

## Licensing Panel

Wednesday, 10 November 2021

13:00pm

### Present:

Cllr Frank Wardle (Chair)

Councillors: Leslie Pearton  
Tony Rana

Lisa Hopson	Senior Licensing Officer
PC Daniel Hunt	Kent Police Licensing Officer
PC Chris Hill	Kent Police Licensing Officer
PC Andre Smuts	Kent Police Licensing Officer
James Rankin	Barrister
Ismail Sucu	Licence Holder
Rifat Sucu	Licence Holder representative
Sonia Sucu	Licence Holder representative
Ali Sucu	Licence Holder representative
Andrew Newman	Licensing Consultant
Vicky Nutley	Senior Legal Advisor
Phil Campbell	Kent Police Witness
Ben Clarke	Committee Services Officer (Minutes)

### 30. Apologies for absence

An apology for absence was received from Cllr Baljit Hayre. Cllr Tony Rana acted as his substitute.

### 31. 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.

### 32. Consideration of an application for a review of the premises licence for The Kings Head, King Street, Gravesend, Kent DA12 2EB

The Licensing Panel were asked to consider an application for a review of the premises licence for the The King's Head, King Street, Gravesend, 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 and the Committee Services Officer (for minutes writing purposes only) for the panel to consider their decision.

As the Licensing Panel had already heard the Part A evidence submitted by both Kent Police and the Kings Head at the expedited review hearing on 15 October 2021 and the hearing to discuss interim steps on the 25 October 2021, the Chair asked that both parties be brief on their introductions.

The Barrister pointed out that only two of the three Members of the Panel had sat on the previous two hearings and asked for the Chair's approval to go through the main points raised.

The Chair agreed and allowed the Kent Police and the Barrister to summarise the main points made at the previous two hearings surrounding the incidents that led to the review of the premises licence.

An expedited hearing was held on 15 October 2021, where the Licensing Panel reviewed the papers submitted by Kent Police and their supporting evidence. The Panel made the decision to suspend the premises licence with immediate effect.

A representation was received on 22 October 2021, from the premises licence holder, Mr Ismail Sucu and his lawyer Mr Jon Payne and further CCTV evidence was submitted. Another hearing was held on the 25 October 2021 to discuss interim steps and the Panel decided to reinstate the licence immediately with restricted conditions of-

- The licensable activities will stop at 11.30pm with the premises closed by midnight until we hear a full review Hearing
- A new DPS must be appointed and the application to be received by the Licensing Authority within 3 working days from the date of this hearing
- A reminder that all door staff had to be SIA registered

Following the introductions by both parties, the Chair moved the meeting into Part B to discuss the supplementary evidence provided by the Kent Police and the Kings Head legal team.

The Police called Phil Campbell into the meeting as a witness against the Kings head. Phil Campbell outlined his witness statement to the Panel and both parties as well as the Members, had their questions answered.

The Police played three videos showing CCTV footage that showed incidents occurring inside or near the premises known as The Kings head; the videos were dated:

1. 02 October 2021 at 02:58am – An incident occurred immediately outside the premises entrance
2. 18 September – 01:40am – An incident occurred inside the beer garden of the premises
3. 26 September at 02:50am – An incident occurred across the road from the premises

In light of the evidence presented, the Police asked for the revocation of the premises Licence for the Kings Head. If the Panel were not minded to revoke the Premises Licence then the Police would suggest the following conditions be added to their Premises Licence:

1. Suspension of the Premises Licence for one month, effective immediately, so that the Premises had appropriate time to retrain staff and implement new procedures

- for the Premises. Although it had been offered voluntarily, the Police asked that the Panel impose it as ruling by the Panel
2. The removal of the current staff for the door security with a new condition added that specified that any new door security staff hired had to be part of an approved SIA security contract
  3. All customers must be searched prior to entering the premises after 21:00 hours until closing every Friday and Saturday night
  4. One of the SIA registered door security staff must be a female so that the searching of female customers could be conducted
  5. All SIA registered door security staff must commence duty at 21:00 hours; there should be no staggered starting times so that all four staff were working in the premises at once
  6. All SIA registered door security staff must wear body cameras from 21:00 hours until closing every Friday and Saturday night
  7. All other proposals listed in the report submitted by Andrew Newman must be added to the Premises Licence

The Panel Members had their questions answered by the Police.

The Barrister and the Licensing Consultant addressed the Panel.

The Barrister advised that they were prepared to Shutdown the Premises for one month in order to implement new procedures and retrain staff and add the following conditions to their Premises Licence:

1. The Premise Licence Holder(s) shall engage the services of an Independent Licensing Consultant to undertake spot checks on the premises on a monthly basis for a period of 2 years.
2. The report of the Independent Consultant following each visit shall be submitted to the Council within 5 working days of the visit taking place
3. The DPS must hold, at the minimum, the Level 2 BIIAB Award for Designated Premises Supervisors (or its professionally recognised equivalent) If the DPS does not already hold this award it must be obtained within 3 months. The Council must be provided with a copy of the DPS award certificate
4. The CCTV Condition would be made stronger and amended to include: "All entry and exit points must be covered enabling frontal identification of every person entering in any light condition
5. CCTV must cover every area open to patrons (except the toilets) as far as is reasonably practicable
6. The employment of a new SIA registered Company for door security staff
7. The Premise would benefit from further training/refreshers including preventing and managing incidents (including serious crime and disorder) at least 6 monthly by an Independent provider
8. Recommend a Critical Incidents Policy (There should be sufficient prevention measures in the other Policies) This could be called dealing with incidents likely to lead to violence&/or disorder
9. Recommend a crime scene preservation policy & responsible drinking policy
10. A minimum of 3 staff to be trained as Personal Licence Holders – it was clarified by Mr Newman the Licencing consultant that this was intended to be three personal licence holders in addition to Mr Ismail Sucu

11. Last entry to the premises at 02:00am; no customer is allowed to enter the Premises after 02:00am

The Barrister advised that the Kings head were happy to include the following conditions proposed by the Police:

1. The removal of the current staff for the door security with a new condition added that specified that any new door security staff hired had to be part of an approved SIA security contract
2. All customers must be searched prior to entering the premises after 21:00 hours until closing every Friday and Saturday night
3. One of the SIA registered door security staff must be a female so that the searching of female customers could be conducted
4. All SIA registered door security staff must commence duty at 21:00 hours; there should be no staggered starting times so that all four staff were working in the premises at once
5. All SIA registered door security staff must wear body cameras from 21:00 hours until closing every Friday and Saturday night

The Barrister asked for a three-month grace period to allow another member of staff to be trained as a Personal Licence Holder and receive their certification from the local authority.

Members had their questions answered by the Barrister.

The Chair allowed both parties to sum up their arguments to the Panel.

The meeting adjourned at 16:16pm to deliberate.

The meeting re-adjourned at 16:40pm.

### **Determination**

The Chair advised that, in coming to their decision, the Panel considered all the evidence presented by the Police report, the CCTV evidence, the evidence given by the Kings head and the evidence from the previous two hearings. The panel felt the Licence holder had failed to up hold three of the Licensing objectives namely the prevention of crime and disorder, the protection of public safety and the prevention of public nuisance.

However the Panel noted that the License Holder had engaged a Licensing consultant who had put forward a number of recommendations which they were accepting, they also noted that several of the proposed conditions appeared to have been agreed by the police to address some of the issues which had been seen.

The panel accepted taking this into account that revocation of the licence would be unjustified on this occasion, the premises did need to reset and take a fresh approach. They had seen evidence of two serious incidents of a very similar nature in the CCTV clips, however they had placed very little weight on the third incident they had been shown which had taken place away from the premises.

Counsel for the License Holder had requested that the condition regarding the number of personal licence holders to be on staff was given a grace period of 3 months to enable that qualification to be obtained and now that this needed to be obtained by 2 additional staff

members this three months period would allow the premises to completely reset and open with all the new safeguards in place.

Having considered all those matters and advice given, the Panel have decided to suspend the Premises Licence for three months in order for staff to be retrained, new procedures put into place and three relevant Licence Holders put into position along with the following added conditions:

1. The licensable activities will stop at 01:30am and the premises will be closed by 02:00am
2. No entry to customers after 12:00am
3. The Premise Licence Holder(s) shall engage the services of an Independent Licensing Consultant to undertake spot checks on the premises on a monthly basis for a period of 2 years
4. The report of the Independent Consultant following each visit shall be submitted to the Council within 5 working days of the visit taking place
5. The DPS must hold, at the minimum, the Level 2 BIIAB Award for Designated Premises Supervisors (or its professionally recognised equivalent) If the DPS does not already hold this award it must be obtained within 3 months. The Council must be provided with a copy of the DPS award certificate
6. All entry and exit points must be covered by CCTV enabling frontal identification of every person entering in any light condition
7. CCTV must cover every area open to patrons (except the toilets) as far as is reasonably practicable
8. All current door staff must be replaced by a new team from a SIA registered security company
9. All customers must be searched prior to entering the premises after 21:00 hours until closing every Friday and Saturday night
10. One of the SIA registered door security staff must be a female so that the searching of female customers could be conducted
11. All SIA registered door security staff must commence duty at 21:00 hours; there should be no staggered starting times so that all four staff were working in the premises at once
12. All SIA registered door security staff must wear body cameras from 21:00 hours until closing every Friday and Saturday night
13. All bar and door staff to receive training/refreshers including preventing and managing incidents (including serious crime and disorder) at least 6 monthly by an Independent provider. Records of the training were to be retained for inspection by Licensing Officers and Kent Police at any time they were requested
14. A Critical Incidents Policy must be created which covered dealing with incidents likely to lead to violence&/or disorder
15. A Crime Scene Preservation Policy & Responsible Drinking Policy must be created for the Premises
16. A minimum of 3 staff to be trained as Personal Licence Holders

Having been reminded by Counsel for the Licence Holder the Chair confirmed that the panel had considered the appropriateness of the interim steps which remained in place. The panel had considered these and felt that whilst they should continue in force they should be revised to reflect the hours of operation which would now be conditioned on the Premises

i.e. All Licensable activity to cease at 1.30am with the premises being closed at 2am, further there would be no entry to the premises from 00.00 midnight.

The Chair informed the Barrister that a written decision would be sent to them within five working days.

**Close of meeting**

The meeting ended at 16:44pm.