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Great North Road
Newark
NG24 1BY*

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www.newark-sherwooddc.gov.uk

LICENSING HEARING - MONDAY, 23RD NOVEMBER, 2020

Revised Appendix 1 – Review Application Form
(Pages 17 – 35 on the original Agenda)

Revised Appendix 1

An application has been made to Newark & Sherwood District Council as the Licensing Authority for this area for a review of the Premises Licences for Madisons, 39A Carter Gate, Newark, NG24 1UA

The grounds for the review are:

That the Holder of the licence has undermined the Licensing Objectives

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- Protection of children from harm

Anyone who wishes to make representations regarding the application must give notice in writing to:-

The Licensing Manager, Newark & Sherwood District Council, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY or by e-mail to request@nsdc.info. Such representations must not be received any later than **30th September 2020**.

The application and register setting out the grounds for review may be viewed at:

www.newark-sherwooddc.gov.uk/premisellicence/

It is an offence under section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5,000)

Dated: 2nd September 2020



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 Kate Ansty (Senior Licensing Officer, County Licensing, for and on behalf of the Chief Constable)
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Madisons 39A Cartergate Newark	
Post town Nottinghamshire	Post code (if known) NG24 1UA

Name of premises licence holder or club holding club premises certificate (if known)
WAGS Leisure Limited, Company Number: 12123239

Number of premises licence or club premises certificate (if known)
002453

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

Mr Mrs Miss Ms Other title
(for example, 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

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address The Chief Constable Nottinghamshire Police Sherwood Lodge Arnold Nottingham NG5 8PP [Please see Part 3 of this application for correspondence address]
Telephone number (if any) 101 extension 3108320
E-mail address (optional) daveen.brown@nottinghamshire.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 | ✓ |
| 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 2)

There have been several serious incidents take place at the premises since the premises licence was granted and the premises was able to open at the end of November 2019, these incidents include at least three occasions of a large fight both inside and outside the premises, drinking glasses used as a weapon, and injuries to customers including a broken jaw, part of an ear being damaged from being bitten, and a fractured cheek bone. Officers also identified on CCTV young adults drinking alcohol that they know to be under the age of 18 years.

Nottinghamshire Police have no confidence in the management to ensure that the licensing objectives are promoted and that they have full control of the premises.

The premises has breached the conditions in place upon the premises licence resulting in written warnings being issued, despite continued support and guidance from Nottinghamshire Police and Newark and Sherwood District Council.

Please provide as much information as possible to support the application (please read guidance note 3)

The licensing objectives of the prevention of crime and disorder; public safety; protection of children from harm, and prevention of public nuisance have all been undermined at this venue.

The premises are situated in Newark Town Centre, with a premises licence that allows the sale of alcohol both on and off the premises, in addition to other licensable activities.

Premises Licence Holder is WAGS Leisure Limited, Companies House shows the sole director of this company to be Gemma Stevens. Gemma Stevens is also the Designated Premises Supervisor and has been since the premise licence was granted in November 2019.

Incidents (not a comprehensive list – All incidents are included in the Police evidence bundle).

23/08/2020 Report – Serious assault on three males victims by approximately 15 other persons inside the premises which lead to it continuing outside. Serious facial injuries sustained and bruising to all victims.

13/08/2020 Report – Caller reports fight outside Madisons, Male went in Madisons was abusive towards staff another patron took him out of Madisons and then there was a fight. Male punched to the face and became unconscious and had heavy bleed from his head.

01/08/2020 Report - Two males arrested for fighting both in and outside of Madisons, one male had part of ear bitten and removed. Due to level of disorder a Section 34 dispersal order was authorised for Newark Town Centre.

18/07/2020 Report –Male disorderly with door staff, officer were outside the premises so ejected the male and arrested him for drunk and disorderly behaviour. Upon searching the male he was found in possession of a knuckle duster and consequently arrested for the same.

04/07/2020 Report - A large fight took place over the duration of 20 minutes, with a person reported being body slammed against a wall and has a dislocated shoulder. Customers within the outside drinking area at the front of the premises assaulted a person in a vehicle, drinking glasses were thrown at the vehicle, at the premises and at other persons leading to a member of staff being injured by a piece of glass within their eye.

01/02/2020 Report – victim reporting he was punched multiple times leading to a bloody nose, states the offenders were staff members as he was telling people the premise were closed.

Visit to Premises.

29/07/2020 K Ansty, Janine Reddish, Pc Harrison, met Gemma Stevens, and Michael Kheng to discuss application to vary the premise licence.

21/07/2020 D Brown Nottinghamshire Police, Tony Gregory Newark and Sherwood Licensing team and Gemma Stevens DPS. Support and Guidance given to DPS.

11/07/2020 K Ansty & D Brown working night time economy, identified breach of SIA door staff condition as only one was working at that time. Premises closed early. Warning letter was issued.

04/07/2020 – Officers from Newark and Sherwood District Council and Officers from Nottinghamshire Police on a night time economy 'Covid night of action' visited the premises, only one SIA Door Supervisor working.

13/01/2020 Meeting with D Brown & Gemma Stevens to offer support and guidance.

18/12/2020 Meeting with Gemma Stevens, Justin Terry, Wez Ranyard, Kate Ansty and D Brown to discuss future events at the premises, best practice advice and support given.

22/11/2020 K Ansty and D Brown Nottinghamshire Police Licensing working late night economy. Premise visited and spoke to Gemma Stevens, contact details given.

Warning Letters

On 24th August 2020 letter sent addressing an incident that occurred on 4th July 2020, whereby glasses were smashed and used as weapons and breaches of condition identified.

On 11th July 2020 letter sent addressing breach of Door Supervisors condition.

Summary

On 22nd July 2020, the Premise licence holder applied for a variation to extend the hours of their current premise licence and also to remove and replace conditions within Annex 2. On 13th August Nottinghamshire Police submitted a Notice of Representation to Newark and Sherwood District Council apposing to the application in its current form. Due to gathering evidence to submit to the Licensing Panel, it became apparent from looking at incidents in further detail and viewing CCTV that the premises were a greater concern than initially realised.

CCTV footage of incidents clearly shows large disorders taking place where by both staff and customers are placed in a dangerous situation that can cause them great harm, and persons underage have been identified drinking alcohol within the premises.

Due to breaches of licence conditions being identified and incidents taking place, meetings have been held between Gemma Stevens, the Designated Premises Supervisor (DPS) and Police Licensing to highlight areas of concerns, discuss incidents that have occurred and offer solutions and support. The warning letters that have been issued are to formally address the breaches that have been identified, but they also highlight failings in upholding licensing objectives and compliance with the conditions already placed upon Annex 2 of the premise licence.

The majority of the serious incidents have occurred since licensed premises have been able to reopen with Covid restrictions being in place. This has meant Madisons has been operating only using a small part of the premises on a capacity of 50 persons. Nottinghamshire Police are concerned that despite the reduce number of customers social distancing is not taking place within the premises, and serious incidents are still occurring due to poor management and lack of control. Nottinghamshire Police are of the opinion that if Madisons were to operate over a greater capacity and area of the premises, these incidents would only increase which would not only cause a greater risk to the customers visiting the premises, but also be a detriment to the reputation of Newark night time economy.

The Police support premises and encourage well managed, safe premise to thrive. Nottinghamshire Police have concerns that the management of the premise is undermining the licensing objectives. Gemma Stevens has shown a disregard for advice from Nottinghamshire Police and has continued to operate the premise whilst breaching the premise licence.

Nottinghamshire Police believe in order to rectify the issues surrounding crime and disorder and to ensure the premises is able to fully uphold all four licensing objectives, we would request the Licensing Authority consider the following:

- Reduce times that licensable activities can take place so that they cease at midnight Monday – Sunday with the premises closing 30 minutes after at 0030 hours.

- Remove Gemma Stevens as the Designated Premises Supervisor.
- Add additional conditions to promote best practice:

-Three SIA registered door supervisors shall be on duty on Friday and Saturday evenings from 2000 hours, and if the rear area, the area within the blue line marked on the plan for the premises licence, is open a further two SIA registered door supervisors shall be on duty from 2200 until the premises close. This condition may be disapplied/ amended by written agreement with the Police at least 2 working days prior to the date and time of the disapplication and such written agreement retained at the premises.

-that those door supervisors are easily identifiable in some sort of uniform and non-casual clothing

-Consider different SIA Door Supervisors than those current employed.

- That the area of the front of the premises onto the public pavement is covered by a café pavement licence for regulation and control (or by whatever name covers the purpose of a licence known as) issued either by Nottinghamshire County Council or Newark and Sherwood District Council for the placing of tables and chairs to be used by customers.

-for a CCTV camera to be placed covering the area occupied by a café pavement Licence and for it to be recording at all times

A revocation has been considered due to Gemma Stevens being both DPS and sole director of the WAGS Leisure Limited, however, Nottinghamshire Police are confident that if a competent DPS was put in place at the premises, the licence could be complied with. We would not request a revocation at this time, but we do support the Licensing panels decisions for revocation if they wish to make it.



Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

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

Not applicable.

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 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

1st September 2020

Capacity

Senior Licensing Enforcement Officer, for and on behalf of the Chief Constable

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Daveen Brown
Mansfield Police Station
Great Central Road
Mansfield

Post town Notts

Post Code NG18 2HQ

Telephone number (if any) 101 extension 3108320

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Daveen.brown@nottinghamshire.pnn.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

