

## Licensing Panel

Thursday, 13 June 2024

10.00 am

### Present:

Councillors: Lee Croxton  
Baljit Hayre  
Jordan Meade

**Note:** Councillors: were also in attendance

### 10. Apologies for absence

There were no apologies for absence.

### 11. Declarations of Interest

No declarations of interest were made.

### 12. Consideration for a review of the premises licence for Kings News and Wine, 21C King Street, Gravesend, Kent DA12 2EB

The Licensing Panel were asked to consider an application for a review of the premises licence for Kings News and Wine, 21C King Street, Gravesend, Kent DA12 2EB.

The Chair informed the Panel that supplementary evidence from Kent Police had been circulated to Members and so the meeting was adjourned to give Members time to consider and review the supplementary evidence.

The meeting adjourned at 10:01am and readjourned at 10:23am.

The Licensing Officer gave a brief overview of the application and background information to the Panel. Members noted that there had been a premises licence at 21C King Street, Gravesend, Kent DA12 2EB since 2006 and their licence permitted the off sales of alcohol, Monday to Sunday 08.00 to 23.00.

On the 9 May 2024 the Licensing Authority received an application from Kent Police for a review of the premises licence in respect of Kings News and Wine, 21C King Street, Gravesend, Kent, DA12 2EB due to a number of breaches of their licensing conditions and the licensing objectives, outlined in section three of the report.

Due to the seriousness of the situation and the fact that the premises was failing to address concerns brought to their attention, Kent Police had requested that the panel revoke the premises licence.

Kent Police addressed the Panel, outlining evidence and a summary of why the Premises License for Kings News and Wine, 21C King Street, Gravesend, Kent DA12 2EB should be revoked.

The Solicitor and Licensing Consultant had their questions answered by Kent Police:

- Kent Police accepted that street drinkers could pressure staff to sell alcoholic drinks and could be intimidating; PC Hunt advised that he did not have access to Kent records on hand but he had not personally received any reports of any violent behaviour or threats made to staff at the premises and there were plenty of opportunities for staff to raise those concerns with Kent Police during their visits. The Premises License Holder would be expected to deal with dealing with intoxicated customers robustly and part of the would be to call the Police if there were any issues such as aggressive behaviour or violence
- The proposed conditions in the premises supplementary evidence were a step in the right direction, were the Panel minded to permit the Premises License, however further conditions outlined in the evidence provided by Kent Police would need to be added. For example, removal of high strength alcohol, no single sales of cans of alcohol, keeping the street clean outside the premises and clear glazed glass etc. The full list of Kent Police conditions was in the supplementary pack
- Kent Police would seek the removal of high strength alcohol for sale to be enacted on day one, were the Panel minded to permit the premise licence

The Panel Members and their questions answered by Kent Police:

- Kent Police were not seeking any additional prosecution for the premises or its staff aside from the revocation of the premises licence at this Licensing Panel meeting
- Immigration Services arrested and dealt with the staff member who gave false details and was found to be working illegally in the premises
- The two Kent Police Officers attending the meeting did not carry out patrols of the town centre; during the two week period when the premises was closed for renovation an email was sent to PC Hunt from the town centre policing team advising that the issues caused by street drinkers had decreased significantly during that two week period
- When an officer arrested a street drinker or confiscated their alcohol, they would usually be asked where they purchased the alcohol from, but they generally were not forthcoming with a response due to the concern that the premises would stop selling them alcohol
- The proposed conditions from the Premises as well as those proposed by Kent Police would be an improvement, but Kent Police had no faith that those new conditions would be followed, even with new management in place and still sought the revocation of the premises licence

The Solicitor and Licensing Consultant addressed the Panel and outlined the reasons why the premises licence should not be revoked.

Kent Police had their questions answered by the Solicitor, Licensing Consultant and the Proposed Premises Licence Holder/Owner:

- The Licensing Consultant had agreed to work with the Premises for as long as required to turn their business around; it was envisioned that he would need to work with the premises for around six-twelve months. The Solicitor added that the premises had agreed a preliminary contract of twelve months. The Legal Advisor added that it would be difficult to add a condition to the license explicitly requesting the premises work with the Consulting Company for any period of time
- The owner of the premises had quit his full time job as an accountant to work at the business full time and had been a personal licence holder for over ten years; Mr Pirakas ran the business during the events outlined in the evidence
- The premises was willing to stop selling high strength alcohol and agree to no stocking of beers or ciders above a certain ABV (for example 5.6%) however the premise had an agreement in place with a supplier (six months into a three year contract) and a certain period of time (three to six months) would be required to renegotiate that contract
- The sale of high strength alcohol accounted for 10-15% of the business and it would take time to stop street drinkers frequenting the premises and attracting new customers. However, if the Panel were minded to permit the premises licence, high strength alcohol would not be sold moving forward and other avenues would be explored such as energy drinks which were more profitable
- Street drinkers would not be sold to, and clear signage would be put up stating that street drinkers would not be sold to; the premises felt that better signage of the PSPO should be placed in the Town Centre as there wasn't any near the premises or other nearby pubs/clubs
- It was not commercially viable to hire a security company for the premises; the proposed door lock/buzzer would allow the staff member at the till to only let in customers and not street drinkers. The Licensing Consultant acknowledged that this could make potential customers think the premise was closed but a sign advising them to ring the bell would be packed on the door. In addition, a WhatsApp group had been created between the owner and his staff to discuss any issues that arose in the premises

Kent Police implored the Proposed Premises Licence Holder/Owner to report any customers being violent or racist to 101 or 999 if it was an emergency; Kent Police agreed to inform the town centre policing team of the racial abuse the staff at the premise had endured from some of the street drinkers.

The Panel Members had their questions answered by the Solicitor, Licensing Consultant and the Proposed Premises Licence Holder/Owner:

- The Proposed Premises Licence Holder/Owner had accepted that the premises was not run effectively under the previous management; the Licensing Consultant explained that there was a commitment to understand the previous issues and ensure the premises did not make the same mistakes in the future. The owner of the

premise had invested heavily into the business and was involved in the running of the business full time; he had recognised that he needed support to turn the business around and had acquired the service of a licensing consulting company

- The additional evidence submitted to the Panel from the premises this morning was an Objection Outcome Notice; following Immigration Services arresting the illegal shop worker, they imposed a penalty on the premises and advised of the right of appeal. The premises was not disputing the penalty and had created a robust recruitment policy to ensure that in the future, no staff members were hired that did not have the right to work in the UK. The business owner was in negotiations with Immigration Services to pay the penalty over a period of three years
- There were a number of reasons why the issues occurred and why the owner of the premises was not fully aware previously; individual incorrect decisions were made by different staff members, a lack of training and experience and a language barrier etc. The business owner had recognised that he had mistakes but was now fully involved in the business and the Licensing Consultant would be inspecting all of his work
- The contract with the supplier was not included in the evidence presented to the Panel as the Licensing Consultant was only made aware of its existence this morning
- The application for a premises licence holder transfer had been made and signed today; the Licensing Officer clarified that when a premises submitted a transfer application they could choose 'with immediate effect'. PC Hunt further added that all premise licence transfer applications were submitted to Kent Police and they had the option to object which could lead to another Licensing Panel hearing
- The new CCTV system was installed on 03 June 2024 and had sixteen cameras
- The premises was open currently and a staff member who was a personal licence holder was on site
- The business owner had held his personal licence for over ten years and had received it from Lewisham Council; the business owner had managed a different premises for over ten years and had not received any objections during that time

The Legal Advisor provided answers to several questions from the Panel Members:

- PSPOs were likely published on the Councils website and signage would be placed in the PSPO area although it did not have to be large signage.
- It was the Panel Members job to assess if the licensing objectives were being upheld and they could take into account submissions and presented evidence from Kent Police and the premises when making a decision
- It was not necessary for the Panel to see the contract between the premises and the supplier; what was presented at the Panel was submitted as fact and it was up to the Panel Members to determine how much weight was given to the evidence

The meeting adjourned at 12:47pm to deliberate.

The meeting re-convened at 13:26pm.

## Determination

The Chair advised that this hearing was convened on application by Kent Police for a review of the premises licence for Kings News and Wine, 21C King Street, Gravesend, Kent DA12 2EB.

The Licensing Act 2003 (the 2003 Act) required the Council, as a licensing authority, to carry out its various functions so as to promote 4 Licensing objectives:

This particular review related to the following licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Public Nuisance

The Licensing Committee Panel had listened very carefully to the oral submissions from all parties involved in this hearing and read all the relevant material presented.

On this occasion, the Licensing Panel had unanimously determined that this Premises licence was to be revoked and that no conditions could be imposed which would ensure that the Licensing Objectives could be upheld.

This was because there had been numerous failures of its licensable activities at the Premises.

The Decision will in due course be published.

### **Close of meeting**

The meeting ended at 13:27pm.

### **Close of meeting**

The meeting ended at Time Not Specified