

Licensing Panel

Monday, 14 December 2020

10.00 am

Present:

Cllr Steve Thompson (Chair)

Cllrs: Denise Tiran
Baljit Hayre

Franco DeFazio	Senior Licensing Officer
Vicky Nutley	Assistant Head of Legal Services (Place)
Rifat Sucu	Applicant
Debbie Wilders	Senior Environmental Health Officer
Chris Hill	Kent Police Licensing Officer
Ben Clarke	Committee & Scrutiny Assistant (Minutes)

12. Apologies for absence

There were no apologies for absence.

13. To declare any interest Members may have in the applications being considered. When declaring an interest a Member must state what their interest is.

No declarations of interest.

14. Consideration of Application for a variation to the premises licence for The Kings Head Sports Bar, 8 - 9 King Street, Gravesend, Kent DA12 2EB

The Chair welcomed everyone to the meeting and went through the process he intended to follow during the Panel. He further explained that once everyone had made their submissions and all questions had been answered, the hearing would close to all parties except the Panel, the Council's Legal Advisor and the Committee & Scrutiny Assistant, for the Panel to consider their decision.

The Licensing Panel was asked to determine an application for a variation to a premises licence under the Licensing Act 2003 in respect of the premises known as The Kings Head Sports Bar, 8 – 9 King Street, Gravesend, Kent DA12 2EB.

The Senior Licensing Officer gave a brief overview of the application and background information to the Panel.

The application was submitted by Mr Ismail Sucu for a Variation to an existing Premises Licence under section 34 of the Licensing Act 2003. A copy of the application was attached at Appendix C.

The application was for:

- Screening of sporting events on televisions and the sale and supply of alcohol from a bar in the external patio area at the rear of the premises from 11am until Midnight on Monday to Thursday, 11am until 02:30hrs Friday to Saturday and from 12:00pm until Midnight on Sunday

The applicant addressed the Panel and outlined the reasons for his application, his background history running the Kings Head Sports Bar, addressed the concerns raised by the objector and explained his position due to the pandemic.

The Chair opened the Panel to allow questions from Councillors; the below responses were received from the applicant:

- The beer garden in The Kings Head was 200 square metres and could fit fifty people within it; there would be two SIA licensed door staff in the beer garden along with another two SIA licensed door staff in the bar and another two standing at the entrance door
- The beer garden was situated on one acre of land and connected to Brew House Yard which had numerous fire exists in place; evacuating bar customers in the outbreak of a fire would not be an issue
- The bar and beer garden had an up to date fire risk assessment in place, it was renewed every December; the applicant was unsure if it included the max occupancy level however the applicant advised that the bar could hold 150 customers in total which included the beer garden maximum of 50 customers
- The Licence currently allowed live music to be played but only DJ sets playing recorded music had ever been used inside the bar; no live music was ever played inside or outside the bar
- Inside the bar were roughly a dozen televisions which were all silenced as they played a variety of different sports throughout the day. When a major sporting event such as an important Premier League game or Boxing match was on then the sound would be played on all of the televisions. Most of the sporting events played at the bar were recorded but there were a few occasions where live events were broadcasted
- The room next to the gents toilets was a storeroom used by the DJ for his equipment

Following a question regarding live sporting events from the Chair, the Assistant Head of Legal Services (Place) advised that the Licensing Act stated that a premises did not require a licence for showing recorded sporting events but the broadcast of live sporting events did require a licence.

The Chair allowed questions from the Kent Police Licensing Officer to the applicant; the below responses were received from the applicant:

- The bar regularly had six SIA licensed door staff working the bar however when the bar reopened after the first lockdown only four door staff were in place as the bar had to close at 10:00pm instead of its usual 03:00am closing time
- The bar was open to the public from 11:00am on Monday-Saturday

The Chair asked the applicant if he had read all of the conditions on his licence and informed the applicant that his licence stipulated that door staff were required to be in the premises monitoring the first floor seating areas as soon as the bar was open to the public.

The Applicant advised that he had read the conditions on his licence and he only needed door staff to be at the bar on Friday and Saturday evenings.

Following some confusion regarding the layout of the bar, the Chair and the Kent Police Licensing Officer explained to the Panel the layout inside the bar. The Kent Police Licensing Officer advised that the hallway leading past the gentlemen's toilets to the beer garden was roughly big enough to allow two customers to pass each other.

The Kent Police Licensing Officer addressed the Panel and explained Kent Polices objection to the request for a variation to the premises licence.

Following the conclusion of the Kent Police Licensing Officers submission, the Chair queried if there had been any negotiations prior to the hearing between Kent Police and the applicant in order to come to an agreement.

The Kent Police Licensing Officer explained there had been no further conversations with the applicant since the submission of their objection.

The Chair opened the Panel to allow questions from Councillors; the below responses were received from the Kent Police Licensing Officer:

- Kent Police would have no objection to the outside bar being run in the beer garden during the day before its proposed 10:00pm opening time however the time frame of 10:00pm -03:00am was a period of excessive drinking and raised concerns that the outside bar would increase the volume of alcohol sales which would lead to increased levels of drunkenness within the premises
- There was a degree of crime related to excessive amounts of drinking within Gravesend Town Centre which seemed to congregate outside of MacDonald's near bars such as the Kings Head. It could not be claimed that all of the crime was generated by customers leaving the Kings Head however it could not be ruled out that the Kings Head contributed to the level of alcohol fuelled disorder
- Kent Police were operating a '4E Approach' to Covid-19 enforcement; premises were educated in the first instance of a Covid breach occurring. During investigation of a suspected Covid breach at the Kings Head, the applicant and his brother were strongly encouraged to rectify the issue which they did bringing an end to the initial Covid breach. All premises that had Covid breaches were monitored regularly and if the breaches continued then Kent Police moved to the enforcement approach however the Kings Head had not reached that stage. Other Covid breaches that had occurred at the premises were of a much more minor nature such as a customer walking around the bar without their mask on which required an educational response rather than enforcement

The Chair queried if the Kent Police Licensing Officer wanted the Panel to also consider the Covid breaches as part of the variation to the Premises Licence request. The Kent Police Licensing Officer advised that he did and explained the relevance of the breaches to Panel Hearing.

The Chair informed the Kent Police Licensing Officer that the Panel would need a record of the dates, times and full details of each of the Covid breaches at the premises for them to be considered as evidence for the hearing as currently they were only opinions and nonspecific examples.

The Chair further explained that he was happy to adjourn the meeting for fifteen minutes to allow the Kent Police Licensing Officer to pull together a document with the requested evidence. The Assistant Head of Legal Services (Place) advised that the applicant would need time to be able to consider and respond to each piece of evidence submitted to the Panel therefore the meeting would need to be adjourned for at least a couple of days.

Following further discussion, the Chair asked the applicant and the Kent Police Licensing Officer if they had any issue with adjourning the meeting however he informed them that due to Christmas it was unlikely that another meeting would be held until January.

The applicant and Kent Police Licensing Officer raised no objection to the adjournment however the Kent Police Licensing Officer informed the Chair that Kent Police did not recognise Zoom as a secure format and some of the evidence that was requested may not be able to broadcast over Zoom. The Kent Police Licensing Officer advised that he would seek further clarity on the issue from his colleagues.

The Chair asked that the Kent Police Licensing Officer work with Committee Services Team in order to find a way that allowed the evidence to be submitted to the Panel Hearing; it was suggested that the evidence could be considered in Part B which was private and not streamed to YouTube.

The Panel unanimously agreed that the Licensing Panel hearing to consider an application for a variation to the premises licence for The Kings Head Sports Bar, 8 - 9 King Street, Gravesend, Kent DA12 2EB be adjourned to January 2021.

The Chair thanked everyone for attending the meeting and wished a peaceful new year.

Close of meeting

The meeting ended at 11:08am.