

## Licensing Panel

Thursday, 06 January 2022

10:00am

### Present:

Cllr Steve Thompson (Chair)

Councillors: John Caller  
Jordan Meade

Mandy Francis	Licensing Manager
Mandeep Ricky Malik	Premises Licence Holder and Designated Premises Supervisor
Keith Moorhouse	Senior Environmental Health Technician
Vicky Nutley	Legal Advisor
	Public Representation Witness
Ben Clarke	Committee Services Officer (Minutes)

### 36. Apologies for absence

An apology for absence was received from Cllr Frank Wardle. Cllr Jordan Meade attended as his substitute.

### 37. 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.

### 38. Consideration of an application for a review of the premises licence for Cricketers, 47 Arthur Street, Gravesend, Kent DA11 0PR

The Licensing Panel were asked to consider an application for a review of the premises licence for Cricketers, 47 Arthur Street, Gravesend, Kent DA11 0PR

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.

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

The Senior Environmental Health Technician advised on 16 November 2021 the Licensing Authority received an application from Environmental Protection for a review of the premises licence in respect of Cricketers, 47 Arthur Street, Gravesend, Kent DA12 2EB. The grounds for the review to the Panel were listed in full at 3.2 of the report.

During the consultation period the Council received one representation which could be found at appendix 5 to the report.

The Panel Members had their questions answered by the Senior Environmental Health Technician.

The Chair allowed the public representation witness, to outline her reasons of support for the review and her witness testimony to the Panel.

The Panel Members had their questions answered by the witness.

The Designated Premises Supervisor had his questions answered by the witness.

Following an exchange between the two parties, the Legal Advisor advised the Chair that the Panel should ignore any external allegations from the Premises and the witness that weren't in relation to the breaches outlined in the report and the Panel should accept that both parties disagree with the allegations made and move on.

The Chair allowed the Designated Premises Supervisor, Mr Manik, to address the Panel and outline his reasons why his licence should not be amended.

The Panel Members had their questions answered by the Designated Premises Supervisor, Mr Manik:

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

During the Senior Environmental Health Technicians summation, a brief video clip, dated 11:45 on 30 October 2021, was shown to the Panel which held evidence that the premises had breached its noise abatement notice.

The meeting adjourned at 11:24 to deliberate.

The meeting re-convened at 12:55pm.

### **Determination**

The Chair advised that, in coming to their decision, the Panel had considered all of the information provided in the report by the Licensing Manager presented to the Licensing Panel; the evidence and testimony 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 and the licensing objectives.

Having considered all those matters and advice given, the Panel decided to:

- Remove the current Designated Premises Supervisor, Mr Mandeep Ricky Manik, with immediate effect
- Disapply Section 177a of the licensing act 2003, and reinstate the regulation of live and recorded music together with all other regulated entertainment
- Amend 'The times the licence authorises the carrying out of licensable activities' to 'The times the licence authorises the carrying out of sale of retail alcohol'
- Amend 'Recorded music and sale of alcohol' to 'Sale of alcohol'

- Amend the 'sale of alcohol' times to the following:
  - Monday to Friday 13:00 to 23:00
  - Saturday 11:00 to 23:00
  - Sunday Noon to 23:00
  - New Year's Eve from the end of permitted hours on New Year's Eve to 01:00am the next day (01 January)
- Delete the following wording from the Licence:

*The above restrictions do not prohibit:*

*(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;*

*(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;*

*(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;*

*(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;*

*(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;*

*(f) the sale of alcohol to a trader or club for the purposes of the trade or club;*

*(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;*

*(h) the taking of alcohol from the premises by a person residing there; or*

*(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or*

*(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.*

*No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:*

*(1) He is the child of the holder of the premises licence.*

*(2) He resides in the premises, but is not employed there.*

*(3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.*

*(4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.*

*In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.*

- Delete 'the opening hours of the premises' box from the Licence

The Panel also decided to impose the following conditions as a result of the review of the Premises Licence:

1. No regulated activities are permitted save the supply of alcohol by retail and incidental recorded music
2. An incident book will be maintained and any refusal of entry or service or removal from the premises must be recorded contemporaneously by the person in charge and the book made available for inspection upon demand of any authorised officers. This incident book is to be maintained separate to any other legally required log
3. The premises will maintain membership of GSAFE or any subsequent local scheme
4. All staff (including management) are required to undertake training in relation to the Licensing Act 2003, a record of such training to be maintained on the premises and be made available for inspection by any authorised officer upon demand. Such training must be refreshed every three years for the avoidance of doubt this also applies to any personal licence holder employed on the premises
5. The premise must enforce the 'Challenge 25' policy in which anyone who appears to be under the age of 25 who attempts to purchase alcohol must be asked for an acceptable form of identification to prove that that person is over the age of 18

In order to allow sufficient time for the appointment of a new DPS and the implementation of the above conditions together with permitting time for the change of business trading model outlined by Mr Manik during the hearing; this licence is now suspended a period of three months with immediate effect.

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

### **Close of meeting**

The meeting ended at 12:57pm.