subsequently been asked to take over as DPS a couple of weeks ago, by Mr ESQULANT.
- David confirmed that the only training he had completed for the role of DPS was done as part of obtaining his personal licence. He has had no direct training in relation to the New Inn, has not been given the opportunity to shadow an experienced DPS, and not given any development guidance or plan, written or otherwise.
- David did not have any plans with regards to his running of the New Inn. He explained he 'popped' into the pub 3 or 4 times a week, and does not work Friday or Saturday evenings.
- David said that all the staff have his contact number and know how to contact him. He also confirmed he knew mobile phone numbers for all the staff.
- When asked about the staff at the pub, he could only name one of them, Rachel, and stated he knew the others 'by face'. Challenged about how he addressed them when ringing on their mobile phones, he changed his mind and stated he only had Rachel's phone number.
- David explained that there were 4 or 5 staff working at the New Inn, which he believed Rachel had taken on. Asked why Rachel wasn't the DPS, he explained she didn't have a personal licence (although she apparently has one now).
- David stated there had been no problems at the pub since he became DPS. He was unaware of a noise complaint and possible unlicensed activities following a birthday party at the pub, and was not informed by Rachel (whose birthday it was) and who was too 'ill' to speak to attending police officers.

David did not in any way portray the 'experienced operator' as described by Admiral Taverns. It is believed this is because Admiral Taverns have devolved their

responsibilities to the leaseholder Reginald ESQULANT, who has hired David out of convenience (David is the partner of Reginald's daughter).

Regardless of David holding a personal licence, in this case this is not sufficient preparation for running the New Inn. In recent months the management structure has failed massively to uphold licensing objectives, to the extent that a pattern of serious crime has come to light (which as stated above is subject of another review). David is still connected with the previous staff and management structure. Most worryingly are his connections with Reginald ESQULANT, who whilst not the Premises Licence Holder or DPS himself, manages the licensed activities at the pub and did so previously whilst serious crime was taking place. It appears that Reginald has nominated a notional figure-head DPS (David), so that he can continue running the day to day activities of the pub. Clearly, if this is allowed to happen, it is likely that further crime will take place at the New Inn.

Negotiations have taken place with Admiral Taverns, requesting a complete change in the management structure at the New Inn, including Reginald ESQULANT, which they have as yet failed to do. Even with David as DPS, the above circumstances strongly indicate the previous management structure is still in place. Also, as indicated by the false statement by Admiral Taverns, their control and responsibilities as Premises Licence Holder for the New Inn have been diluted to the point that they are not properly informed, and unable to effect positive changes in the management structure at the New Inn.

For the above reasons it is respectfully requested that David THOMAS be refused the position as Designated Premises Supervisor for the New Inn.

Please use separate sheets where necessary

Signed:

Print name: MARK BERESFORD

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

Date: 12/04/2012

Force Number: 9923

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.