

Licensing Panel

Thursday, 11 July 2019

10.00 am

Present:

Cllr Jenny Wallace (Chair)

Councillors: Emma Elliott
Leslie Pearton

Note: Councillor: Steve Thompson was also in attendance

Mark Lees	Regulatory Services Manager
Vicky Nutley	Lawyer (Place) – Medway Council
Emily Lane-Blackwell	Senior Licensing Officer
Allan Glasson	Senior Environmental Health Officer
Mr James Rankin	Legal Representative – North Kent Police
PC Chris Hill	North Kent Police
PC Daniel Hunt	North Kent Police
Mr B Pearson	Resident
Mrs D Pearson	Resident
Mr Kerr, Senior	Father of the Owner of The Grove
Lauren Wallis	Committee Services Officer (minutes)

29. Pre-Meeting Information

Before the meeting formally commenced at the request of the Chair, the Panel's Senior Legal Officer advised of the procedure that would be followed during this meeting. The Chair then introduced herself and invited those present to do the same.

30. Apologies for absence

No apologies for absence were received.

31. Declarations of Interest

No declarations of interest were made.

32. Determine an Application for the Review of the Premises Licence for The Grove Nightclub, 42 The Grove, Gravesend, Kent DA12 1DP - GM/PRE/08/0002

The Licensing Panel met to determine an application for the review of the Premises Licence granted under the Licensing Act 2003 in respect of the premises known as The Grove Nightclub, 42 The Grove, Gravesend, Kent DA12 1DP.

The Senior Licensing Officer gave a brief overview of the current Premises Licence and background information in relation to The Grove Nightclub.

On 16 May 2019 an application for a review of the licence under Section 51 of the 2003 Act was received from a Senior Environmental Health Officer of the Borough in relation to the Licensing Objective of the Prevention of Public Nuisance which related to noise directly associated with the operation of the premises causing excessive and regular disturbance to the occupiers of nearby residential properties.

The Senior Environmental Health Officer addressed the Panel setting out the three main strands of evidence collected, as set out in the report, as follows:

1. A summary of the representations received from 8 complainants some of which provided additional evidence of sound recordings and video clips.
2. A specialist digital noise recorder had been installed at the address of one of the complainants to get an idea of the noise levels being experienced. It was noted that World Health Organisation Guidance advised that noise over 45 decibels would either disturb or wake a person denying them a good night's sleep.
3. Officers had also gathered direct evidence by being present at the address during some of the recordings.

The Licensing Panel was played some of the recordings. The owner, managers and other members of staff of The Grove had previously claimed that much of the noise was caused by people returning to their homes from premises in the town centre and that the noise was not associated with customers of The Grove. Council officers had not found any evidence that this was the case.

Following a question from the Chair, the officer confirmed that it was possible to control the base level in recorded music and most venues had equipment which enabled the trimming of all frequencies. It was noted that the Door Supervisors would also have to shout over the base to make themselves heard.

The customers leaving The Grove would also be affected by the high volume levels and, for a short while, would consider it normal to converse at high volume until their hearing adjusted. The Panel noted that it was very difficult to manage what happened outside the premises.

The Panel was also apprised, and were given evidence of, noise disturbance being caused by the consumption of alcohol outside licensed hours which took place at the premises sometimes in the Ruby Room (also subject to the conditions of the licence), after The Grove had officially closed and the door supervisors had left for the night.

The Panel was advised that a number of meetings had taken place with staff of The Grove including with the owner, Mr Edward Kerr. The last face to face meeting with Mr Kerr had taken place in February 2018 together with the Designated Premises Supervisor, the head door supervisor and the manager of the club at that time. There had also been a number of telephone and written communications with the last contact being in December 2018.

The legal representative for North Kent Police advised that he held deeper concern with regard to the wilful obstruction of police duties following the death of a young man on 7 April 2019 when the police needed to retrace the victim's steps and had approached The Grove for CCTV footage. The details of the North Kent Police's dealings with The Grove and the

owner, Mr Kerr were set out in the report and included the deletion of relevant CCTV footage and the taking down of the Facebook pages which may have confirmed whether the victim had visited The Grove on the night of his death. Staff training logs were also not submitted to the Police as had been requested.

The Panel was shown a Google Map street scene of the night club and the associated locality.

The Panel was shown a number of CCTV recordings which showed:

- a time/date stamped recording of the night club being locked up at the correct closing time
- time/date stamped recordings showing a person serving drinks and taking payment after hours on the same night
- time/date stamped recordings showing the same person taking male customers to the toilets and re-emerging a very short time later which was assumed to be drug related activities.

It was therefore considered that Conditions 2 and 11 of the Premises Licence had been breached and there was also the issue of hampering a Police investigation to be taken into account.

The Panel noted that the Police had had many incidents relating to The Grove reported to them over the years, some of them severe, but these had not been disproportionate to other nightclubs in the area. However, The Grove was considered to be a high risk premises because of the drug issues and after-hours activities.

Following a question from the Panel, it was confirmed that a customer dress code and code of customer conduct policy was not displayed in the premises (Condition 7) and a drugs policy had not been agreed with the Police (Condition 8). The training records of the staff working at the premises had not been made available when requested by the Police (Condition 11).

Mr and Mrs Pearson, residents of Stephenson House addressed the Panel and gave details of the effect of The Grove of their lives.

Mr Kerr, the father of Mr Edward Kerr the owner of The Grove, addressed the Panel.

Once Members questions had been answered, the Panel adjourned to consider its decision.

Determination

Before the Chair announced the Panel's decision, she thanked everyone for attending and thanked Messrs Kerr for their apologies for the disturbance caused to residents.

The Chair advised that, in coming to their decision, the Panel had considered the evidence presented by all parties at the hearing, the possible effect on residents and the local area, the licensing objectives of preventing nuisance and prevention of crime and disorder, the breach of a number of conditions of the Premises Licence, the need to support the night-time economy of the Borough, the representations made to the Panel by the applicant and other attendees.

Having considered all the above and advice given, the Panel made the decision that the Premises Licence granted under the Licensing Act 2003 in respect of the premises known as The Grove Nightclub, 42 The Grove, Gravesend, Kent DA12 1DP be revoked with immediate effect.

In relation to the application to transfer the premises licence at the premises, the Panel considered that as the Premises Licence had been revoked there was no need to make a decision on this matter.

The meeting was advised that as set out in Section 52 of the Licensing Act 2003, the Premises Licence would be revoked after the 21 day appeal period had elapsed. It was noted that any appeal against the above decision would be heard by the Magistrates' Court.

Close of meeting

The meeting ended at 12.40 pm