

Licensing Panel

Friday, 5 March 2021

10.00 am

Present:

Cllr Steve Thompson (Chair)

Cllrs: Baljit Hayre
Denise Tiran

Franco De Fazio	Senior Licensing Officer
Vicky Nutley	Assistant Head of Legal Services (Place)
Rifat Sucu	Applicant
Jonathan Cavanagh	Environmental Health Technician
PC Chris Hill	Kent Police Licensing Officer
James Bridges	Digital Developer
Lauren Wallis	Committee Services Officer (minutes)

15. Apologies for absence

There were no apologies for absence.

16. 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 were made.

17. 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. He explained that once everyone had made their submissions and all questions had been answered, the hearing would close to all parties except for the Panel, the Council's Legal Advisor and the Committee Services Officer, for the Panel to consider their decision

Further to a meeting of the Licensing Panel held on 14 December 2020 which had considered an application for the 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 DA12 2EB. As this meeting of the Panel had been adjourned the Chair asked the Panel to agree the minutes of the Licensing Panel held on 14 December 2020 as a correct record. This was agreed.

The Chair reminded everyone present that the Panel had been convened to only consider that application for a licence variation in relation to the bar and servery area in the outside area of the premises.

The Kent Police Licensing Officer addressed the Panel and explained the Kent Police objection to the application. The Kent Police Licensing Officer stated this was a continuation

of his submission from the last meeting of the Panel and drew the Panel's attention to the supplementary agenda which contained a list of incidents recorded on the Police database over the last two years. It was confirmed that all of the incidents had been recorded as taking place at the application premises and not in the town centre or at other town centre premises.

Following the conclusion of the Kent Police Licensing Officer's submission, the Chair queried whether the incidents listed on page 47 of the supplementary report in relation to Covid-19 had been substantiated or were allegations. The officer confirmed that the incidents were all calls to Kent Police. However, evidence of non-compliance had been found on visits to the venue. For instance the rule of six in a time of table service only, the non-wearing of face masks and group number breaches. The officer noted that some of the allegations on the list had not been confirmed.

In response to another question from the Chair, the Kent Police Licensing Officer also confirmed that no further negotiations with the applicant had taken place since 14 December 2020.

The Kent Police Licensing Officer advised that the 35 reported incidents over two years made the premises a high generator of calls and was in the top tier of the incident risk register.

The Chair opened the floor to questions from Councillors and set out below are the responses received:

- Page 47 of the agenda contained information of an infringement of a Covid-19 regulation. The Kent Police Licensing Officer confirmed that evidence on non-compliance had been found during Police visits to the premises. For example, a Birthday Party when the rule of six was in force which included not wearing face masks, non-management of group numbers and intermingling breaches. These infringements had been addressed informally at the time of the visit. However, some of the allegations included in the report had not been confirmed.
- Following a question of a 10pm closing time for the garden bar and servery, it was confirmed that that the majority of the more serious incidents took place later in the evening as the longer a premises was open the more alcohol was consumed and therefore the risk was reduced before 10pm.
- The Panel was advised that the premises was a sports bar during the day but had a DJ and a dancefloor in use in the evening so was more of a night club with an associated increase in alcohol consumption.
- With regard to fire risk, the Panel was informed that, in the opinion of the Police, the access from the outside area to the front of the building was narrow and restricted and with a 10pm closing time there would not be as many people in the outside area. Due to the busier night time economy on a Friday and Saturday, the premises became busier later on which would impact on safe evacuation in event of a fire.
- Following a question with regard to the possibility of fire evacuation via the back gate of the outside area, the Kent Police Licensing Officer noted that if the gate was kept open, it would allow customers to enter the premises without going past the door staff. At the request of the Chair, the Applicant confirmed that the gate was kept locked. However, there were two door supervisors in the garden so the gate could be opened in the event of a fire.
- The Panel was advised that the informant referred to on page 48 of the report, who visited the premises on 25 July was a member of the public and not a police

informant. The Panel was also advised that a member of the Police Licensing Team worked every Friday and Saturday and visited premises across the area a number of times every month. This was carried out as intelligently as possible i.e. visiting premises with a high risk of incidents of crime, nuisance etc. It was noted that the Kings Head Sports Bar was visited more regularly than some other premises.

- The Kent Police Licensing Officer advised that door staff from premises in the town centre, including the Kings Head, often reported incidents to the Police. However, he confirmed that all the incidents contained in the report related directly to the Kings Head.
- Following a question from the Chair, the Kent Police Licensing Officer reiterated that he had concerns over the levels of drunkenness in the Kings Head and other premises in the area. It was also felt that the additional bar in the outside area would exacerbate these issues.

The Chair invited questions from the Applicant to the Kent Police Licensing Officer and set out below are the responses received:

- The Kent Police Licensing Officer advised that the premises closed at 3am the following morning on a Friday and Saturday night.
- It was noted that most incidents occurred after 1.30am and it was confirmed that all the incidents recorded in the report were recorded by incident location. For example, if an assault was reported, the police would speak with the victim to ascertain where the victim had been when the assault had taken place. The incidents were not recorded by where the call to report the incident was made.
- Following a question on the number of Covid related visits the police had made to the premises, it was confirmed that two visits had been made. The Panel noted that the Applicant did not agree with this.

The Chair invited questions from the Council's Environmental Services Officer to the Kent Police Licensing Officer and set out below are the responses received:

- An incident had been recorded on 27 July and the Kent Police Licensing Officer confirmed that the report had been recorded at 22:00 hrs which was the time the call had been received.
- Following a question on the difficulty in managing people in the outside area, the Kent Police Licensing Officer confirmed that this had been in relation to a birthday party and he had spoken to the Applicant who had agreed to intervene. However, the Applicant had reported that it was extremely difficult to make clients comply with the guidance such as the rule of six, wearing masks etc. The Chair informed everyone present that the Panel was not reviewing the premises licence and the incident report was to provide a general overview of the premises and consideration should only be in relation to the outside bar and servery and not about Covid-19 issues.
- The Kent Police Licensing Officer reiterated that in his view the requested late opening times of the outside bar and servery would lead to an increase in nuisance, crime and disorder etc and that the current level of management would not mitigate that risk in the present night time economy.

The Council's Environmental Services Officer addressed the Panel and explained that it was considered that the request for the outside bar and servery was not appropriate in the daytime or the night-time. There were both residential and commercial buildings surrounding the premises which would cause amplification of the noise emanating from the outside area of the premises and this nuisance would increase with the proposed construction of

additional residential units. There had been noise nuisance concerns in the past which had resulted in acoustic doors being fitted and kept closed being made a condition of the premises licence granted in December 2011. If the proposed variation was approved, then the condition would become difficult to enforce. It was noted that the land adjacent to the outside area was not owned by the Applicant and could therefore be developed. The officer felt the suggested measures to deal with public nuisance were insufficient and therefore the Council's Licensing Objective with regard to the Prevention of Public Nuisance had not been met.

The Chair opened the floor to Councillors and set out below are the responses received:

- It was confirmed that the officer had been contacted the Applicant to discuss the application further on 17 December 2020 and the Applicant had confirmed that he only intended to use the outside bar between 10pm and 2pm on Fridays and Saturdays. However, the officer was only consent to its use up until 10pm but in the absence of measures to mitigate public nuisance, it was felt that measures should be put in place.
- Following a question on appropriate conditions to mitigate any nuisance, the Panel was advised that there was only one door supervisor was allocated to the outside area which was not considered sufficient and neither would two door staff be sufficient. Even if efficient intervention took place, the noise nuisance would have already occurred.

The Chair invited questions from the Applicant to the Council's Environmental Services Officer and set out below are the response was received:

- Following a question with regard to the televisions in the garden showing live sporting events, it was confirmed that this was not a licensable activity.

On the loss of the Applicant from the meeting due to connectivity issues, the Council's Legal Advisor confirmed that the Panel was permitted to make a decision in the Applicant's absence should it so wish.

(The meeting adjourned for 5 minutes because of connectivity issues and reconvened at 11am.)

Continuation of questions from the Applicant to the Council's Environmental Services Officer:

- It was advised that the difference to clients buying drinks from the bar inside the building to buying drinks in the outside area would encourage clients to stay outside later into the evening which would also cause the acoustic doors to be regularly opened and closed.
- The Applicant challenged the numbers of residences near the premises as cited by the officer.

(The meeting adjourned for 5 minutes because of the connectivity issues of a member of the Panel and reconvened at 11.18am.)

The Chair moved onto final summations and indicated that those with final summations had 3 minutes to address the Panel.

The Kent Police Licensing Officer addressed the Panel.

The Council's Environmental Services Officer addressed the Panel.

The Applicant addressed the Panel.

During this time a member of the Panel lost connectivity and the meeting was advised by the Council's Legal Adviser that the Panel was quorate with two members present.

Upon completion of the final summations, the Chair advised that the hearing had been completed in line with the Licensing Act 2003 and the meeting would be adjourned so that the Panel Members could come to a decision on the application. The meeting was advised that only the three Panel members, the Assistant Head of Legal Service (Place) (for legal advice only and the Committee Services Officer (for minute writing purposes only) would reconvene.

The Chair advised that the decision would be communicated in writing to all interested parties within 5 working days.

The Panel was adjourned.

Determination

The Chair advised that in coming to its decision, the Panel had considered all of the information provided in the report by the Senior Licensing Officer; the evidence presented by all parties attending the Hearing on 14 December 2020 and the reconvened Hearing on 5 March 2021; the advice of the Council's Legal Advisor; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State; the Human Rights Act 1988; and the Council's Licensing Objectives. The Panel came to the decision that in order to ensure the promotion of the Licensing Objectives that the application for the variation to the premises licence for The Kings Head Sports Bar, 8-9 King Street, Gravesend DA12 2EB be **refused** for the reasons set out below:

- Prevention of Crime & Disorder – The Panel was not satisfied that there were conditions that would prevent any crime and disorder issues occurring on the premises or after clients had left the premises.
- The Protection of Public Safety – The Applicant had not put forward any proposals for the management of clients in the outside area of the premises from a public safety perspective for example additional door supervisors and the possible need to use the locked rear gate as a fire exit. In the event of a fire, the gate remaining locked would cause a risk to public safety given the limited space to exit through the premises.
- The Prevention of Public Nuisance – The Panel considered that the Applicant had not put forward any proposals for the management of the increased service space in the outside area of the premises and that this would result in additional noise nuisance to local residents.
- The Prevention of Public Nuisance – In addition, the current premises licence contained a condition with regard to the acoustic door at the rear of the premises being kept closed to ameliorate noise nuisance from inside the building. The extended use of the outside would cause the use of the acoustic door to be increased thereby causing further noise nuisance to leak out from the inside of the premises. The Applicant had been unable to suggest any mitigating conditions to overcome this issue.

Close of meeting

The meeting ended at 12.21 pm