



Licensing Sub-Committee

Date: Monday, 29 April 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)
Jon Andrews, Les Fry and Emma Parker

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact 01305 224877 john.miles@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item		Pages
1.	ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING	3 - 4
	To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

4. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

5. REVIEW OF THE WINE BAR (ROCKY'S), QUEEN STREET, GILLINGHAM

5 - 84

An application has been made to review the premises licence for the bar currently known as Rocky's in Queen Street, Gillingham. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

6. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.



THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
 - the members of the sub-committee
 - the council officers present
 - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. The Chairman will:
 - advise when the sub-committee’s decision will be confirmed in writing.
 - Inform those present of their right to appeal to the Magistrates’ Court.

NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

This page is intentionally left blank

Licensing Sub-Committee

29 April 2024

Review of the Wine Bar (Rocky's), Queen Street, Gillingham

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr B Ridout

Executive Director: Jan Britton, Executive Lead for Place

Report Author: Aileen Powell
Job Title: Licensing Team Leader
Tel: 01258 484022
Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made to review the premises licence for the bar currently known as Rocky's in Queen Street, Gillingham. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of; -

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

Reason for Recommendation: The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

1. Details of Application

- 1.1 Section 51 of the Licensing Act 2003 (the Licensing Act) gives any person, the right to apply for a review of an existing premises licence. The “Revised Guidance issued under section 182 of the Licensing Act 2003” (the s182 Guidance) states at paragraph 11.1 that a review is the “key protection” if a licensed premises is causing problems.
- 1.2 On the 26 February the Ward Councillor, Cllr Belinda Ridout applied to review the premises licence of the Wine Bar, known as Rocky’s, on behalf of local residents.
- 1.3 The grounds for the review are set out in full in the application form at **Appendix 1** and relate to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm. In summary the grounds relate to ant-social behaviour by patrons outside the premises at closing time and the in the garden area. Paragraphs 5.2 and 5.4 of this report include the descriptions of the licensing objectives from the s182 Guidance. One statement has been redacted from the application form as anonymous statements cannot be accepted.
- 1.4 On the 4 March Cllr Ridout served the application on the company that held the licence at the time she submitted the Review, this was the date that the application was accepted by the Licensing Authority. During the consultation period the licence has been transferred to Rocky Bars Ltd, and Scott Rock who has been managing the premises for some years, has also become the Designated Premises Supervisor (DPS).
- 1.5 The Review has been advertised at the premises and on the Council’s web pages, in line with Regulation 38 and 39 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (the Regulations)

2. Premises Licence

- 2.1 The premises have been licensed under the Licensing Act 2003 since June 2006.
- 2.2 The licence is included at **Appendix 2** and permits live and recorded music, plays and the performance of dance, all indoors and outdoors, indoor sports and the on and off sales of alcohol: -

Everyday 00:00 to 23:59

Late-Night Refreshment is licensed indoors and outdoors, from 23:00 – 05:00

- 2.3 The current conditions on the licence were added at a hearing when the licence was first granted in June 2006. Mandatory Conditions have been added subsequently to this. The current conditions can be found at **Appendix 3**.

3. Representations from Responsible Authorities

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Environmental Protection, Dorset Council Planning and Dorset Council Health and Safety Team have all been consulted and offered no representations on this application.

- 3.2 Dorset Council Children's Services have responded with; -

"I am unsure what the alternative available options are here but I would support the request by the applicant that: residents need the re-assurance that stricter conditions and improved Security is put in place immediately, and along with regular Policing, to ensure customers' behaviour is properly monitored and upheld."

- 3.3 Environmental Protection have not made a representation during the time allowed for representations but have given officers a statement of the interactions with complainants, as these have been alluded to in representations. The statement is attached in full at **Appendix 4**.

- 3.4 There were no representations received from any of the other Responsible Authorities.

4. Representations from other bodies and other persons

- 4.1 There have been eight representations from other persons. Of these six were written in support of the premises, and two supporting the review of the Licence.

- 4.2 The representations of support for the review are attached in full at **Appendix 5**.

- 4.3 The representations supporting the premises and the current DPS are included in full at **Appendix 6**.

5. Response from the Licence Holder

- 5.1 The Licence Holder has responded to the comments contained in the residents' statements in the review application and the comments made by interested parties during the course of the notice period. He has offered some solutions to the issues raised and pointed out the pros and cons of any remedial action that could be taken. The full statement can be found at **Appendix 7**.

6. Considerations

- 6.1 All applications and decisions are made with due regard to the Licensing Act 2003, the Revised Guidance issued under Section 182 of the Licensing Act 2003 and the Dorset Council Statement of Licensing Policy (the Policy).
- 6.2 The s182 Guidance gives detailed guidance on the licensing objectives in chapter 2. Crime and disorder are covered by sections 2.1 – 2.7 of the Guidance; -

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach,

and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission

- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission.

6.3 Public nuisance is detailed in paragraphs 2.21 – 2.27 as; -

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

6.4 The s182 Guidance covers the licensing objective of the protection of children from harm at paragraphs 2.28 and 2.33 and 2.35; -

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory

condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

- 6.5 Chapter 11 of the s182 Guidance on Reviews is contained in full at **Appendix 8** of this report. Paragraphs 11.1 and 11.2 the s182 Guidance states that:

The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

6.6 Paragraphs 11.16 -11.23 of the s182 Guidance sets the powers available to the Licensing Authority: -

The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
- revoke the licence.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

6.7 Section 13 of the Policy contains guidance on how the Licensing Authority will deal with enforcement and reviews. Paragraph 13.1 states; -

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night-time licensed economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

6.8 Paragraph 13.9 of the Policy states; -

The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

7. Financial Implications

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs.

8. Natural Environment, Climate & Ecology Implications

None

9. Well-being and Health Implications

None

10. Other Implications

None

11. Risk Assessment

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Medium

12. Equalities Impact Assessment

Not Applicable

13. Appendices

Appendix 1 – Application

Appendix 2 – Licence

Appendix 3 – Current Conditions

Appendix 4 – Comment from Environmental Protection

Appendix 5 – Representations from people Supporting the Review
Appendix 6 – Representations from people in Support of the Premises
Appendix 7 – Statement of Licence Holder in Response to Review
Appendix 8 – Section from Statutory Guidance on Reviews

14. **Background Papers**

[Licensing Act](#)

[Revised Guidance issued Under section 182 of the Licensing Act 2003](#)

[Dorset Council Licensing Policy](#)

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 **Cllr Belinda Ridout**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Wine Bar (Rocky's Bar)
Queen Street

Post town GILLINGHAM

Post code (if known) SP8 4DZ

Name of premises licence holder or club holding club premises certificate (if known)

Charles Carter Group Ltd
1 The Centre
The High Street
Gillingham Dorset SP8 4AB

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

NDPL0298

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

RIDOUT

BELINDA

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

[Redacted address field]

Post town

[Redacted post town field]

Post Code

[Redacted post code field]

Daytime contact telephone number

[Redacted telephone number field]

E-mail address (optional)

[Redacted email address field]

(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
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Residents contacted me as their Dorset Council Gillingham Ward councillor to discuss how their lives are impacted by ongoing anti-social issues brought about by the behaviour of patrons of the licensed venue known as Rocky's Bar, Queen Street, Gillingham, Dorset SP8 4DZ. I have met with the neighbours on several occasions since last summer, to hear their concerns.

The issues relate to the adverse effects of the licensed premises on the promotion of licensing objectives, namely:

- The prevention of crime and disorder;
- The protection of children from harm; and
- The prevention of public nuisance.

The operation of the Premises Licence undermines these three licensing objectives.

The issues raised tend to be more prevalent during the better weather, ie from Spring to late Summer, when customers utilise the rear outdoor space/beer garden and to the front of the premises, on Queen Street.

Queen Street is essentially a residential street, consisting of young families and the elderly, along with Rocky's Bar, a newly opened Tai/fish & chip takeaway, an extra-care facility under construction for the over 55's and an old Chapel currently being refurbished, offering 8 new apartments directly opposite Rocky's bar.

Residents have explored all avenues to resolve recurring issues amicably with the manager of Rocky's Bar since the bar opened with 'Night-Club' hours in August 2021. Residents have been in regular contact with Katheryn Miller, Dorset Council Licensing & Darren Naraine from the Environmental Health Team and Penny James of the ASB team, who installed a CCTV camera on 7th August 2023 outside the premises, and have kept and submitted diaries/records, as requested, of all incidents. Details being in the residents' personal statements attached.

Residents held meetings with the manager, Mr Rock and business partner, Charlotte, in August and September 2022. However, I am informed that continued direct communication with Mr Rock has since been difficult and any initiatives by Mr Rock to resolve issues have not been very successful.

Despite the rear garden being closed to customers at 11pm, immediate neighbours have still endured high levels of amplified, recorded and customer noise from both the bar and the rear outdoor area and also to the front of the premises, on Queen Street. This is still an ongoing monitoring exercise.

As customers spill out onto Queen Street to drink and smoke from late evening, into the early hours, residents have witnessed loud, abusive and violent behaviour, with the Police being called on several occasions. Residents have witnessed the front entrance to the premises being left unattended by Security during a violent incident on the street outside the premises, one of two incidents in September 2023, another in December 2023 and again on New Years Day, 1.1.24. Details of these incidents are included within the residents' statements.

Residents have made significant effort since 2021 to report and keep records as requested by Environmental Health and the ASB team. It is now approaching Spring 2024, with residents fearing the next season, with concerns still unresolved.

As mentioned earlier, this is a residential street with families with young children. Residents should not have to put up with the noise nuisance and the seasonal barrage of anti-social behaviour, including shouting, swearing, fighting, urinating and vomiting in the street and on private property. As well as the consequential littering and inconsiderate parking issues.

From all the evidence I have seen, it is clear that there are significant failings with the Security arrangements at Rocky's Bar, which has led to the untenable situation residents are having to endure, leading to feelings of anxiousness, intimidation and general unhappiness in their own homes and gardens for a significant part of the year.

Residents need the re-assurance that stricter conditions and improved Security is put in place immediately, and along with regular Policing, to ensure customers' behaviour is properly monitored and upheld.

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

Resident statement by [REDACTED]

I consent that my name and statement to the above, can be used within a Licencing Review meeting.

As an immediate neighbour to Rockys Bar (2 Doors) Since February 2021, having first hand experience with exposure to so much anti social behaviour and harassment unfortunately, after persistent attempts to address concerns regarding the irresponsible, inadequate operation of this Business with the current Tennant /Manager Mr Rock, Gillingham Town Council, Dorset Police, Environmental Health and the Anti Social Behaviour Team nothing has yielded any positive results, we are therefore, prompting this urgent Licence Review.

Overview

From August 2021 with the new opening and now operating "Night Club" business hours (Fridays & Saturdays 2am/3am Closing times and New Years Eve 4am) My first reports of inappropriate anti social behaviour along with poor management to Mr Rock, Dorset Police and Gillingham Town Council was just 13 days of operating under the new Night Club business hours. There had been two nasty, violent & vicious incidents that had involved the Police, with customers being arrested. Other residents were then, also making complaints to the Police as & when incidents broke out and to Mr Rock.

Late Spring & Late Summer months

(March onwards to October)

We as residents, are more affected by the better weather from the Spring & Summer seasons of this establishment.

Customers will gather to the front of the Bar onto Queen Street.

Moving into 2022 come the Spring and the Summer months when, the establishment peaks with amplified and audible noise levels to both the Beer Garden & to the front of premises onto Queen Street.

Some neighbours were now speaking with the Environmental Health team (Darren Naraine) who then started to complete Noise Monitoring Forms.

The problem with this is, Environment Health can only deal with amplified noise not people/customer audible noise.

Should the form monitoring stop being submitted to the Environmental Health/ASB teams after a month, the file/case will close., marked "No longer a requirement".



Photo – *Rockys Bar situated within a narrow residential street. Directly opposite is Churchbury House (old chapel) being converted into 8 apartments). Queen Street allows only vehicle traffic one way therefore, after 7pm onwards the danger of high volumes of traffic is very little.*

Residents have tried to communicate with Mr Rock (As Mr Rock suggested at Residents meetings)

We would directly message and call into the bar to speak with Mr Rock regards to complaints/concerns for the noise levels both amplified & customer noise/containment outside on main frontage of Queen Street. The Use of the Beer garden, the extensive rubbish left behind in the immediate area and customers parking their cars across resident's driveways.
(all of this is still an ongoing monitoring exercise)

By early August 2022 and due to the high number of concerns/complaints within the neighbourhood, a meeting for the 30th August 2022 and a follow up meeting was held in September 2022 this was very much welcomed and organised via another neighbour/resident (who has since sadly passed away)

This involved both Mr Rock and his then business partner [REDACTED], as concerns were already being flagged up to the disruptive nature of the business and customers.

This gave all parties their opportunity to try to meet and resolve, as things moved forward with various suggestions from both residents & Mr Rock.

There were lots of issues and concerns to a variety of area's involving managing of the business that also incorporated Mr Rocks Business Plan of the Night Club "Feel" with late night operating hours, to create and cater for the 18-25 year market, that then creates, large group gatherings to the frontage of the Bar/Queen Street.

NOTE - I have passed Cllr Belinda copies of both of these meetings 30/8/22 & a second 13/9/22. Notes of 13/9/23 meeting attached.

The Prevention of Crime & Disorder:

*Managements Polices, Procedures & Risk Table -

I understand Mr Rock submits the premises Door Security team arrangements, names, dates etc on a monthly basis to Dorset Council Licensing Review teams, to be logged.

Do these submissions get reviewed, as ongoing reported incidents have occurred within the neighborhood & with the increase of resident's complaints? How is this measured?

Previous experience has found that both Dorset Council/Licence department & Mr Rock tend to act to reactive situations.

Mr Rock may react/re-think the situation only after another Disorder/Physical Assault has occurred within & outside the premises, impacting on Queen Street. The last review Mr Rock made was June 2023 after another incident of a violent Fight and Anti Social behaviour had broken out.

Mr Rock advised residents, he was going to initiate of a new rule of Door Security, asking customer not to take they're alcoholic drinks onto Queen Street. This can only be applied with the consent of the customer, this can not be forced upon customers.

I do not believe this policy has worked or been managed as it is a voluntary decision by the customer.

Door Security / Venue Design Layout -

Door Security is notably very weak. With Door Security operating mainly from approximately 7pm until 2am. Would it be Mr Rock be providing door security ongoing until 3am/4am?

How is this monitored by the Licensing teams?

Door Security tends to be placed on the main front access entrance doorway to premises.

It was agreed from the Residents meeting with Mr Rock the Garden is closed at 11pm to customers. (This is a general recommendation for most County/Borough Councils)

Therefore, customers will leave at the main entrance to drink/smoke on Queen Street. Security challenges persist at this point.

Due to a high number of altercations that happens to the front of the premises of Queen Street, customers not only spill out onto Queen Street but also to the right and left of the venue. Door security would need to leave the front access of the bar, unattended.

As one example of occurrence can be noted on 2/9/2023 (Reported to Police) Anti Social Behaviour violent altercation brakes out. A Customer is accused of a crime by a party of ladies and pursues accused person further along Queen Street into Bay Road where, both Security personnel & Mr Rock attended the scene. This leaves the main entrance to the premises unattended by Security.

Another incident occurred & not reported to Police on the evening of 30/9/2023 - Customers out side of venue became involved in a very violent altercation, this continued along Queen Street towards High Street with a residents car being damaged and another resident who found their Front Door to their house covered in someone's blood. I believe this was reported thereafter via the Dorset Police portal. Mr Rock & Door Security were at the scene of this happening.

Impact Queen Street?

As customers are being allowed to use the outside of the Bar with the consumption of alcohol, they become louder, shouty and aggressive.

Ladies tend to start screaming within groups, the and the noise levels echo out, and can be heard up & down Queen Street.

It has been noted up to 20 patrons of the Bar are gathered outside.

Friends then arrive in their vehicles and it becomes another social scene.

No last access times to the Bar are advertised therefore, customers can arrive & have

access as they wish. Creating further people noise also as & when they leave the premises getting into and driving off in vehicles.

PLEASE NOTE: Some local residents within Queen Street and surrounding roads, chose not to walk up/down Queen Street, avoiding having to walk past Rockys Bar. Using the main road Le Neubourg Way as frightened, of the large crowds that gather drinking outside the premises...

Complaints being raised to GTC & the Police from August 2021 -Advised to deal with Enviromental Heath Team to start completing weekly noise monitoring sheets.

Personally, I have sent in c 24 weekly noise monitoring sheets to Environmental Health and Anti Social Behavior Team from April 2023

*NOTE: Due to a family death from January 2022 we were living in another location providing care to my late Mother.

Breach of: Anti Social Behaviour - Common Assault - Harassment- Putting People in Fear of Violence

Nuisance Behaviour By Groups Of People - Street Drinking - As pointed out earlier:

Alcoholic drink (or drugs) are involved this will lead to disruptive noise. This can then escalate into aggressive, violent or lewd behaviour, such as intimidation or verbal abuse of passers-by, fighting or urinating in public. All of which are offences.

If people are drinking or taking drugs they may leave litter behind, including hazardous materials such as needles, syringes, swabs, wraps and gas canisters. This is a particular concern as it can pose a health risk to other members of the public, pets and wildlife...

Trespassing/Harassment -

Urinating/ Other Body Fluids/ Disorderly Behaviour: Unfortunately, I was not aware until a conversation with Darren Noraine from the Environmental Heath team, this was a Public Offence and needed to be reported to Dorset Police on every occasion. The urinating & vomiting events did become regular occurrence with certain individuals ensuring they were highly visible to the "Ring Doorbell" camera we had installed to our side entrance to ensure, full view of their behaviour.

Since June 2023 - Reported 6 incidents to Police. NOTE: This only came to a stop after I received a personal call from PC Craig on October 28th 2023 apologising, to the slow response of our evidence & to say, he had a "Personal Word" with Mr Rock about these incidents.

Police Reporting -

Violence/ Fighting - Personally contacted the Police x 6 times - Including one call being made at 20:30 in the summer months, in view of a family walking past the establishment.

Trespassing/ Urinating/ Vomiting - Reported to Police x 5

NOTE: Other incidents have occurred involving customers using threatening behaviour with fighting breaking out. These were defused and not reported to

Police.

Queen Street Residents - Many will not report incidents to the Police as too fearful.
Police & Licencing Review Teams - have made on & off visits to the Bar over the last 3 plus years but Queen Street Residents still have ongoing problems.

Nuisance Behaviour By Groups of Customers:

Rowdy and inconsiderate behaviour including vehicle noise is generated by customers along with, loud amplified music from inside the Bar.

Groups gather on the outside pavement then would spill over the road to the empty Chapel (now under renovation) using the steps as a seating area, creating more excessive noise.

Using the side of the Chapel into Tomlins Lane to urinate.

Litter/ Broken Glass

Public pavement is never swept or cleaned and is strewn with discarded cigarette ends.

There was an agreement with Mr Rock, a street sweep & litter pick would happen after the Bar closed late at weekends unfortunately, this was not upheld.

A number of residents, over time have litter picked discarded, empty plastic beer cups, empty cans, cleared up broken glass in & around the premises.

Halloween Pumpkin - Placed outside of Bar 31/10/23 -

Eventually after a brief chat with the local Councillor this was cleaned up 10/01/24.



Messages Sent to Mr Rock -

From 08/08/23 ongoing, regular reports to the ASB team of Mr Rocks barking dogs in Beer garden at unsociable hours that wake me & other up.

From January 2023 - I had sent 11 messages with pictures of customers cars parked over our driveway, asking for them to be moved. (Ongoing problem)

Number of polite request, to have the music volume turned down after 01:00/02:00am

Urinating customers using our driveway.

Street Cleaning/Litter picking.

Harassment- Putting People in Fear of Violence Overview -

A number of residents have decided to install "Ring" Doorbells as a means to feel safer in Queens Street and can monitor the unfortunate violent behaviour that can be generated from this establishment.

This method also allows us residents to protect & report incidents to other elderly neighbours & families who live within the vicinity.

This shows customers who spill out onto Queens Street with alcohol, who sit on neighbour's doorsteps with no regards to thinking, it is another person's home.

NOTE: Some residents are fearful to what happens in Queen Street and will not approach Mr Rock because of this.

Those that have tried to communicate their concerns with Mr Rock regards to, loud music, noisy shouty customers & litter/broken glass, only to receive lip service and

usually advised, "it is others who happen to be walking past the premises and has nothing to do with him".

How Does This Impact Queen Street?

By the number of Anti Social Behavior incidents and calls to Police for this venue, this must reflect on Mr Rock's poor and unprofessional Management with this business. Rowdy, nasty behaviour and a general nuisance caused by customers, with collated information from this venue which is totally out of character for this compact residential street impacts the neighbourhood.

Residents become agitated, as we have had such little response and help from Gillingham Town Council plus, a lack of regular Policing to the area.

CCTV - This preventative was temporarily installed in Queen Street in August 2023 after some months of providing significant form monitoring of evidence.

As you will see from the pictures presented to Councillor Ridout, Queen Street is a narrow, compact & residential in which, Rockys Bar is nestled.

Residential properties are opposite the premises and following the street both up & down towards the High Street & Bay Road.

We feel we had to ask for the need of CCTV as we believe, due to various reasons Gillingham Town Policing is down to two Police Officers.

Therefore, when incidents have broken out & emergency calls are made, we are often advised, no Police will be dispatched as no availability. CCTV provides some form of re-assurances that Anti Social Behaviour would be monitored.

As a Gillingham resident, when you read the below statement and are told by Dorset Police, Gillingham is a very low crime rated Town, yet the trading of this establishment with its poor management & 24 hour License with Nightclub hours has created a concerning place to live.

Dorset Council Website Statement:

help prevent, detect and reduce crime, disorder and anti-social behaviour including drug and alcohol related violent crime. provide the Police, the council, and other authorised organisations with evidence upon which to take criminal and civil actions in the courts including identifying witnesses.

Public Safety - (I understand, this applies within the premises only).

The premises offers situated in the Beer Garden a Children's Climbing Apparatus/Frame. I understand, this is aimed at children around a suitable age of 3 years plus.

Most weekends in the dryer weather months, the garden & climbing equipment's is often in use, predominately by male parents on a Saturday & Sunday.

The children tend to be from the ages of 6 years plus with friends & siblings. These children will be left to play either on their own or with others.

Us immediate neighbours will have screaming, excitable, upset, crying, fighting siblings/friends or injured children for a minimum of 3 plus hours a day at weekend's.

This is after having had a broken night's sleep with noise levels, late night revellers & outbreaks of violence from the early hours of Saturday & Sunday mornings.

I would question the Adult Supervision offered as the Bar is televising Sports. Environmental Health advise, as this is not audible noise, nothing can be done. The climbing frame is not in a fenced off part of the garden. Mr Rock has two dogs which use the garden. Should this not be fenced off, for health & Safety reasons? Unsure if premises CCTV offers the monitoring of Play areas?

Under Hospitality Law, please see the below:

<https://www.hospitalitylaw.co.uk/about-us/>

The Prevention Of Children From Harm/Prevention of Public Nuisance

Queen Street as noted earlier, is a narrow compact residential Street with families with children of varying ages from younger teenagers, toddlers and babies who, are exposed to customers from these premises who occupy the frontage of the Bar using poor and lewd language. This can be heard from the immediate residential homes and bedroom windows.

People Noise

Environmental Heath are only able to deal with Amplified Music. There has been a number of occasions Mr Rock has been directly asked by neighbours to have the music turned down after 01:00 am.

Again, exposure to customers using the front pavement of the Bar along with their shouty & lewd language.

As residents we did ask Environment Health to physically visit the Bar after 00:30am to see & hear for themselves the output of both amplified & people noise. This was declined. It would have been a very useful exercise to have had the Team understand the close proximity of the Bar to homes. (See pictures below)

Beer Garden -

Despite, Mr Rock closing the Beer garden at 11pm in the evenings as immediate neighbours, we are subjected to a high level of noise when the weather is good. Since taking over the premises in 2021 the Beer garden was much more extended with the group tables more spread out. Should we wish to use our back gardens that adjoin, we would be subjected to loud lewd language, upset children, cigarette smoking and ball games.

<https://www.hospitalitylaw.co.uk/pubs-bars-restaurants-keep-the-volume-down-on-your-summer-events/neighbours>

It is clearly better to manage noise levels before they become unacceptable to neighbours and you fall foul of the law, which can lead to a licence review and fines. If local residents make complaints against outlets about late night noise (louder than the permitted level and after 11pm) these can be acted on immediately. Following a complaint a Local Authority can immediately issue a Warning Notice which comes into effect 10 minutes after it is issued. "Premises" covers all land specified within the licence and could include the outdoor area. Noise from customers chatting loudly past 11pm in the beer garden or outdoor area even after the live music has finished could be covered by this.

If the noise continues to exceed permitted levels then a £500 fixed penalty can be given and if this continues the licensee can be convicted and fined up to £5,000. If your current licence has conditions attached to it which aim to limit noise, for example not allowing crowds to gather on the pavement outside, then it is essential to continue to observe these.

<https://www.ndml.co.uk/articles/noise-complaints-know-your-rights/>

Please note: This is a very extensive article. I would suggest it is read, as I do not think any of the recommendations or guidance are adhered to.

To Summarise:

Queen Street is narrow, compact and residential. To have a Sports Bar operating as a Nightclub with closure between 2am- 4am with the focus market being 18 to 25 year olds is not conducive to the average working family or retired residents.

Evidence provided of Anti Social Behaviour of all aspects, poor management, continuous incidents involving the Police and people safety, for this one residential Street.

CCTV being installed as a security deterrent.

Blight on Queen Street -

NOTE: As an immediate Neighbour, how this establishment personally impacts me.

I feel very anxious when I decide to have a weekend away or take a holiday obviously, this usually overlaps a Friday & Saturday night (Nightclub night)

Having been away for the weekend Saturday 3rd June 2022 and we had our House Pet Sitter staying that weekend who, encountered a very violent incident involving customers from Rockys Bar. Unfortunately, our Home Pet Sitter refuses to stay in my home during the late Spring & Summer months now.

This incident left my Pet Sitter extremely frightened and afraid of the rowdy, lewd crowds that had gathered outside the Bar, spilled to the frontage of Woodcock Court & customers urinating in our driveway. How embarrassing is that!

Overnight Visitors -

Note: Unfortunately, I have stopped asking friends & family to come and visit and enjoy a stayover during the late Spring & Summer months again, as this usually falls over a weekend.

In the winter months, we would move bedrooms to accommodate guest, as the back of the house as a little quieter as the Beer garden closes at 11pm.

I could not possibly have guest using the front bedroom, as they would be completely disturbed by customers using the frontage of Rockys Bar.

Could Residents sell their homes -

By law residents/homeowners have to declare disputes with neighbours as part of the Conveyancing process.

Is Queen Street seen as a "blighted street" should this business be allowed to continue as under this 24/7 License and Nightclub hours?

Overall: Why do us residents have to be made to feel, we are being an absolute

nuisance? We have all worked together for so long providing solid information regarding how this establishment simply does not work in this environment. So bad have things got, CCTV had to be installed!

Residents are fearful to call the Police or take other means of action such as, Noise Monitoring Form completing as they feel they are not being listened too and conclude, it is a waste of time.

It is easier for residents to think "It's easier to close our windows & try to block out the noise"

QUESTION: Why should we??

Before moving to Gillingham we had spent a happy 7 years living in a large Town Centre, opposite a Nightclub with Sports Bars and Restaurants all within eyesight. Because of the professional standard of Policing provided and working alongside Licencing Review meetings, involving the Nightclub Managers, rarely did incidents occur.

What was very evident, customers were not allowed to be outside the venue on the pavement area after a certain time and upon closing hours, they had to swiftly leave the premises immediately.

NOTE: Rockys Bar as advertised 31st December 2023 opening till 4am - Due to violence breaking out onto Queen Street c11:40pm - Police were called by another resident. They were advised, Dorset Police were unable to attend as no availability. When the caller mentioned, one of the group was using threatening behaviour and waving a Hammer, it was decided to send Police from Somerset Constabulary. When arriving, made swift arrest of the perpetrators and second Police vehicle patrolled the area until the Bar closed c00:45 am

Should the Licencing Review Team feel fit to continue with the current arrangement of the operating of Nightclub hours, we would then expect to have a plan of action moving forward along with re-assurance of regular Policing be provided from Midnight until closure of the Bar, to ensure customer behaviour is properly monitored and upheld.

Yours Sincerley,

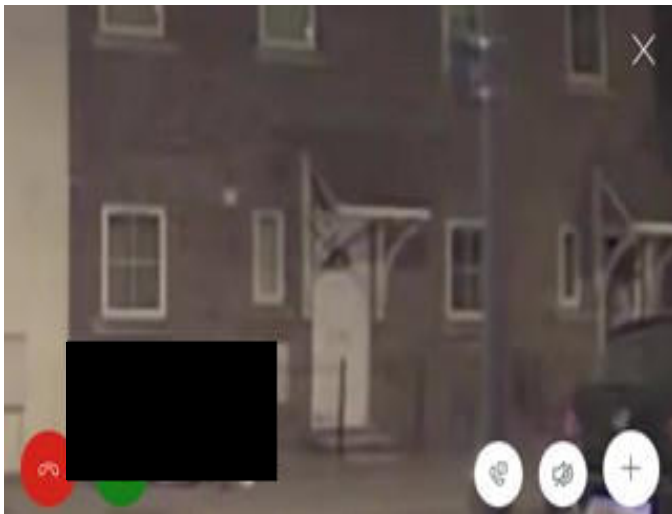
[REDACTED]



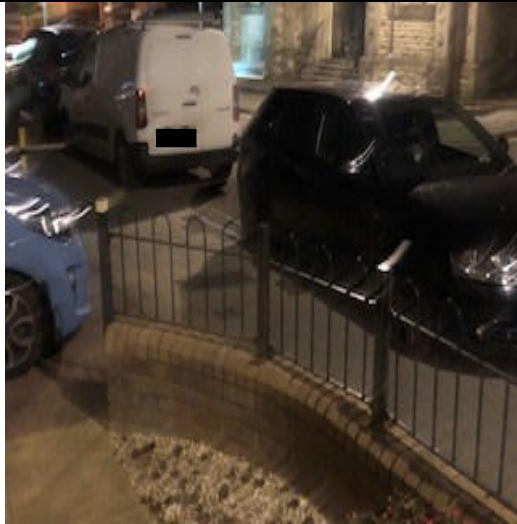
To indicate how close our gardens are to Rockys Bar, Beer Garden and rear terrace entrance.



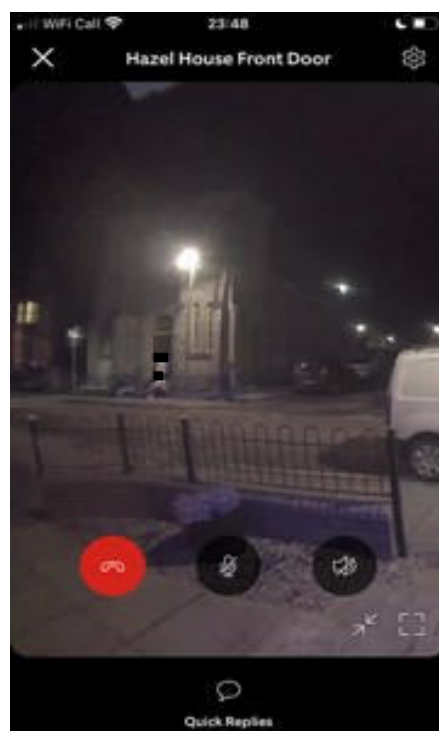
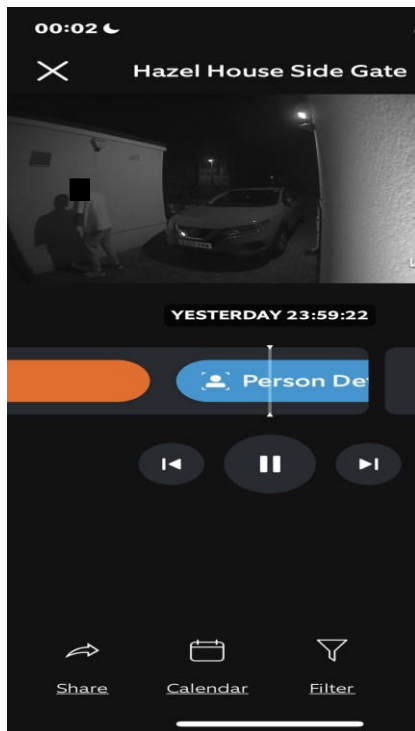
To indicate how close our gardens are to Rockys Bar, Beer Garden and rear terrace Entrance.



Intoxicated customer being helped by others from Rockys Bar. Note: This is outside the homes of an elderly neighbour and a family with young children

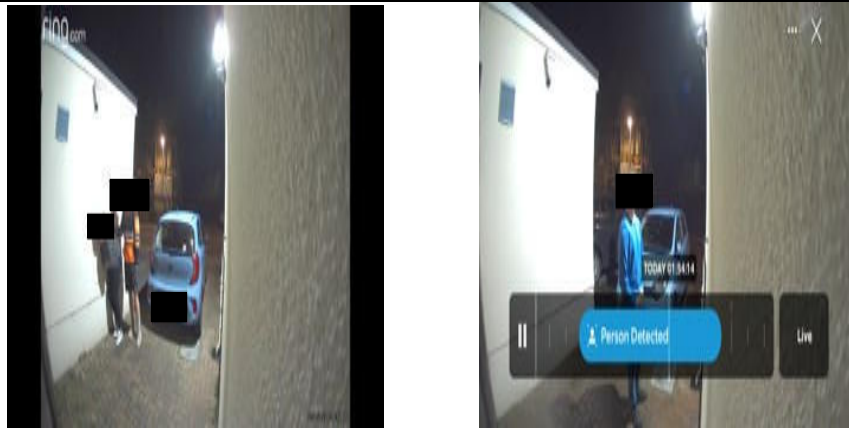


Above photos. Car parking and blocking driveways in Queen Street



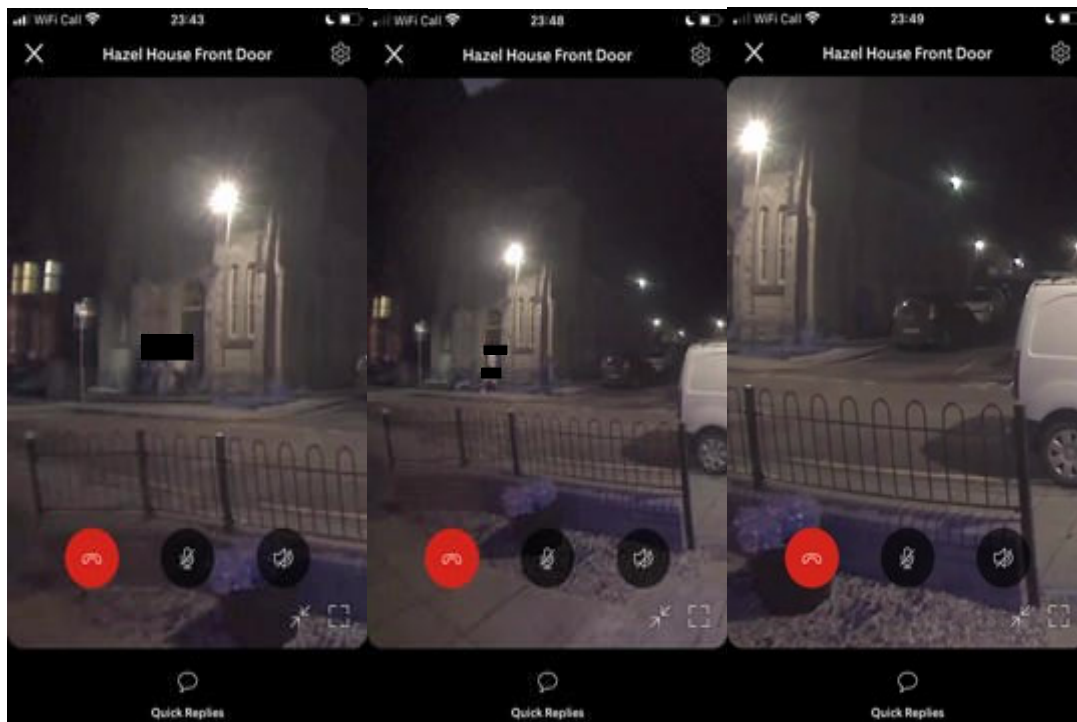
Above:

- Man urinating in driveway of Hazel House
- Customers gathered outside the old Chapel opposite Rockys bar



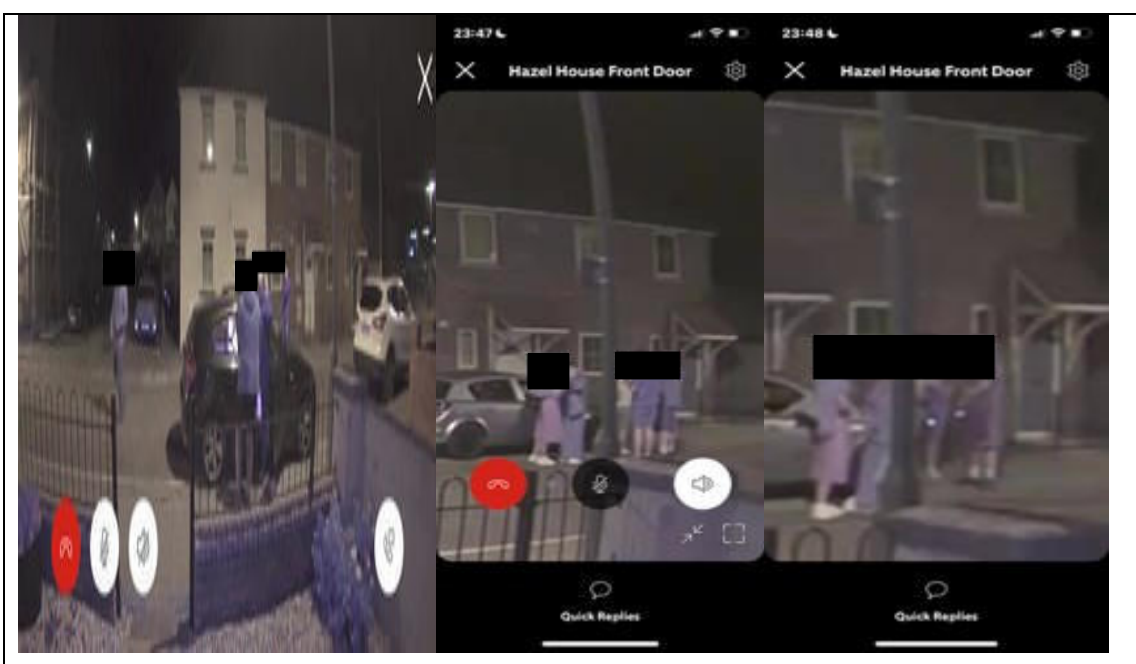
Above:

- Lady vomiting in driveway of hazel House
- Man urinating in driveway of hazel House



Above:

- Circulating customers opposite the Bars entrance onto the property of the Chapel. (photos 1 & 2)
- Urinating man (Customer) to the side of Chapel in Tomlins Lane (photo 3)

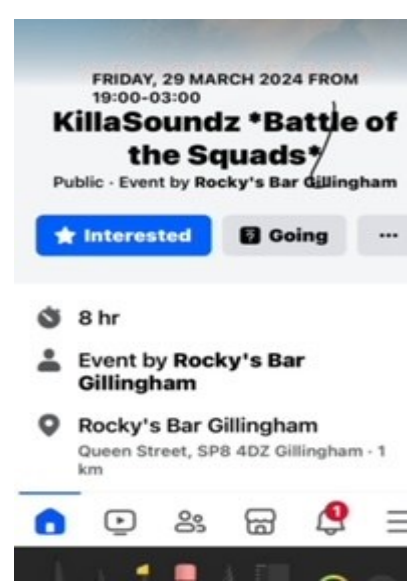


Above:

- Socialising customers with friends in vehicle in Queens Street (photo 4)
- Socialising customers and vehicle parked up outside No2 Tomlins Court.
 Note: This property belongs to an elderly lady who, is intimidated by the establishment. (photos 5 & 6)



Left: This event did not go ahead as a letter from Councillor Mark Walden to the Licensing Team raising residential concerns to this event. Licensing team, asked for the event to be cancelled as not appropriate for a variety of reasons.



Right: Event scheduled for March this year

Minutes of Residents Meeting held at Vicarage School room, St Marin's Square, Gillingham 7.00pm – 30th August 2022

This is to document the concerns and joint suggestions and ideas which were forthcoming from this evening's local neighbourhood meeting chaired by Richard Barrington, an immediate neighbour of the bar. Residents attending were drawn/invited from local neighbourhood around Rockys Bar, located at Queen Street, Gillingham, Dorset.

Those in attendance were made up of those voicing concern over recent music noise and late night noise & anti-social behaviour coming from customers leaving the bar and also from supporters – although not necessarily patrons – of the bar as a much-needed local business in the area.

There were emotive but generally well proposed and received dialogue from both sides during the meeting.

Charlotte, the co-owner and partner of Scott from Rockys Bar opened the discussion by putting forward their joint heartfelt statement on how they have worked hard to start a new business during what has been for all, exceptional and very tough times. That their door is always open to anyone who has an issue with any aspect of their business and that she appealed to the room for their understanding and for this to be the start of positive dialogue to find a mutual way through current concerns. She then had to leave to return to running the bar and this document is for her and her partner's benefit as well as those whose email had been supplied to Richard at the close of the meeting. It is hoped that these main suggestions and ideas form the basis of discussion for the next meeting which will include the owners so that they can feed back on the points below, to put in place, build on or action as they see fit.

Noise – music and general beer garden noise.

1. Immediate neighbour, [REDACTED] who cares for an elderly relative with Alzheimer's has a problem with direct noise vibration transference through the adjoining wall.
2. Some neighbours in the immediate vicinity of the bar complaining that they can no longer use their gardens for recreational use during Friday/Saturday afternoon/evening most weekends due to a mixture of loud noise from the beer garden or *live music and that they have to keep windows/doors closed despite high temperatures recently.

*It was noted that the live music evenings do result in music being turned off come 11pm.

Noise – nuisance & anti-social behaviour reports.

1. Some residents report being woke up in the early hours of the morning (between 1-2.30am) by patrons leaving the premises. Loud shouting/singing or standing around chatting loudly in groups outside the premises waking nearby residents, along with occasional anti-social behaviour such as

- vandalising local parked cars was also reported at the meeting.*
2. Litter, glasses etc strewn around the pub , left by patrons leaving.
 3. ██████████ reported that on several occasions cars parking on the pavement outside his house which prevents them taking their wheelchair bound elderly relative out.
 4. Police presence not very good.

*It was noted that Security has been employed by the pub in recent weeks so hopefully this will help to alleviate any bad behaviour in the immediate vicinity of the pub, as well as inside.

Suggestions & ideas proposed for further discussion with the owners were as follows:

Regarding noise – music and general beer garden noise.

1. Possible soundproofing/sound suppression to the ceiling and adjoining/exterior wall. Possibly funded by crowd-sourcing/Patron/Fund-raising?
2. Some kind of object acting as a baffle positioned in front of the rear doors, but not to impede exit in the case of an emergency e.g. a fence panel/screen/hazel-paling/large bush in a pot that will prevent the sound exiting the doors freely to echo around the field.
3. Planting of trees/hedging at the rear garden wall to prevent sound travelling over the field to the residences in Barnaby Mead/Bay Fields/Mulberry Close. There were volunteers willing to help with this in the meeting.
4. A simple system that monitored decibel levels for live music nights that lit up a red light if a predetermined db level was exceeded. A volunteer electrician and friend of the owners was going to speak with them on the feasibility and cost regarding this idea.
5. Requesting that bands with drummers used light sticks or ‘hotrods’ and then the other musicians will be able to play at a lower volume accordingly.
6. Possibly alternating the Friday/Saturday each week so that residence could also enjoy their garden in the summer months.
7. It would be good if the owners of the bar informed local residents a couple of weeks ahead via their facebook webpage or by mail shot of any large and noisy events such as the wedding earlier in the month, which will give neighbours a chance to make other arrangements for that date or at least be aware of what was occurring ahead of time.

Regarding noise – anti-social behaviour reports.

1. Issue Lollipops to late night leavers – proven to work to dramatically lower noise and bad behaviour! See <https://www.bridportnews.co.uk/news/4385413.bridport-pub-revellers-given-lollipops-to-keep-them-quiet-on-way-home/> <https://www.worcesternews.co.uk/news/17932350.university-worcester-using-lollipops-help-keep-late-night-noise-down/> for more info – there may even be some help via Dorset Council – worth asking (see first link).
2. Request for the pub to organise a litter run after closing to mop up any glasses etc left on walls etc.
3. ██████████ to put up a polite sign that asks people not to block entrance/exit to his property as it is used for disabled use. It would be good if the pub also kept an

eye out and if anyone was seen parking there that were going into the pub that they were asked to move. (e.g. bands loading/unloading etc)

4. [REDACTED], a local Counsellor, volunteered to reach out to local police re making an active presence felt on Fri/Sat nights in the area.

It was agreed that this document outlining the discussions and subsequent suggestions be forwarded to the owners of Rockys Bar, Scott and Charlotte. That another meeting sought at their earliest convenience so that these ideas can be discussed further in a co-operative & conciliatory way to find a mutually agreed path forward to the betterment of all concerned. It must be recorded that while a lot of people were upset at recent noise levels there was also a lot of support for this local business and the couple running it and that all parties wished to achieve an amicable outcome that worked for everybody

.....

Minutes of Residents Meeting notes re Rocky's Bar - 13/09/2022

Meeting held in the Vicarage School Rooms, 13th September 2022

Apologies from [REDACTED] - unable to attend the meeting due to a work commitment.

In brief:

Meeting was arranged by [REDACTED] and then chaired by Scott and Charlotte, owners of Rocky's Bar who stepped through the concerns as raised and noted in the previous minutes that were circulated. Scott and Charlotte also kindly paid for the hire of the hall this evening.

Interjection: from [REDACTED] next door neighbour, stating the current situation for him and his family was untenable and would welcome any positive steps from Rockys Bar to address this issue. This includes both noise and smoke from the outside smoking area coming into both his garden and house if doors or windows are open. This was noted by Scott.

Scott outlined that the current business model was to provide a disco on a Friday night which catered for the 18 - 25 age group with a nightclub feel.

Saturday night was to provide a live music evening targeting an audience age of 30+ with a mixture of electrified and acoustic sets.

To also provide a venue for televised sport events, quizz nights and poker/card nights.

To provide a family friendly local pub and bar to the town where there is little current entertainment or evening social events taking place.

Interjection: [REDACTED] interjected to underline her current noise concerns to do with this business model.

Scott informed the audience that a number of actions had been instigated and put in motion as a result of the previous meetings concerns being raised with him.

1. He was now getting a decibel metering and capping system fitted in the coming weeks which will help with monitoring and capping/reducing the volume of the disco if levels go beyond a set amount.

2. The speakers have been repositioned away from [REDACTED] adjoining wall to lessen the vibration and noise transference through this wall in the hope it will have a positive effect on [REDACTED] and family.

3. Scott had asked bands playing at the bar their feedback on the suggestion made by [REDACTED] of drummers using hotsticks to dampen the sound down. Response was not positive here by the bands as they felt it curtailed the ambiance, entertainment and performance value of the gig.

4. Research and possible quotes being sought to put in place some kind of noise screening around the rear doors to the garden area to abate the noise. Scott has stated that the doors are closed at 11pm each evening and that this in itself raises issues of temperature and air quality issues inside the bar as a result of closing them.

5. Patrons to be made aware of the signage around the exit from the bar regarding late night noise and that the lollipop idea was going to be taken up as a way to lessen the noise of people talking as they leave the bar at the end of the evening.

6. Drinking litter will be more regularly monitored and regular litter picking teams which will cover ground from the roundabout at the Co-op through to the Remembrance Garden will take place every weekend. It must be noted that Scott has stated that some of the drinking litter does not originate from his business and that is indeed deposited on-route from pedestrians making their way out from the town.

7. [REDACTED] Parking issue: It was suggested that [REDACTED] put up a clear sign stating his driveway access must be kept clear at all times due to disabled use. Scott also offered to continue to respond positively to anyone SMS'ing him a car registration number which would then be announced in the bar and if the owner identified themselves, they would then be asked to move their vehicle.

Interjection: [REDACTED] raised further concerns regarding noise and language being heard coming from the beer garden and what can be done to reduce this? Scott will monitor and reiterated that people are brought inside at 11pm and doors closed.

8. Suggestion of using planted Willow by [REDACTED] as screening / Soundproofing around certain parts of the Beer garden, Scott said this would be looked into along with the idea of sponsoring a Willow for the bar which was raised - to be looked into.

Interjection: [REDACTED] suggested that [REDACTED] plant Willow around her garden boundaries in order to lessen the noise being experienced. [REDACTED] strongly declined this suggestion.

9. Suggestion of music alternate weekends was not a great idea Scott felt as this would confuse customers as to which weekend was the music weekend. Further suggestions of a mailing list were offered to inform people, again Scott was not convinced of this being a successful method of communication.

10. Bar Security is now employed at weekends and has proved a positive benefit, especially in a recent fracas that happened where a group of friends from out of town visited the bar and upon leaving one of their group attacked another member of the group. Security provided First Aid and both Police and Ambulance were called. Scott has stated,

as a former Prison Officer, he will not tolerate any acts of violence or bullying on his premises. He has identified the individuals responsible for the attack and they now have a life ban from the bar and are no longer welcome there. This will be the standard response to any bad behaviour from any customer frequenting the bar.

11. Scott stated that the outside event of his Brother's Wedding would not be repeated again. And that they had no plans to turn the bar into an outside Wedding Venue.

Interjection: █████ raised further concerns regarding anti-social behaviour and that it could still be an issue. █████ requested that the lolly-pop idea be given time to bed in and to see if it made a notable difference as it had a very positive outcome amongst those who had tried it over the country and had recently been sponsored by West Dorset County Council as a noise abatement initiative.

Interjection: Also concerns raised by █████ and █████ regarding the motorbike noise experienced around the neighbourhood regularly, which are local lads using Queens Street and Le Neubourg Way as part of a circuit and the Co-op on Bay Road as a pit stop for this circuit . It was pointed out this has nothing whatsoever to do with Rocky's Bar - these people are not customers of the bar - and that Scott and everyone agreed this was an ongoing local nuisance issue that needed addressing as a separate issue, and not related in any way.

Interjection: █████ suggested closing the bar earlier on a Friday as a way of abating the noise. Scott pointed out that typically stats show people will drink the same amount in a shorter available time which may actually increase the problem. Currently customers leave the bar in smaller groups throughout the evening from 11pm - 2am rather than a mass exodus at 11pm.

Overall, and in conclusion: everyone felt that Scott and Charlotte were doing their level best to address the concerns recently raised by their neighbours and were putting in place some good initiatives to help curb the noise and anti-social behaviour and litter issues going forward. The points raised here in this follow-up meeting would also be taken on board by everyone and that the group voted to continue to support Rocky's Bar as a much needed local business.

That the current situation would be monitored and that any improvements would be noted in due course.

.....

Statement from [REDACTED] on behalf of himself and his wife ([REDACTED]
[REDACTED]) as residents of [REDACTED]
which is [REDACTED] doors down from Rocky's Bar.

[REDACTED]

Since Rocky's has opened, we've had considerable disruption from this establishment which has impacted our quality of life within Queen Street. There are two aspects that have impacted this and I think it's important to elaborate on how this has directly impacted us;

1. Excessive noise coming from the bar

This is the lesser impact of the two, but still impacts us, especially during the summer months where they frequently host live music. As you can imagine during the summer months, we often have to open our windows to allow ventilation, especially for our newborn baby, however we've had to close the windows and artificially cool the rooms which is not ideal as the outside noise has frequently waken the baby up. Sleep for newborns is critically important for their development and this has caused considerable concern for us.

The noise is somewhat mitigated by their soundproof walls however due to the busy foot traffic, especially during the summer months the door has frequently been left open for a considerable amount of time.

2. Anti-social behaviour coming out of Rocky's bar

For us, this is the significant aspect which has impacted us the most. As you will be aware, anti-social behaviour comes in many forms and I'll illustrate the types that have impacted us;

• **Loitering around the front of Rocky's bar**

This shouldn't be allowed for excessive amounts of time. It's clearly stated that the smoking area is at the back and there should be no reason why patrons should loiter at the front of the building. It seems from many occasions that the bouncers at the front make little to no attempt to disperse these groups and as a result we get drunken behaviour spilling out up and down Queen Street. There have been occasions where this behaviour has resulted in the police attending and taking further action. We need to see more robust attempts from staff to move people on before it escalates. In a number of occasions we've also had to clean human sick and urine from my driveway, often occurring after late-night events that Rocky's are hosting.

• **Littering**

There have been many occasions where littering has occurred up and down Queen Street from Rocky's. These include plastic cups, bottles (sometimes

smashed resulting in broken glass on the pavement) and cigarette ends which you can clearly see concentrating towards the entrance of Rocky's (despite the smoking area being at the back) - we need to see more action from staff to move people on and not allowing any alcohol to be taken away from the premises. I've also had countless bottles and plastic cups being left on my wall which I've had to clean. From Rocky's themselves, we've had a giant rotting pumpkin that was outside on the pavement for almost 4 months and their waste bins are often overflowing spilling out into the pavement itself.

- **Parking and blocking driveways**

Patrons of Rocky's (including Scott Rock himself) have been parking outside Rocky's. As you know Queen Street can barely tolerate one vehicle down the road and it also accommodates a frequently used cycle lane which is consistently blocked. This has caused road users considerable difficulty.

This has also caused an issue for us as frequent pram users for our baby as many cars are parked on the pavement causing us to frequently cross the road with the pram as we're unable to pass through the parked cars.

There have been occasions when cars have been parked outside of Rocky's with drivers talking to others from inside of their car and unnecessarily revving their engines which can easily be heard from our house.

We've attempted to consult with Scott Rock himself on a number of occasions, even holding a discussion at the Vicarage Rooms at the top of Queen Street to gather concerns and relaying them to Mr. Rock. A number of suggestions were raised by resident such as;

- Staff to clean/sweep the front of Rocky's including any cigarettes, bottles and plastic cups on Queen Street
- Employing bouncers and ensuring they enforce the above issues
- To consult the residents of Queen Street of any potential disruptive or late events

These requests I feel to be very reasonable and would take very little effort to fulfil. The initial response I had from Mr. Rock was positive, however this has deteriorated. Residents have raised this issue since and have had a 'if it occurs outside of Rocky's then it isn't our problem' type response which I feel is not keeping with the requirements of his licence.

The above statement is an outline of how it impacts us personally as I'm aware there are other statements from other residents of Queen Street. You'll notice we haven't provided any dates and times but if required I'd happily supply these with supporting photographs if required.

Statement from [REDACTED].

We are [REDACTED] houses down from Rocky's Bar on Bay Road and have been at our property since August 2018. Having first hand experience of many disturbed nights and some frightening moments we have decided along with members of Queen street to review the license.

As said in other statements the "night club" hours and the unprofessional and poorly managed business has caused distress and nuisance to many along Queen street and Bay Road.

Prevention of crime and disorder,

Breach of: Anti Social Behaviour - Common Assault - Harassment- Putting People in Fear of Violence

As seen below are some key examples of why Rocky's Bar has caused us distress and nuisance. There have been many but here are the main examples with evidence attached.

12/08/23 2:23am

People hanging out of car windows after a night out, loud groups hanging around or usually arguing. I had watched them come down from Queen Street. Unfortunately, our windows let in lots of sound so heard conversations within the group regarding their night at Rocky's Bar.

13/08/23 1:54 am

Again people hanging around. Chatty loudly, screaming at time, shouting at friends down the road. Some clearly drunk and disorderly.

02/09/23 23:48pm

One of the worst nights experienced so far, 101 report done. Mr Rock and security guards involved in fight with at least 6 other customers. Very poorly managed by Mr Rock and the security guards who that evening were not fit for purpose. Especially when the incident was not solved near the bar and ended up erupting 5-6 houses away into a new street.

Events and effects

There has been nights promoted which will cause excessive drinking which then lead to crime and disorder as seen previously such as "Drink the bar dry" (3rd November 2023). This was taken down after a resident from Queen Street had emailed the council and police with concerns this

would amount to anti-social behaviour. This just shows what the owner and manager of Rocky's Bar is capable of and the lack of care and respect for not only residents of Queen Street but the public safety for customers.

As someone who lives in Bay Road and is a young person who often walks in to town I fear walking pass Rockys Bar in the evening and as a result walk the main road (Le Neurburg Way). This is because of past events which have been mentioned above but also some which have caused people to be arrested (new years eve 2023-24) and physical fights (02/10/23 Queen Street resident door covered in blood).

As someone who has a high pressured job which requires focus I feel not only is my personal life being affected but my work life. This is due to the lack of sleep I am getting on a Wednesday night (poker night), Friday, Saturday and Sunday.

Yours sincerely

██████████

I attach below evidence of above mentioned events plus a video has been supplied.



On behalf of [REDACTED]
of [REDACTED]. Tuesday, 13
February 2024

Licencing review 'Rocky's Bar'

Background

My wife's family has lived in Queen Street for 4 generations moving from Enmore Green in 1946. Initially [REDACTED] was a barbers and general store with my wife's family living above the premises. This closed in the 1970's and since then it has been our family home with up to 3 generations living here.

The premises now known as Rocky's bar is [REDACTED] and was first licenced as a pub in the 1980's. Apart from a brief spell in the late 1990's the premises have been well run and caused limited issues for the local community. We rarely had any late-night openings or amplified music and only for specific events – eg Gillingham Carnival.

There have been several attempts to run the premises as a restaurant however these have not been successful as there is no off-street parking and limited passing trade.

The Bar is surrounded on 3 sides by residential properties with the former Methodist chapel opposite being converted into 8 apartments, further isolating the bar from any other retail or commercial premises and outside the 'town centre'.

My wife, [REDACTED] and I have lived at [REDACTED] for 60 and 35 years respectively and our daughter [REDACTED] and [REDACTED], now live in the part of the house closest to the bar. Despite installing double glazing costing several thousand pounds we are regularly disturbed at weekends by the noise of patrons entering and leaving the premises up until 2.30am as well as congregating outside the front to smoke. This hubbub is compounded at weekends by the background thud of the bass of the regular Friday night discos playing till 2am. Most Saturday evenings there is a live band till IRO 23:30 followed by recorded music, again until 2am and audible within our property.

Rocky's has no sound insulation and is an extended farm labourer's cottage with a solid stone wall between it and [REDACTED]. Mr Rock has refused to install noise monitoring equipment or invest in any sound proofing and while we have invested thousands in double glazing it still has an impact on our Quality of life.

Anti-Social Behaviour

There has been low level public order and anti-social behaviour since Mr Rock took over the premises. Despite several requests and incidents reported to Mr Rock, he has failed to make any attempt to engage with the residents or accept any responsibility for the problems we experience most weekends. The problems have included urination against our property, vomiting, and litter including glass, and smoking detritus.

The anti-social behaviour occurs to the front and rear of the property. The Beer Garden is open till 23:00 and to the front, in Queen Street, until the early hours most weekends.

Noise Nuisance

We complained about the levels of noise from the clients, disco and bands to Environmental health and despite keeping incident logs over multiple months they did not see this as a priority despite the impact on our quality of life. Copies of the logs are available.

Beer Garden:

The rear of the bar looks out onto the beer garden that is accessed via a raised deck and poorly illuminated steps (it is not accessible). There are patio doors that lead from the bar onto the deck, and during summer months these have been wedged open till 23:00. Even when the doors are closed, their continual use means the noise varies from muffled to a loud wall of sound, that coupled with up to 20 people on the deck & garden means we are unable to enjoy our garden at weekends. Video's and sound files are available.

Queen Street:

The Issues at the front of the property are compounded by the topology of the area. The road is narrow with buildings in close proximity forming a 'canyon effect' that amplifies the noise associated with the bar.

We have over 15 sound and video recordings from 2022/2023 covering between 22:00 to 02:00 to the front of the property that we would be happy to share as evidence of the issues caused. The worst example was the 8th and 9th of September where at one point over 20 people were in the street outside our property. On that occasion there were door staff present but they failed to stop people from entering or leaving the premises and made no attempt to quieten the crowd.

Unfortunately, this is not just a summer problem and we have sound files from across the year to evidence the kind of disturbances we face.

Parking:

While it is not a specific licencing matter, because the bar has no allocated parking, most evenings cars are parked on the pavement for 40M either side of the bar, blocking the cycle route at both ends and sometimes the pavement itself. Our property fronts the pavement so people getting into their cars, slamming doors and driving off in the early hours has contributed to the overall noise nuisance.

Public Order

Over the last 2 years there have been a number of incidents where the police have been called, some resulting in arrests.

Since the start of the new year there have been at least two incidents of note including:

1/1/2024 New Year's Day 00:15 Police were called to an incident involving a hammer and one arrest was made. The anti-social behaviour was so loud, I went out to support the two attending officers as there were IRO 15 people involved and they were 'struggling' to deal with the incident. I tried to calm the girlfriend and sister of the young man in custody and, according to them, the incident started with an assault on a young female within the bar and spilled out onto the street outside. A short video is available as evidence of the noise and disruption caused on what should have been a family celebration.

11/2/2024 23:30-02:30 There were a series of drunken arguments and people in groups standing outside the front of the building to smoke making a lot of noise. Between 01:00 and 02:00 a fight that started inside the bar spilled out into the street to which the police were called, and 3 police vehicles attended the scene.

It should be noted that Mr Rock doesn't always employ door staff for these late nights, however when they are in attendance, they do not seem to ask people to be quiet, and indeed often engage in banter with the clientele adding to the noise nuisance.

Child Safety

Mr Rock has had what appears to be a domestic children's playground built in the beer garden. It is not fenced from the rest of the garden and dogs, including Mr Rocks, are allowed to freely roam and potentially soil the immediate area. Unaccompanied young children are often to be seen playing on the equipment with parents in the bar. On one occasion the slide became untethered while children were playing on the equipment.

In conclusion:

We feel we have become prisoners in our home at weekends. We are unable to sit and enjoy the garden we spent 2 years restoring during lockdown because of the levels of noise, swearing loud music from the rear of the Bar and the Beer Garden. When in doors during the summer months we cannot open our windows at night because of the noise nuisance from the front of the bar that, at weekends, often keeps us awake until the early hours.

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

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

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 Belinda Ridout
.....

Date 19th February 2024
.....

Capacity Dorset Council Councillor, representing Gillingham ward.
.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see <http://www.dorsetforyou.com/fraud> or contact Finance Manager on 01305 252292.

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.

Licensing Act 2003
Premises Licence

NDPL0298

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Rockys Bar

Queen Street, Gillingham, Dorset, SP8 4DZ.

Telephone 01747 825825

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
B. Exhibition of films (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
C. Indoor sporting event	Monday to Sunday	Midnight	11:59pm
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
I. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	Midnight	11:59pm
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	Midnight	11:59pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Licensing Act 2003
Premises Licence

NDPL0298

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Rocky Bars Ltd
32 The Square, Gillingham, Dorset, SP8 4AR.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Rocky Bars Ltd

13474289

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Scott ROCK

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. NDPA1089

Issued by North Dorset

ANNEXES

Annex 1 - Mandatory Conditions

Supply of Alcohol (s19(2)&(3) Licensing Act 2003)

No supply of alcohol under the premises licence -

- (a) at a time when there is no designated premises supervisor, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films (s20(2))

Admission of children must be restricted in accordance with any recommendation by the British Board of Film Classification.

Door Supervision (s21(a))

Any individual carrying out a security activity must be licensed with the Security Industry Authority.

Annex 3 - Conditions attached after a Hearing by the Licensing Authority

1. Prior to the carrying out of any licensable activity on the premises between the hours of

Licensing Act 2003
Premises Licence

NDPL0298

ANNEXES continued ...

2300 and 1000 hours there shall have been submitted to and approved in writing by the Licensing Authority details:

(a) identifying at all times that any licensable activity is taking place at the premises the number of individuals to be employed and working there for the purposes of carrying out security activities ('security staff'), where for the purposes herein security activities means any of the following: -

- (i) guarding premises against unauthorised access or occupation;
- (ii) guarding premises against outbreaks of disorder;
- (iii) guarding premises against damage;

(b) containing an assessment as to reason(s) why it is considered appropriate to appropriate to employ the number of security staff that have been identified. (The Security Details).

No licensable activity shall be carried out on the premises between the hours of 2300 and 1000 hours unless the number of security staff present is in accordance with the Security Details as set out above.

2. There shall at all times be displayed at every exit from the premises in a prominent visible position easily accessible and readable by all customers at least one notice of a minimum A4 size requesting the public to respect the needs of local residents and to leave the premises and area quietly.

3. Except in the case of an emergency in every room of the premises where regulated entertainment is taking place then at all times between the hours of 2300 and 1000 the following day when that regulated entertainment is taking place all:

(a) windows situated in the room(s) shall be kept closed (together with all other windows in any other room connecting to the room(s) which can be accessed without opening a door); and

(b) all doors allowing access or egress to the room(s) shall be kept closed other than for the minimum time necessary to allow access or egress.

4. Between the hours of 2300 and 1000 the following day:

(a) no music or other amplified noise, including speech, shall be relayed via speakers

Licensing Act 2003
Premises Licence

NDPL0298

ANNEXES continued ...

exterior to the premises; and


(b) no live music shall take place exterior to the premises.

5. Prior to the carrying out of any regulated entertainment on the premises there shall have been submitted to and approved in writing by the Licensing Authority details of all training to be provided to employees concerning the procedures to follow in the event of any noise complaint from any member of the public received received at the premise while any regulated entertainment is taking place at the premises ('the Noise Complaint Details'). At all times that any regulated entertainment is taking place on the premises:

(a) there shall be present and employed at the premises at least one person who is fully conversant with the Noise Complaint Details or in the event of replacement details being submitted to and approved in writing by the Licensing Authority then the content of the most recently approved of such details; and

(b) all members of staff working at the premises shall know which individual(s) are fully conversant with those details and how the individual(s) can be contacted.

6. No portable electrical appliance shall be used at the premises as part of any regulated entertainment unless it is protected by a residual current devise having a rating not exceeding 30 milli-amps that has been installed as part of the fixed wiring installation.



Business Licensing

1. Prior to the carrying out of any licensable activity on the premises between the hours of 2300 and 1000 hours there shall have been submitted to and approved in writing by the Licensing Authority details:

(a) identifying at all times that any licensable activity is taking place at the premises the number of individuals to be employed and working there for the purposes of carrying out security activities ('security staff'), where for the purposes herein security activities means any of the following: -

- (i) guarding premises against unauthorised access or occupation;
- (ii) guarding premises against outbreaks of disorder;
- (iii) guarding premises against damage;

(b) containing an assessment as to reason(s) why it is considered appropriate to appropriate to employ the number of security staff that have been identified. (The Security Details).

No licensable activity shall be carried out on the premises between the hours of 2300 and 1000 hours unless the number of security staff present is in accordance with the Security Details as set out above.

2. There shall at all times be displayed at every exit from the premises in a prominent visible position easily accessible and readable by all customers at least one notice of a minimum A4 size requesting the public to respect the needs of local residents and to leave the premises and area quietly.

3. Except in the case of an emergency in every room of the premises where regulated entertainment is taking place then at all times between the hours of 2300 and 1000 the following day when that regulated entertainment is taking place all:

(a) windows situated in the room(s) shall be kept closed (together with all other windows in any other room connecting to the room(s) which can be accessed without opening a door); and

(b) all doors allowing access or egress to the room(s) shall be kept closed other than for the minimum time necessary to allow access or egress.

4. Between the hours of 2300 and 1000 the following day:

(a) no music or other amplified noise, including speech, shall be relayed via speakers exterior to the premises; and

(b) no live music shall take place exterior to the premises.

5. Prior to the carrying out of any regulated entertainment on the premises there shall have been submitted to and approved in writing by the Licensing Authority details of all training to be provided to employees concerning the procedures to follow in the event of any noise complaint from any member of the public received received at the premise while any regulated entertainment is taking place at the premises ('the Noise Complaint Details'). At all times that any regulated entertainment is taking place on the premises:
 - (a) there shall be present and employed at the premises at least one person who is fully conversant with the Noise Complaint Details or in the event of replacement details being submitted to and approved in writing by the Licensing Authority then the content of the most recently approved of such details; and
 - (b) all members of staff working at the premises shall know which individual(s) are fully conversant with those details and how the individual(s) can be contacted.
6. No portable electrical appliance shall be used at the premises as part of any regulated entertainment unless it is protected by a residual current device having a rating not exceeding 30 milli-amps that has been installed as part of the fixed wiring installation.

Environmental Protection Comment

Thank you for the email to Environmental Health advising us that a review application for Rockys Bar, Gillingham SP8 4DZ has been submitted.

This is not a formal representation. It is an informal statement of fact detailing Environmental Healths involvement in this case, which we feel may be helpful for the committee.

There has been significant involvement of Environmental Health in this case, but we have **not** gathered, or been provided with, significant evidence to **demonstrate a statutory noise nuisance**.

Since August 2021 the following investigations have occurred

Our reference	Date	Comp	Compliant	Investigation
34057	13/8/21	A	Questions why premise is open until 2am. Noise from groups of people in Garden	Emailed comp. They wanted to give the premises an opportunity to resolve this after speaking to them directly
39675	27/3/22	B	Loud music from premises. Noise from people in garden	Standard email sent to complainant – NO REPLY
39660	28/3/22	B	Loud music from premises. Noise from people in garden	Called complainant. Discussed. Advice given. Sent logsheets. No logsheets returned – closed
39715	28/3/22	C	The music was going on until past 2am and he couldn't sleep. Doors open, and people were outside smoking and shouting and swearing till the early hours. It is generally noisy to live near but as they usually close at 11pm it isn't so bad, it is just every few weeks when they have these late licenses that it becomes an issue.	Phoned and discussed – advice given. Advised to complete and return logsheets. Also concerned no security. No logsheets returned – CLOSED
41500	21/5/22	C	Noise and loud music. Foul language and shouting emanates from the garden and the street. Play facilities have been installed in the bar garden.	Telephone Call to comp Letter to Source sent Letter to comp sent with logsheets Discussed with licensing No logsheets returned
41501	22/5/22	A	Noise from people in Garden and music noise when they have bands on	110 meters from Complainants house to Rockys. Phoned and discussed with comp

Appendix 4

				Wrote to complainant with logsheets No logsheets returned
43081	14/7/22	D		<p>Logsheets sent in from new complainant. In 6 week period there were no incidents of music past 23:00h although it did disturb them in the garden at times.</p> <p>During this time period there were 7 incidents recorded on the same logsheets of noise in the street from people shouting and behaving in a disorderly fashion.</p> <p>Case reviewed – conditions looked at and no relevant noise conditions to enforce against – no stat nuisance from music.</p> <p>Volunteered to not use garden after 23:00h.</p> <p>Doors and windows must be closed after 23:00h</p>
44247	17/8/22	E		<p>Logsheets sent in from new complainant.</p> <p>Complaint of people noise in garden until 23:00h; also noise spill when pub door open and closed.</p> <p>Impacts them in their garden.</p> <p>Wedding in pub garden (under a TEN) - wanted to be warned about this. Video of marquee wedding party sent in with logsheets.</p> <p>End of summer / outside people noise until 23:00h – no further comms or complaint - CLOSED</p>
48312	17/2/23	Internal	Freedom of Information request regarding number of complaints in 2022	
49389	4/4/23	F	Noise from Rockys Bar	<p>Logsheets sent and returned.</p> <p>ASB team involved</p>

Appendix 4

				Installed Noise recording equipment for + 2 weeks. Only 2 short incidents of noise recorded – No stat nuisance. Complaint taken on by ASB team – CCTV installed
50948	5/6/23	B	Noise at weekends disturbing sleep and ASB No door staff	Discussed with comp Phoned and discussed with Scott Rock (Rockys) who said he closes garden at 23:00 and monitor noise levels from across the road when bands and DJs on. Several email exchanges with comp and offered to put noise recording equipment in once logsheets returned – but no logsheets returned.
52953	26/7/23	G	Email complaint received - Constant rubbish being left from the business along the street. Shouting and car horns beeping. Sitting on the street shouting and causing trouble. This occurs most Friday and Saturday nights or when there is a late event on that evening. Lack of sleep. Always having rubbish in our front garden. Have had car damaged multiple times.	Email and logsheets sent – no reply
52672	29/7/23	G	Email complaint received via ASB -	Forwarded to ASB team Sent bespoke reply to comp – but no reply received.
52870	6/8/23	A	Email regarding constant noise from large numbers of people in the pub garden and incredibly loud live bands.	ASB and Noise logsheets sent – not returned Advice given on how to review licence.
54142	18/9/23	H	Lack of security Customers congregating out the front Litter	Phoned and discussed – advised in writing that we had insufficient evidence of a noise nuisance and best course of action is for residents to review licence.
57094	29/1/24	A	Bar blaring music until 3am in residential area and filling in forms does not help	Email sent to comp explaining our investigation procedures

- 8 Complainants over 32 months
- 15 complaints over 32 months
- Investigation procedure explained and logsheets sent to all
- 3 sets of logsheets returned; none of which indicated a statutory nuisance from noise emanating from the premises
- Noise recording equipment installed in xxxxx house. Only 2 short incidents of noise recorded – not a stat nuisance.
- Scott Rock (DPS) spoken to on a number of occasions and closed the garden at 23:00h, and monitored the noise when bands and DJs on as advised.
- ASB from customers allegedly leaving the premises became more of an issue and as a result the ASB team at DC were involved.
- CCTV was installed by the council ASB team in the area.

The Environmental protection team at Dorset Council have had 15 complaints about Rockys bar over 32 months. These 15 complaints have been from 8 different people / addresses. 3 sets of logsheets were returned but they did not demonstrate a statutory noise nuisance. Despite only a small amount of evidence, the Noise Recording equipment was installed at a property opposite Rockys bar. No significant noise was recorded during the +2 weeks over which it was installed.

Many of the complaints were about noise and ASB from customers allegedly coming and going from the bar in the early hours of the morning. This information was passed to the councils ASB team and they investigated. Noise in the street cannot be considered by EH as we cannot hold the pub responsible when the customers are off the premises.

I believe the main trade for Rockys bar is at weekends and late at night. Customers are attracted by bands, DJs, Karaoke and live sporting events on TV. In my experience having a licensed premise of this type, open until the early hours of the morning, in a residential area will result in complaints of noise and ASB. The noise from the premises and customers on the premises can be managed; but the behaviour of this type of customer in the early hours of the morning in a residential area is undoubtedly causing local residents disturbance and worry.

Appendix 5- Interested Parties in Support of the Review

Representation 1

I am a resident of Queen Street.

I have lived with my family for the first 23 years of my life and throughout that time there were few problems from The Smouldering Boulder (Rocky's Bar).

I moved away 3 years ago. I moved back in October 2023 and have been kept awake until the early hours of the morning on a Friday and Saturday most weekends. This has been due to noise nuisance and anti- social behaviour, from patrons loitering in the street smoking, talking and often arguing right under our bedroom window. This has included violence and fighting.

I am also often kept awake by loud booming music from 8pm to 2am in the morning. My parents have spent Thousands of pounds on double glazing yet even with all their windows and doors shut we can still hear it.

I have a long and tiring job working as a matron during the week and I come home on a Saturday or earlier in the week for exeats and school holidays and most nights when I am trying to sleep I am kept awake by patrons from

I am also woken and sometimes kept up by Mr Rock's dogs that are barking at all hours of the day in the flat above the bar.

As there are often groups of young men outside of the premises as early as 9pm I don't like to go out of the direction of the Coop, despite the licence review these problems are continuing to occur for example this last Saturday there were still groups of people up until 1:30 am shouting and screaming at each other. I have access to the rear garden, but the noise means that we don't use it.

This is really affecting the quality of my life and would appreciate it if sensible licensing conditions were applied that reflect its location in the middle of a residential area.

Whilst there are sometimes door staff they don't make any attempt to diffuse any arguments or fights.

Representation 2

I have lived in Sherborne most of my life and since moving to Gillingham 6 months ago where I live to Rocky's Bar.

I have seen the police being called to come to an altercation outside of my house more than I ever saw them in Sherborne.

I have a job where I am having to get up at the early hours of the morning through the week and weekend and due to the disco's and bands, they have on a Friday I am being kept awake due to the loud noise of the bands and disco's from Rocky's bar, also from the noise and arguments and also fights that happen outside my house on a regular basis. This can be until 3 am at the latest and then even later some nights when people are lingering outside after closing.

There is also many people who are standing under our window having a fag and leaving the litter from this on the pavement. I have also witnessed around twenty people standing outside at one time.

I have also been woken up at 12 am by Mr Rocky's dogs who he takes out the back of the pub to go to the toilet. This has also happened at around 1 am and 2 am as well.

There has seemed to be Bouncers outside the doors, but they are not much help, as when fights have broken out, they don't do much to help break them up, they also don't seem to make sure that when people come outside that they keep the noise down and be respectful to the neighbours.

Appendix 6- Interested Parties Not Supporting the Review

Representation 1

I am writing to you in support of Rocky's Bar on Queen Street in Gillingham Dorset.

I live in the local area and frequently visit the bar up to 3 times per week and with my partner and my children every Sunday where we are always met with gracious staff and even more gracious Landlords.

The bar has been a revelation in the town bringing together hundreds of people with a shared interest in Sports and Music.

Since the Covid-19 restrictions have been lifted this has been a central hub for many people to get together some of whom suffered through significant mental health issues during this period.

Whilst i am sympathetic of the immediate neighbours as someone who is in the bar most weekends i have never seen "significant" disruption caused by the bar itself and any action taken by a member of the public when leaving the bar cannot and should not be held against the Bar and it's staff as these very limited occasions can happen on any street in the town on any night of the week.

The bar holds Pool Teams, Darts Teams and Pub League poker tournaments alongside the numerous other events that Scott and the team put on for all ages.

We are talking about a bar who is a sponsor of Yeovil Town Football Club and Gillingham Town Football Club.

Single handed the bar contributes more to the local area than somewhere like the Red Lion and the like and i urge you to renew the licence and give the patrons of the bar somewhere to go where they feel safe and respected.

Representation 2

Scott Rock and Rocky's bar are a pillar of the local community. He has put time and money into supporting local clubs and people including sponsoring myself as a player at North Dorset Rugby Club. Scott has also sponsored the local football club and Yeovil Town FC which clearly shows the level of dedication he has towards local sport teams. The bar always has a warm and friendly atmosphere and I have never had any problems when visiting there. I am a local secondary school teacher and there are many members of staff who meet in Rocky's bar several times a week for a few drinks and a catch up as it's the perfect venue and has the most welcoming and comfortable atmosphere. As a local community we would be lost and highly disappointed if some local individuals who do not see the value this establishment has on the local community were to cause any changes to the running of it.

Representation 3

I was a resident at between June 2020 and March 2024. From my time living in Queens Court there has very rarely been any noise disturbance coming from the bar. The only time I can think of off the top of my head is an incident towards the end of last year (I don't know the time frame specifically) where a couple of people had an altercation after coming out of the bar and got into a fight resulting in blood being spread around queen street. Apart from this issue I never personally had any problems with noise or disturbance coming from the bar. Rocky's is a great asset to our town, always a lovely bunch in there especially for sporting events. It's the only place in Gillingham to watch TNT sport so I regularly go in to watch the football. I've never experienced any issues in the bar while being there either.

Representation 4

I would like to make it known regarding Rocky's bar that this place is the best thing that has happened to Gillingham in many years.

The bar put on great entertainment for all ages and is one of the only pubs anywhere I feel safe taking my children (10,9,4,2 years old) for an afternoon to watch the football and play some pool. The children love playing in the garden on the playset in the summer and it gives us as parents a cheap afternoon out with the kids, which in the current cost of living crisis helps relieve stress on me and my partner.

On rare weekends where me and my partner do manage to get a babysitter and like to have a night off, Rocky's is the only pub locally where we can enjoy a late night drink which, as parents, is occasionally needed. If Rockys bar had to close it would be a massive loss to the town and community. It is as I'm sure you're aware it is the only place in town that stays open late and would be a massive loss if it wasn't available as we won't be able to walk home.

The only other option would be to spend £30+ on a taxi home from another town, or for most people a very unsafe drive. In summary every town needs a late night pub and Rocky's is Gillingham's only option.

Closing the pub would cause more drink driving on weekends from other pubs in different towns which is firstly illegal and secondly very dangerous.

Representation 5

I am writing to you as a resident of Octave Terrace which is the row of houses directly opposite Rockys bar in Queen St.

I have read the statements given by the residents of, and although in my opinion they contain elements of incidents that have happened, they have been massively exaggerated.

Yes there have been incidents of noise in the street, but these are very few and far between, and in no way has Queen St become a place where residents are 'fearful' of stepping out of their front doors.

In my experience, whenever there has been a gathering in the street, the staff at Rockys have been quick in dispersing any groups of people away from the area or back into the bar. At it's very worst, I have chosen to simply close my window which solves the issue.

Car parking along Queen St is impossible due to the restrictions (unless you are privileged enough to own a drive) and the vast majority of vehicles that do choose to park here are visitors/contractors working on the Churchberry House renovation and not patrons of the bar as suggested.

I have never left my property to find broken glass or human waste along Queen St in general, and no damage has ever been done to my property or my vehicles.

I feel Rockys Bar is being painted in an unnecessarily bad light. I'm not a patron myself as I don't fit the demographic, but for sports fans, and indeed the 18-25 age group, this is one of the few places in Gillingham that caters for them, and in my opinion this should be allowed to continue

Representation 6

I am writing with regards to the recent complaints that have been made against Rocky's bar Gillingham Dorset. I would like to express my feelings over Scott Rock and the club as a whole. I feel that they are a community hub not just a place for parties on occasion. They put on lots of different type of event like bingo Kareoke and poker nights. My late father attended poker nights regularly towards the end of his life there. Scott and his staff were nothing but kind welcoming and I trusted them to take care of my 76 year old dad, which they did. When they learnt of his passing they didn't hesitate to hold an evening to raise money which they gave to my mum. Not only that they let us hold a small wake in his memory and to set off a rocket with his ashes in in the field behind. The black more vale covered our story and we couldn't be more grateful to Scott. People are very quick to moan about noise and music etc but we have to remember that we need a hub a place to go where people are friendly and can have a little fun. We all need that in the very unprecedented times.

This page is intentionally left blank

Rocky's Bar General

Rocky's Bar prides itself on being a pub for the community, we try our absolute best to cater for everyone and anyone. We Focus on being a sports bar to allow our customers the greatest opportunity to view all the big football/boxing/rugby and many other events across our screens. We Also have 3 pool teams, 3 darts teams, our own in-house pool league a poker league ran through red tooth poker and regularly run competitions on weekend afternoons. Our poker league is budgeted and has helped multiple attendees who have recovered from gambling addiction and casino habits as it gives them a time to do what they enjoy safely with people who care and can monitor there play, and for some this has been a much needed lifeline of support. Across all our pool/darts/poker teams we have over 80 customers who for some of them their weeknight out is the only free time they get to socialise away from the struggles of work or homelife. We also pride ourselves as a family friendly bar and a safe space for young person's particularly young women who all too often do not feel safe to go out.

We are sponsors of Yeovil Town football club, Gillingham town football club and North Dorset Rugby club as we believe supporting local sports teams in these tough times is a wonderful way to give back to the community. Yeovil town women's team has recently been rebuilt after going bankrupt a few years ago and our sponsorship is partly to thank for this. Gillingham town football club also have a women's team an under 23's team and many other youth teams, all the way down to under 5's, which would struggle to get the funding to operate if it weren't without the help of local business such as us.

We have also carried out raffles in order to raise money for Charity for good causes, one of which was shortly after we opened when we raised money for the Elizabeth foundation which supports families with hearing impaired children.

We have also donated all £250 from ticket sales to one of our paid entry boxing events to a charity called MANUP, who support men's mental health, a charity that is close to my heart xxxxxx

As well as having filled up at least 2 charity pots for Dorset and Somerset air ambulance.

We regularly support local musicians & DJ's by hiring them to play in our bar as part of a band or solo act which for some of these people is their only way to earn an extra income to stay above the cost-of-living crisis.

Yes, on weekends we do opt to stay open later into the night and this is our busiest time. Attached you will find our sales report from 2023 and as you can see almost 30% of our entire takings for the year come between the hours of 11pm and 2am, and a staggering 42.67% come between 10pm and 2am. This is a massive portion of our income and without being allowed to stay open until this time this we would struggle to remain open as a business let alone support all the local sports clubs. Unfortunately, if the business did go bankrupt this would have massive knock-on effects to all our pool/darts/poker players and other regular customers losing their one bit of entertainment for the week.

Protection of Children from Harm

Climbing frame

The play area in the rear garden of the bar is for use of children under parental supervision. It goes without saying that we do not allow under 18's access to the bar without adult supervision. Therefore any children on the play area are being supervised by a parent/guardian that is within the premises.

The level of supervision is down to the parents, as it is in every aspect of life, parents take their children to playparks, soft plays, swimming pools, beaches etc in everyday life and depending on the age/responsibility of the child the parent/guardian will decide how much supervision their children need. Supervision does not mean 24hr constant watch. If a parent is happy with their children's safety than that is down to them. However as is the law when a person becomes drunk, they will be refused further alcohol sales and asked to leave the bar and would have to take their children with them. We would therefore be protecting the children under their parents' supervision by asking parents to leave and take their children with them before they become intoxicated. Please Note, we have never actually asked a parent in our bar to leave as the families that are patrons of our bar have a designated driver/supervisor of the children that doesn't drink alcoholic beverages at all. Or in the case of single parents, they will drink small amounts of alcohol. Once again as is in any aspect of life, parents are adults and are therefore capable of knowing how to take care of their own children. A statement by resident ... seems to imply that she believes the parents are irresponsible, why does she believe that it is her place to judge other parents.

It has been pointed out by another resident that maybe allowing dogs access to the garden is a dangerous exercise as the dogs may soil the immediate area this is a valid point, however most playparks in the local area do allow dogs access into the area even within the fence line so our park is no different to any other park. We ask all customers that bring a dog into the premises to keep it on lead and clean up any mess it makes, we have a bin in the back garden for disposal of this waste.

The slide did indeed break while children were playing on the play area due to the children jumping on the slide rather than using it for its intended purpose. Upon investigation staff discovered the child was 14 years old and slightly overweight. Although the playpark is deemed fit for up to 50kg this is for proper use and not for jumping onto then slide. The parent of the child was informed of what happened and apologised to the staff on shift. Since then we have deemed our play area out of bounds and have told parents that children may not use it until the slide has been replaced.

Solution: Should the licensing authority decide that the play park is unsafe for children we have arranged for the climbing frame to be completely taken down within the first fortnight of May. Please contact ... on ... for confirmation. ... is a patron of the bar with

his own children who he allows to use the play area as he feels it is safe and fun.

Underage drinking

Although I do not believe that any of the statements cover this topic specifically as it falls under the category of protection of children from harm I feel it will be a good insight to see how we operate.

As is the Law persons under 18 years old are not to be served or consume alcohol within our premises. Our staff have all been trained to the highest standards of Challenge 25 policy. We have posters in the bar to this effect and we have a handstamp which we use on busier nights to allow staff to mark young persons that have been correctly ID'd. At 9pm we do not allow anyone, even under adult supervision, to remain in the bar unless they are over the age of 18.

We have a book where the staff write down the name and DOB of persons that have been challenged. This book will be available for inspection on the review day. Unless we have door supervisors on site in which case they will stand at the front door and stamp the hand of anyone they have ID'd. Where the person arrives at the bar for a drink the bar staff will ask to see their stamp.

We regularly refuse service/entry into the bar for anyone not carrying a valid ID. We have also identified several fake ID's attempting to be used and refused entry on these occasions. As an extra measure we have 2 members of bar staff ... (20 years old) and (19) Who until recently attended Shaftesbury school and Gillingham School respectively. They are aware therefore of many of the young patrons of our bar and more importantly of their rough ages and siblings. On a few occasions they have been handed an ID of someone they went to school with by a person that is the younger sibling. They have been able to identify this and refuse service.

Additionally we have many schoolteachers from the local school that like to enjoy a drink on a Friday evening or Saturday afternoon almost every week. They are also aware of the many young persons in town and on 2 occasions have asked students to leave the premises before they even approached the bar.

Prevention of crime and disorder

As a bar we are required to send in security risk assessments to the licensing authority on a regular basis. Since we have been doing this, we have never had one rejected or even asked to be altered by the licensing authority. We do regularly employ door supervisors for our busier weekends and bigger events such as carnival night, Christmas & New Year's to name but a few.

Door Security/Incidents

Unlike as suggested by resident under section 'door security/venue layout' our door security start their shift at 8-9pm and end when the venue is closed. It would be a very pointless exercise to allow the door staff to finish their shift before the premises is closed to the public and I can assure you that this never happens and would implore you to ask resident for evidence of this, which I guarantee would not be able to be provided. It is also questioned whether I would be providing the door security myself and in fact up until October 2023 I held a valid SIA licence and therefore could have/ and have acted as security yes.

An occurrence that took place on 2nd September 2023 as mentioned by resident and as photographed/videoed by the anonymous statement. These statements mention that a door supervisor and I left the front door of the bar unattended to go and deal with the incident. That would obviously be our reaction, at that time there was no issue/risk of issue inside the bar and there was a manager, and 2 bar staff present in the premises, who had a radio to stay in contact with myself and the door supervisor. One of the statements seems to suggest that they believe the door staff and I should have stayed at the front door of the bar, one of the statements states that we should have done more to break up the fight. To prevent crime and disorder we did what was necessary in order to break up the fight, yes it did take longer than I would have liked it to but as mentioned by one statement we were outnumbered 6 to 2. This was an incident that we did not feel required police assistance, hence we did not call them, and they did not need to turn up. The anonymous statement mentions it 'one of the worst nights experienced so far' however they still did not feel necessary to call 999 as they decided 101 would suffice.

To the best of my memory this incident took place at approximately 11:30pm and although did involve customers from our bar also involved a passerby. This incident actually involved 2 members of the band we had in that night both of which were sober they were only protecting their mother and partner who had been assaulted by a very drunk passer-by outside. I have attached a screenshot of a message I received later that night from the band member.

Another incident mentioned by residents is that of new year's eve where there was a fight outside the bar and police attended and arrests were made. Crime number for this is 5524000002. As is known by the police the offender carrying the hammer was not a patron of the bar and it was a member of off duty bar staff that gave the officer the

'heads up' to search the offender. It should also be noted by the police that on this night while the 2 first on the scene officers were making the first arrest Scott Rock and his door security were assisting the police, by keeping the offenders friends away from the officer while they carried out their job and made arrests and keeping the vast majority of patrons inside the bar to stop more bystanders getting involved. In the interest of public safety and to prevent further public nuisance & crime and disorder Scott Rock made the very sensible decision to close the bar early that night, at a great cost financially to the business on one of the busiest nights of the year.

An event on 11th Feb 2024 which is mentioned in the statement from The police were called by a customer of the bar and a member of staff on my direction at around 1:15-1:30am. This is because a male customer was asked to leave the premises for being too rough in his displays of public affection towards the lady, he entered the premises with. When he was about to leave, he told the lady to come with him to which she responded that she did not want to leave. He then grabbed her hand and pulled her demanding that she left with him.

At this point I stepped in and told him he cannot act that way and must leave without her as she clearly does not want to join him. I had to do this in order to protect the lady who was visibly scared and did not want to leave. The man resisted me and started shouting across the bar at the lady at which point several other customers saw what was going on and jumped to her aid in order to remove the aggressive man from her space. Police were called and the man was escorted out of the building by 3 male customers. At this point I told him to leave the area and advised that the police had been contacted. He refused to leave. I went back inside and locked the door in order to keep my staff & customers safe as well as check on the welfare of the lady who was still clearly visibly scared, but thanked me and my staff for removing the man from the bar and keeping her safe.

When the police arrived the man ran down the road to attempt to escape from them and because of my knowledge of how physically strong this man was and how he had resisted inside I followed the police down the road to ensure that no harm came to the officers. They swiftly made an arrest and walked the man back to Queen Street to put him in the car. When the officers attempted to put the man in the car he again resisted, and the police had to restrain him on the floor and called for backup. I remained outside of the bar, not getting involved, but keeping an eye on the welfare of the officers. I also instructed staff to keep the door locked and not allow anyone to leave the bar as they would stand around on the street to film/watch and I knew this would be a disturbance to the neighbours and a risk to the police. Once the police backup finally arrived and the man driven off, I then allowed the patrons of the bar to leave and advised them to clear the street quickly and quietly.

In conclusion, the statement from is not factually correct and distorts the truth of what happened, in the sense that yes there were 3 police vehicles, but that was the decision of the first officers on the scene as they could not handle the only male that was causing them a problem. Only 1 patron of the bar was a problem that night and only one arrest was necessary. The only shouting outside the bar this night was most

certainly the officers and the resistant male. My staff and I, along with some customers acted incredibly to prevent what could have ended up in an extremely dangerous situation for the female, we prevented a potential crime. We also prevented further disorder by not letting patrons onto the street, much to the upset of most of our regular and non-regular customers.

I'm sure you will be able to make a request to the police to obtain their body worn camera footage which will confirm there were not lots of people out on the street as implied by xxxxxx

Drink Driving

Another key point regarding prevention of crime and disorder is our opening hours. We are, as you know, the only premises in Gillingham that ever stays open past 11pm. However, there are venues in Shaftesbury, Blandford, Wincanton and Yeovil that all stay open later than 11pm as well. If we, or the licensing committee, made the decision to close the bar at 11pm this would force patrons that currently safely walk home to have to go to another town for late night drinks. Unfortunately, it is a fact that despite the law and the obvious risk to life, many people all over the country still drink and drive. By Closing Rocky's earlier than venues in nearby towns this will encourage patrons to visit other towns late on weekends. This will no doubt result in more car accidents and loss of life due to nasty accidents caused by driving under the influence.

We believe that every town should have a venue where customers have the option to walk home, many of our customers opt to leave their keys at the bar overnight which is a good way to ensure public safety and lessen the risk of driving under the influence.

Public urination

Although this does appear to be a bigger issue than we were aware of, we do make every effort to avoid this happening. As you can see from an attached photo of an incident report on 14th August 2021 (2 days after opening) we actually barred someone for life from the bar when we noticed them doing this. We have never and will never tolerate that kind of behaviour and have barred 5 people since we opened for carrying out such an act. It must be noted that we are unable to spot every instance of this behaviour while inside the premises, and even if we had door supervisors standing outside it would be impossible to see the offenders stood by .. where they have been caught on camera as this is around a corner from view of the bar.

The first- and only-time resident ... has reported this directly to us, to my knowledge, was the morning of 11th March 2023 and we again acted on this having barred the offender. No further incidences that took place around the corner have been reported. If we are not informed by the residents of these things, how are we supposed to control or deal with them? It should also be noted that we should not be held solely accountable for the actions of members of the public, we do not pay them as staff members, we are not their parents, or their bosses, they in-fact chose to visit the bar of their own accord and being a public premises anyone (within reason) is welcome to come in, they are all adults and are capable of making their own decisions (even if these are the wrong ones).

Solution: We will continue to ban any member of the public that we spot doing this and are more than happy to bar offenders urinating on the side of if they communicate with us by sending all recordings in. Please note some of the photos make it very hard to identify the offender although I imagine the full videos would make this easier.

Police records

Below is a table I have created using information freely available on the police.uk website <https://www.police.uk/pu/your-area/dorset-police/gillingham-and-shaftesbury/?tab=crimemap>

I have noted down the total amount of crimes reported in Gillingham per month since Jan 2023 to the end of Feb 2024. I have also broken these down to categories such as Public Disorder, anti-social behaviour, violence and other. As you can see 760 incidents were reported to the police in this 14-month period. 285 for violence, 82 for public order and 103 for anti-social behaviour.

I'm sure you are able to check exactly how many times the police have been called to deal with incidents at Rocky's Bar and Queen Street. This would show that of all the crimes reported in Gillingham, Rocky's bar is responsible for an exceptionally low percentage. Being a licenced premises that serves alcohol and regularly has large crowds of people drinking in one place I would like to say that having such a low percentage of all of the crime in Gillingham being attributed to my bar is actually a great show of how we do in fact deter, handle and prevent crime to the best of our ability at all times.

	Violence	Public Order	ASB	Other	Total
Feb-24	16	2	7	13	38
Jan-24	17	3	3	16	39
Dec-23	21	3	5	11	40
Nov-23	24	10	8	23	65
Oct-23	18	4	9	18	49
Sep-23	16	2	13	17	48
Aug-23	19	7	9	19	54
Jul-23	12	8	7	16	43
Jun-23	9	5	8	29	51
May-23	23	2	10	16	51
Apr-23	20	6	5	22	53
Mar-23	31	9	9	22	71
Feb-23	28	14	0	23	65
Jan-23	31	7	10	45	93
Totals	285	82	103	290	760

Public Nuisance

Noise from Amplified music

In house we have a jukebox connected to several small speakers around the bar, we also have an amplifier which we and our DJ's connect into when playing our Discos/karaoke, this is in fact limited and even when the amplifier is turned up to max volume, which we rarely ever do, the sound doesn't reach the 80db mark. I have attached a video which will show you a recording of a decibel meter in use right next to the source of the sound and outside in the beer garden. As part of the video, you will see we have the door open, and door closed to take 2 separate readings. It should be noted that the loudest speakers are all based in the back room, which is why we have chosen to lock the back door at 11pm and ask customers to smoke outside the front of the bar.

Even during the hours before 11pm we do not allow customers to keep the door open for longer than necessary. As the main noise is aimed at the back of the bar the noise coming through the front door is significantly lower, however, after 11pm we again try to keep the front door closed as much as possible, unless people are leaving/entering. When we have bands playing they stop at 11pm and we then switch over to our in house sound system for the remainder of the night. If on a night the band sounds louder than usual I do check with a decibel meter again and have asked some of them to turn the volume down if they are too loud.

Noise from people outside the front of the bar

As we voluntarily lock the back door at 11pm, and have done since the early days when residents did raise concerns that the noise in the beer garden is too much, we allow customers to smoke outside the front of the bar. This is however, limited to 5 customers at a time and managed by a member of staff, usually me or the manager of the bar, or door supervisors when we have them. We also do not allow customers to take drinks into the street with them, even in plastic cups. We have a table by the front door for people to leave their drinks on and a sign at the door advising customers of this.

Unfortunately, there are many passers-by between 11pm and midnight that are on their way home from other venues in town. These passersby do tend to stop and chat with some of our customers. I do not have any power to move these people on down the road as they are members of the public, and Queen Street is a public place. We also occasionally get persons that have previously been barred from Rocky's attempting to come in and when they get refused entry or asked to leave, they will loiter on the street outside. Other than threaten to increase the length of ban I, or door staff, again have no power to move a member of public away from the bar. Even a police officer would struggle to find a valid reason to force someone to leave a street, unless a crime is being committed or public safety is in immediate risk.

Solution: We could once again allow our beer garden to be used after 11pm, with a 5 persons maximum, and stop customers from smoking outside the front of the bar.

Pros: This would stop passersby, or banned patrons from having anyone to talk to, so they would hopefully have no reason to loiter. It would also stop cigarette butts being

dropped on the floor as mentioned by another resident.

cons: This would make the noise from the music louder when the door gets opened and closed as the main volume from the music is in the back bar.

Solution: We could rearrange the bar entirely and move our DJ booth and bands into the front of the bar, reducing the noise heard through the back door, but increasing the noise heard through the front door when it is opened for people to enter/leave. This will be significantly less as customers will not be allowed out the front door until they leave for the night.

This would have to be managed by a member of staff being posted at both doors for the entirety of the night which doubles the requirement for staff on shift at any time. It should be noted that this is not necessarily a job for a door supervisor as anyone is capable of standing at a door and closing it after customers.

Despite what you may have been lead to believe from the residents statements, we very rarely stay open past 2am, the only times we have planned/advertised to do this in the last 18 months is new year 22/23 new year 23/24 and 29 March 24. All 3 occasions all customers had left the premises by 3am. Most weekend nights we close and advertise to close at 2am and normally have most if not all patrons out of the bar by 1:45am. Upon leaving we do have signs at the door asking people to leave quietly and respect the neighbours. We also do follow them out and request that they disperse from the area quickly. Evidence of this can be found in the sales report attachment where all year we only did 115 transactions between the hours of 2am and 4am, it should be noted that the vast majority of this is also staff closing the till later than these times and putting through a few transactions they forgot during the night.

Car Parking

This is not really a licensing issue, however Queen Street is a single yellow line street and parking is prohibited between 8am and 6pm. After 6pm anyone can park on the yellow line, as many of the residents without their own driveways do. You will see attached some photos of a resident opposite the Bar that regularly leave her car parked right outside, you will also see attached a picture of a car that is believed to be the property of the residents of parked on the yellow line as well as many work vehicles including a Dorset council van.

Parking on Queen Street is awful yes, but the vast majority of the cars left on the street cannot be attributed to the bar, due to our opening hours most of the cars that do belong to our patrons are allowed to park where they do after 6pm anyway.

Residents of regularly send us pictures of cars parking across their driveway and we ask the patrons in the bar if they own it to move it, although it should be noted that there are 2 chip shops and a Cp-Op within 150 meter walk of their driveway and people often park their cars outside the bar and indeed outside to visit these venues.

Solution: Queen Street could be double yellow lined, however this would most likely not go down well with the many residents that do not have their own driveway and use the parking on street overnight as per the attached picture. This would also make it impossible for deliveries to the bar and other business on the street such as the fish and chip shop.

2nd Solution: A double yellow line could be placed in the area just covering the driveway

of which might deter people from parking in front of .. drive/house.

Littering

As mentioned earlier in the document, we do not allow customers to leave the premises with drinks, even in plastic cups, except on carnival night where many patrons of the town like to take drinks outside to watch the carnival. We do have an ON and OFF licence to cover this. So, we are indeed allowed to sell drinks to customers in plastic cups for them to take home. However, we have stopped allowing plastics out the front door after residents have raised the issue with us.

It has been mentioned by residents that plastic cups, tin cans and broken glass has been found outside the premises. We stop pouring into glasses at 10:30 and have them all collected up by 11pm. We have never knowingly let customers leave with glasses, and since the original complaints came in about the plastic cups, we have stopped allowing customers out the front with these too. We do not sell any drinks that come in cans, so these most certainly are not a result of our patrons.

It should also be remembered that there are other premises in town and customers are allowed to leave with plastic cups from there, they may drink this on the way home and dispose of when empty which could be where part of the problem is from.

Attached you will find a picture of some cans of thatcher's haze left outside a product we do not sell, as well as a broken glass on Queen Street, the glass is identified as an Amstel glass, again a product we do not sell or have the glassware for.

Conclusion

I believe I have covered most of the concerns raised by the neighbours in this document, I would like to point out that there are only 4 people that have complained, one of which wishes to remain anonymous. Only a further 2 statements in support of the review have been sent in which are obviously relatives of

A few questions which I believe are worth considering:

- If the premises causes such a big issue and has been since 2021 why would the daughter and son in law voluntarily move into the house that is xxxxxx to the bar in October 2023? A house which belongs to their father and therefore they will be very well informed of all the alleged issues the bar causes.
- There has been a poster in our window for the duration of March which all residents of Queen Street must have walked past at some point or another, so why are none of them concerned enough to send in any statements in support of the review?
- The residents that have sent in the application have had all month to try and get other neighbours to send in a support, but nobody has, Is the bar therefore really causing that much of an issue?

Our overall stance is that we are and always have been willing to work with the authorities and neighbours, but sometimes the neighbours are not willing to work with us. We will continue to enforce all our current policies and procedures we have in place and would welcome any guidance/ alternative solutions from the police, neighbours, licensing and anyone else concerned or qualified to give advice.

This page is intentionally left blank

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.