

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

[REDACTED] M [REDACTED] took control of the Falcon Inn's lease on 1st July 2017. Kent Police does not have any confidence in how the premises have been operating since then. M [REDACTED] has taken control of the lease at this premises, there has been an increase in recorded crime and calls to the Police in general. Most disturbing is that on one occasion a Police officer was severely assaulted and had his eye socket broken.

The Police have serious concerns that the manager/DPS have failed to promote the Licensing objectives of the Prevention of Crime and Disorder and the Promotion of Public Safety.

It is Kent Police's opinion that all the time M [REDACTED] is associated with the premises the Premises licence should be suspended. When the premises is under new management / DPS it will require a number of conditions that should be applied to its licence, to fully support the day to day management of the premises and also the licensing objectives.

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**Please provide as much information as possible to support the application**

(please read guidance note 2)

**The Premises**

The Falcon Inn at 460 Margate Road, Broadstairs, Kent. CT10 2PR. It is situated on a Main road that is close to Westwood Cross shopping complex. Access to the premises is either by the entrance that is visible on the main road or from the rear via the premises garden. A large customer car park also connects to the premises garden and premises.

**Ownership**

The premise is owned by the premises licence holder Antonio Papa-Adams. Papa-Adams has allowed M█████ to take out a 12 month tenancy agreement to open the premises as, The Falcon Inn, from 1st July 2017. On the 6th July 2017 Mr Antonio Papa-Adams became the DPS (previously held by the brewery). On the 20th September 2017 Ms Kelsey Scott who was the girlfriend of M█████ became the DPS but she rescinded this when the relationship came to an end a week later. On 5th October Sandra Jackson (who Papa-Adams later said to the Police that she was the cleaner at the premises) became the DPS and is still shown in this position.

Because of his previous criminal convictions, at no time would Police have said that M█████ would be eligible to be the DPS

**Increasing concern**

M█████ took over the tenancy of the premises formerly known as the Grog Wrench and the premises was renamed The Falcon Inn. This was on the 1st July 2017. On the 6th July 2017 the Designated Premises Supervisor (DPS) was changed to Mr Tony Papa-Adams.

On 15th July 2017 M█████ calls the Police after finding a handgun hidden in a flowerpot, in the premises garden. When asked for CCTV he told the call taker that CCTV would be kept for 30 days but informed the call taker that the firearm was in a location that was not covered by CCTV. The Police attended and seized the firearm, made it safe and was confirmed as a gas powered BB hand gun.

At 2344 hours the same day Police received a call from the staff saying there was a large disturbance and people were trying to force their way into the premises. There were already around 10 people in the premises and both male and females were described as kicking off. The call taker could hear the argument in the background. The person making the call also described the people as being drunk. A female who said she was the manager said that the group was drunk and that they were banging on the windows and that they were trying to close the doors at the premises. When the Police arrived all was in order and no damage or offences were recorded.

On Sunday 30th July a call was received from M█████ after a window had been damaged at the premises. He claimed that people had thrown a brick through the window and were still inside. Nearby patrols spoke to a group who said that they had seen another group run away from the premises and they said to the patrol (as recorded on the log) that the landlord did not want the police being called.

A patrol attended the premises and was taking details about the damage that had been caused and it was then that the Police needed to call for assistance as two males inside were causing issues.

Both males were asked to leave by the staff and the Police officer. Both males eventually left the premises, but decided to stand outside and were refusing to leave the area. There were now 3 Police officers and were repeatedly asking them to leave the area in a non-threatening manner. It was at this point, one of these males turned around to walk away. This male then turned around towards the PC Platt when completely unprovoked, he violently assaulted the officer by punching him with his right clenched fist full in his face. As a result the PC Platt received a fractured cheek bone and fractured eye socket. The male, who was drunk, had been drinking in the premises. He was arrested and charged causing Grievously Bodily Harm. PC Platt had to take significant time to recover from these horrific injuries.

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On the 10th August a member of staff called the Police at 03:42 hours in the morning raising the concern that there were people in the bar refusing to leave. Licensable activity should have ended at 0100 hours as per the licence conditions. Later that same day Police were called again after a drunk male became aggressive and was arrested for being drunk and disorderly.

The Police Licensing officer attended the premises on the 12th August 2017 to speak to the DPS as there were concerns around after hours drinking. With the details as above it was concerning the Licensing Officer that M [REDACTED] was treating the premises as a private drinking club and serving people to the point they were uncontrollably drunk. M [REDACTED] claimed they were not selling alcohol so the till logs and CCTV were requested. The till logs were emailed to the Police and M [REDACTED] was emailed again asking for the CCTV. On the 17th August 2017 M [REDACTED] emailed to say that the CCTV only goes back 3 days so it was too late to retrieve it. It is the opinion of the Police that M [REDACTED] has deliberately frustrated the CCTV as it would show sales of alcohol particularly as how he had previously told a police call taker that the CCTV was available for 30 days. On reviewing the till logs it clearly showed sales of alcohol after 0100 hours. On speaking to him M [REDACTED] claimed these sales were staff paying off bar tabs.

On the 31st August 2017 a person calling themselves the Landlord calls the Police describing a large scale disorder where females are being dragged out of the premises by their hair, staff were scared and were in hiding. He stated that he could not stay on the phone as if they find him it will be very bad for him. Panic buttons have also been pressed. Police attend and officers speak to M [REDACTED] who says nothing has happened and that he didn't want some males in the premises but would not ask them to leave. The Police have concerns that a violent altercation has taken place and on arrival the Police are told a different story and M [REDACTED] does not want to provide any details. Again M [REDACTED] is clearly showing he is not in control nor promoting the licensing objectives.

On the 1st September 2017 the Police Licensing Officer attended again to try to find out what had happened. M [REDACTED] denied saying that he did not want to talk to the Police and said things were taken out of context to what had actually happened. M [REDACTED] was asked to provide an email account of how the premises are run in terms of the DPS, managers and staff as it was unclear who was running the premises and what their roles were. This request has, to date, never been received.

On Friday 22nd September 2017 Ms Scott contacted the council and resigned as the DPS of the premises. The Local authority attended and informed M [REDACTED] that as there is not a DPS at the premises so he could not sell or display any alcohol. Suspecting that M [REDACTED] would continue to sell alcohol over the weekend PC Dennett requested till logs to ensure this was not the case. When examined the Till logs showed a concerning pattern that the Premises licence was breached and that alcohol was sold without a DPS on the Premises. The till logs show a large quantity of drinks being sold as "Misc Bar" however the drinks sold are of the same price as alcoholic ones. This can be evidenced in a previous till log where suspected after hours drinks were sold. Two examples of this are that as only soft drinks could be sold. Soft drinks were showing up on these till logs. One "Misc Bar" price was £4.00 and another £3.95. When cross referencing to the previous till log. A £4.00 drink was for Real Ale and the £3.95 was for a bottle of Bulmers.

On the 25th September 2017 a new DPS was put in place at the premises. This is Sandra Jackson.

On 28th September 2017 at 0400 hours M [REDACTED] and 3 other males were stood in the car park, and saw a Police patrol vehicle which had seen them and drove into the premises car park as it looked suspicious, at this time in the morning. All males ran into the back of the pub and shut the door. When the Police knocked on the door and M [REDACTED] eventually answered he allowed them in. He was described by officers as very "anti-police". He told the Police he hated them. There were 3 others in the bar, one of which was clearly drunk. M [REDACTED] admitted himself that this male was a customer in the pub, and said he was not serving any drinks. However there was a pint of drink on the bar, and they had all been clearly drinking. M [REDACTED] refused to provide any details to the police and said that he had only just got his licence back. As the Police left, PC Groom heard M [REDACTED] calling them "wankers".

On 3rd October 2017 M [REDACTED] calls the police for assistance after a female is causing a disturbance at the location. Police attend and female who had been threatening to damage cars and assault staff had now calmed down, there were no further allegations of damage or assaults and the female left the area with the landlord and family.

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On the 7th October 2017 M [REDACTED] and another were arrested for GBH. In that offence it is alleged that that M [REDACTED] has turned off the CCTV in the premises and then violently assaulted the victim. This took place outside which would have been covered by the CCTV. The CCTV is then turned back on and shows M [REDACTED] washing his hands. When the police arrive, M [REDACTED] makes off and strongly suspected that as he did so he listens and watches the officers' actions from the CCTV via an App on his phone. The victim ultimately does not support the allegation so no charges are considered.

There have also been a number of other calls to the Police and other recorded crimes, harassment and theft to name a few.

Since M [REDACTED] has been at this premises. The number of incidents and calls has increased dramatically. More recently a frosted film sticker has been applied to all windows so no person can view into the premises. The Police suspect this has been done so that passing patrols cannot physically see inside and will also assist M [REDACTED] if he was to continue to sell alcohol after the premises licensable activity.

Premises Licence Holder – Ekogenia Limited owned by Mr Antonio Papa-Adams

Due to the concerns at the premises the Police licensing officer had a meeting on 6th October 2017 with Papa-Adams, regarding the alarming issues emanating from the premises and the extremely poor attitude of M [REDACTED]. Papa-Adams was apologetic and said that he would resolve the issue and instruct his solicitors about terminating the lease. This has not happened.

On the 7<sup>th</sup> October 2017 Papa-Adams contacted the Police licensing Officer and wanted to discuss actions he was planning to take and that Sandra Jackson wanted to resign as the DPS. This has not happened. Papa-Adams said during the meeting that he had made an error and that M [REDACTED] was given the tenancy incorrectly as M [REDACTED] should have been eligible to hold the position as the DPS, which due to his past history is not possible.

Papa-Adams was told quite clearly about the Police's serious concern about the premises all the time M [REDACTED] is on the tenancy and playing landlord. Papa-Adams has done nothing to resolve this issue and the Police have no choice but to bring the premises licence to review so that all of the licensing objectives are being fully promoted.

### Summary

Since M [REDACTED] has assumed the role and responsibility as Landlord the level of crime at the premises has dramatically increased. He is serving alcohol with or without a DPS, serving people to the point they are drunk and aggressive and in essence treating the place like a private members drinking club. CCTV is sporadic and will only be handed over when it assists the premises. Indeed he will call the police to serve his purpose but then thwarts them when they are there so no investigation can be conducted. He has conducted lock-ins when warned just days before hand and thinks nothing of selling alcohol up until 4am. Not only is M [REDACTED] failing on every level to be a responsible landlord, but the premises owner is doing nothing to rectify the situation.

Police request the following measures to promote the licensing objectives:

Suspension of the premises licence for one month, to permit the finding of an appropriate DPS, deal with the lease issues, remove obscuring of the bar area, enable full and proper training of staff, employ a new manager and allow the premises to reset in terms to enable changes of management practice and resetting of clientele. M [REDACTED] cannot have any connection to the running of the premises.

The Police seek consideration of the following conditions being applied to the licence:

1. Sale by retail of alcohol to end at 0000 hours.

This is a residential area and the Police are aware of a noise complaint made to Environmental Health. M [REDACTED] also wanted to extend licensable activity to 0300 hours. The reduction will support the licensing objectives. The calls from staff 3 hours after they have closed saying they need assistance, suspected after

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hours sales of alcohol, M [REDACTED] and others run from Police as seen acting suspiciously and 2 GBH reports all after 0000 hours.

2. Close of premises at 0030 hours.

This is to allow a 30 minute drink up period.

3. CCTV to be installed, working, maintained and recording with a 30 day record function. Copies to be made to the Police and Local Authority immediately upon request.

CCTV that is installed and working will support all objectives and safeguard the premises.

4. At all times licensable activity takes place, there will be at least one member of staff on duty that can operate and download CCTV.

If a request is made this condition will allow there to be no delay in securing the footage.

5. During any licensable activity there will be a minimum of one personal licence holder on duty at the premises at all times.

Due to the poor running of these premises it needs a stable footing and this will allow in the absence of the DPS a suitable qualified person will support the licencing objectives in their absence.

6. There will accurate and up-to-date signed training records of all staff. Training refreshers to be carried out every six months or upon commencement of employment.

Due to the poor running of these premises, this condition will ensure that all staff are suitably and regularly trained.

7. A clear view of all areas of the bar and seating area is to be maintained so as to be visible from outside of the premises.

The Police believe the frosted effect film that has been placed in all windows have been placed there to obscure visibility of passing patrols. With strong belief that sales after licensable hours has taken place this will support that when the premises is closed it can be clearly seen by any passing officer.

8. Any event or evening where SIA security is employed, each SIA security staff will wear a body worn video.

Body worn video is a great tool in support the licensing objectives. It secures footage and also helps significantly to dissolve any potential problems.

9. Off sales will not be permitted, no alcohol is to leave the area defined by the licence.

This is to ensure that alcohol is only drunk in the premises of the garden. Due to its locations this restriction will make it safer for passing vehicles on the main road.

