

Licensing Panel

Wednesday, 28 April 2021

10.00 am

Present:

Cllr Steve Thompson (Chair)

Cllrs: Baljit Hayre
Leslie Hoskins

Emily Lane-Blackwell	Senior Licensing Officer
Vicky Nutley	Assistant Head of Legal Services (Place)
Debbie Wilders	Environmental Protection Team Leader
Ismail Bozdog	Applicant
Graham Hopkins	Applicants Agent
PC Chris Hill	Kent Police
PC Daniel Hunt	Kent Police
Ben Clarke	Committee Services Officer (Minutes)

21. Apologies for absence

There were no apologies for absence.

22. 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.

23. Consideration of application for a variation of a premises licence for 21C 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

The Licensing Panel was asked to determine an application, to which representations have been made, for the grant of a variation of the premises licence under the Licensing Act 2003.

The Senior Licensing Officer gave a brief overview of the application and background information to the Panel; the Panel were also advised that an email as sent to all parties yesterday afternoon at 16:15 with a revised set of proposed conditions including an amendment to the opening hours which was in response to the Police & EH representations.

For the purpose of clarity, the Chair asked the Senior Licensing Officer to read aloud the proposed conditions which were as follows:

1) *Requested Permitted Hours for Alcohol Sales:*

Sunday to Thursday will remain from 08.00 to 00.00 midnight.

Friday & Saturday will be amended to be from 08.00 to 01.00 the following day.

2) *No use will be made of the hatch for the sale of alcohol.*

3) *An SIA Licensed Door Supervisor will be employed from 23.00 until close on Friday & Saturday nights. This requirement shall be reviewed after an initial period of six (6) months.*

4) *A minimum of three (3) staff will be employed in the shop from 22.00 until close Friday & Saturday nights.*

5) *We accept the Police proposed conditions numbered 1 to 5 & 7 at pages 28 & 29 of the Agenda Papers. We propose the attendance of Door Supervisors as detailed at Point 3 above.*

6) *The Door Supervisor when on duty shall be tasked to monitor customers entering the shop and their conduct while in the shop and also to politely engage with any persons loitering or drinking outside the shop to ask them to leave the shop frontage and vicinity quickly and quietly. When the Door Supervisor is not on duty a trained member shall be tasked to politely engage with persons loitering or drinking outside to ask them to leave the shop frontage and vicinity quietly and quickly.*

7) *The Premises Licence Holder shall undertake an ongoing risk assessment taking into account relevant advice received from Kent Police and any events including football matches occurring locally to identify the need for additional shop staff, additional SIA Licensed Door Supervisors or Door Supervisor attendance on nights when they are not conditioned to be on duty. Details of the ongoing risk assessment shall be recorded in the Incident Book.*

8) *All staff shall attend a recognised Conflict Management Course.*

On 04 March 2021, an application was received from Advance Architecture, on behalf of Mr Ismail Bozdag. A copy of the application was attached at Appendix 3.

The application was to extend the licensable hours to provide the sale by retail of alcohol at the following times:

- Sunday to Thursday 08.00 to 00.00
- Friday and Saturday 08.00 to 02.00

In response to a Members question, the Chair confirmed that the proposed condition 4 meant three members of staff within the shop and not three SIA door staff.

The Applicants Agent addressed the Panel and outlined the reasons for the application, the measures they had proposed to mitigate the concerns raised by the objectors and the new set of proposed conditions that were emailed to all interested parties yesterday afternoon.

The Chair opened the Panel to questions from Councillors; the below responses were received from the Applicant and his Agent:

- The Applicants agent apologised for the lateness of the circulation of yesterday's email with the proposed conditions and explained that he had experienced internet issues as well as being indicated with other licensing panel hearings over the last few months
- All anti-social behaviour issues did not stem from pubs and nightclubs but there was a balance in the night-time economy and the applicant was only responsible for any ASB issues that occurred inside or directly outside his premises
- The comments around local football matches referred to televised local games as many pubs in Gravesend broadcasted live games and as the applicant did not want rowdy drunk fans coming into the premises after he would shut the doors to them
- The SIA door staff member would be hired from a security agency
- The parking area behind the premises was jointly shared by the applicant, Favourite Chicken & Ribs, H&T Pawnbrokers and Robinson, Michael & Jackson

The Chair opened the Panel to questions from the Kent Police; the below responses were received from the Applicants Agent:

- The original application was put together by a different company but the applicant's agent upon reassessing it, advised the applicant to remove the request for a night hatch and included a door supervisor for the later opening hours instead. The applicant had reviewed the Policies concerns and although it was felt door supervisor weren't required for retail premises, it was appreciated that that the premises was near the local night-time economy
- The proposed conditions circulated yesterday afternoon were in addition to the conditions proposed in the initial application
- The applicant was not a Member of the radio system GSAFE but was willing to join GSAFE if his premises met the eligibility criteria

The Environmental Protection Team Leader addressed the Panel and outlined the Environmental Protection Teams concerns about the proposed licensing hours and the impact it could have on local residents.

The Chair opened the Panel to questions from Councillors; the below responses were received from the Environmental Protection Team Leader:

- The team hadn't received any specific complaints around noise for the premises in question but that was likely due to the earlier closing times already in place and the lockdown; the EP team felt that if it closed later then it would contribute to the noises made by other late closing premises and encourage more drinkers which would disturb local residents
- The EP team would prefer for the premises to close at 23:00 hours with a SIA licensed door supervisor on the door from 22:00 - 23:00 Fridays and Saturdays but as there had been no prior issues the EP team would accept 23:00 hours closing on Fridays and Saturdays with no SIA licenced door supervisor in place
- The email received yesterday from the agent and an email received early after representation was made from the applicant were the only discussions prior to the Licensing Panel. The Panel were advised the email received after the EP team made a representation was 'hot-headed' as the applicant did not think it was fair that another premises close to his premises was allowed to open till 02:00am. The EP Team had originally drafted a response to the other premises request to open until 02:00 am but there was an unfortunate admin error, and it was never submitted

The Chair advised the Panel that the email received from the applicant to the EP team had not been entered as evidence and would not be considered by Members during the decision making.

The Kent Police PC's addressed the Panel and outlined Kent Police's concerns about the proposed licensing hours and the potential for increased crime in the area.

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

- In recent times, due to the lockdown the amount of complaints and crime has dropped considerably however it was likely that issues seen before lockdown would resume as everything was re-opened and the proposed licensing hours would exasperate those issues
- Kent Police did not formally object to the nearby premises that was allowed to open until 02:00 am due to admin oversight which meant the objection was not submitted

The Chair allowed each party to sum up their representations for a maximum of three minutes each.

Upon completion of final submissions, the Chair advised that the hearing had been completed and in line with the Licensing Act, the meeting would be adjourned so that the Panel Members could come to a decision on the application. The Panel was advised that only the three Councillors, the Assistant Head of Legal Services (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 at **11:32am** and moved into Part B.

Determination

The Chair advised that, in coming to a decision, the Panel had considered all of the information provided in the report by the Senior Licensing Officer presented to the Licensing Panel; the evidence presented by all parties attending the hearing; 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 1998; and the licensing objectives. The Panel came to the decision that in order to ensure the promotion of the licensing objectives that the application be **granted** with the mandatory conditions and the following conditions for the Operating Schedule:

The licensable hours to provide the sale by retail of alcohol to be extended to:

- Monday to Sunday 08.00 to 23:00

Conditions for Licence

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

- a. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request
 - b. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request
 - c. The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - d. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.police.uk)
2. Three CCTV cameras are to be installed to the satisfaction of the police and the council. Recordings should be maintained for at least 31 days. The positions of the cameras are to be as follows:
- a) Covering the door on exit
 - b) A camera behind the counter covering the area observed from the counter
 - c) A camera covering the drinks cooler, beer cooler and the aisle towards the exit
2. Notices (purchased from most suppliers or Trading Standards) stating that alcohol will not be served to persons under the age of 18 must be displayed.
3. The premises will ensure that anyone who appears to be under the age of 25 and is attempting to buy alcohol will be asked to provide adequate and accepted proof of age. Proof of age would include:
- Connexions card – as promoted by Kent trading Standards and Kent Police
 - 'New type' driving licence with photograph
 - Valid Passport
 - Official identity card issued by HM armed force
4. All persons that sell or supply alcohol to customers must have licensing training:
- a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place
 - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation
 - c. Training records must be kept on the premises and shall contain the nature, content, and frequency of all training
 - d. Records must be made available for inspection by Police, Police Licensing Officer, and authorised officers from the Local Authority upon request either electronically or hard copy
 - e. All staff shall attend a recognised Conflict Management Course.

4. All staff shall be instructed to record in an incident book/register all incidents of crime and disorder occurring at the premises, and details of any occasion when the police are called:
 - a. These records shall include the time and date of any incident and the identities of staff members involved
 - b. The incident book/register shall be made available for inspection by Police and authorised officers of the Local Authority upon demand.
5. A diary log shall be kept detailing all refused sales of alcohol:
 - a. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.
 - b. The log shall be available for inspection at the premises by the police or an authorised officer of the Gravesham Council at all times whilst the premises are open.
6. There must be at least one personal licence holder on site at the premises while the sale of alcohol was conducted
7. No use will be made of the hatch for the sale of alcohol

In the light of the decision of the panel to limit the extension of hours to 2300 then the panel felt that there was no necessity for a condition requiring the premises to employ SIA registered door supervisions

Close of meeting

The meeting ended at 11:56am.