

Licensing Panel

Tuesday, 01 October 2019

12:30pm

Present:

Cllr Lyn Milner (Chair)

Cllrs: Frank Wardle
Leslie Pearton

Mark Lees	Regulatory Services Manager
Franco DeFazio	Senior Licensing Officer
Kyle Rogers	Legal Advisor
Debbie Wilders	Environmental Protection Team Leader
Elleanor Harris	Environmental Health Technician
PC Clare Cossar	Police Licensing Officer
PC Chris Hill	Police Licensing Officer
Brian Nixon	Premises Licence Holder
Munise Ibrahim	Former Premises Licence Holder
Gary Grant	Applicants Barrister
Marcus Lavell	Applicants Barrister
Paul Stevens	Area Manager – Professional Security UK
Andrew Bamber	Independent Crime Consultant
Ben Clarke	Committee & Scrutiny Assistant (Minutes)

42. Apologies for absence

An apology of absence was received from Cllr Wallace. Cllr Leslie Pearton substituted.

43. Declarations of Interest

No declarations of interest were made.

44. Determine an application for a review for the premises Silk Bar, 1-2 Parrock Street, Gravesend, Kent

The Licensing Panel was asked to determine an application for a review of the Premises Licence granted under the Licensing Act 2003 in respect of the premises known as Silk Bar, 1-2 Parrock Street, Gravesend, Kent DA12 1EW.

The Senior Licensing Officer addressed the Panel advising that on 3 September 2019 the council received an application from Kent Police for an expedited review of the premises licence in respect of Silk Bar, 1-2 Parrock Street, Gravesend, Kent DA12 1EW as they considered it necessary to take interim steps pending determination of the review of the premises licence.

The decision, at the expedited review hearing, made by the Licensing Panel, was to suspend the premises licence in the interim of the full review hearing being held. On 16 September 2019 further information was received from Kent Police to support their application for a review of the premises licence. The evidence was attached at Appendix 5.

The two Kent Police Licensing Officers showed the Panel CCTV evidence from the night of Thursday, 29 August leading into the early hours of Friday, 30 August 2019. The video evidence identified at least seven breaches of the conditions on their Premises Licence. A second piece of CCTV evidence showing violence in the premises on Saturday, 20 April 2019 leading into the early hours of Sunday, 21 April 2019 was also presented to Members.

The Police Licensing Officer recognized and agreed with the proposed conditions that were submitted by the Silk Bars legal team, listed in the supplementary pack pages 4-7; they also acknowledged the fact that Munise Ibrahim had been removed as the Premises Licence Holder and the Designated Premise Supervisor which they felt was a positive action.

However they objected to the proposed opening hours set out below:

- Fridays and Saturdays – Licensable Activities and Opening Hours to cease at 03:00am

The Police Licensing Officer laid out the reasons as to why Kent Police wanted Silk Bars opening hours to be reduced to the following:

- Fridays and Saturdays – Licensable Activities and Opening Hours to cease at 01:00am

The Police Licensing Officer further addressed the Panel arguing the reasons as to why the Premises Licence should be amended and Munise Ibrahim should have no direct or indirect association with the work of the Silk Bar. The Panels attention was also drawn to appendix two of the report which showed evidence that at the previous Silk Bar location in Camden, an expedited review had to be called due to a similar situation under the management of Munise Ibrahim. The Police Licensing Officer claimed that the most recent bout of violence at the bar on 30 August 2019 identified a pattern. However, the Police Licensing Officer agreed that the Silk Bar did not generate high crime, only instances of high crime, therefore the Licence was not being sought to be revoked, only better management installed and earlier closing hours adhered to.

Members and the Barrister had their questions answered by the Police Licensing Officer.

The Environmental Health Team Leader advised that two complaints had been received by the out of hours noise services and both were substantiated by officers during the night-time economy period as set out in their representation in Appendices 7 and 8 of the report.

The Environmental Health Team Leader further addressed the complaint but summarised that the Environment Health Team were happy with the proposed licensing conditions submitted by the Silk Bars legal team. If the Panel's decision was to lift the suspension of the Premises Licence, then the Environmental Health Team would continue to work with the Silk Bar to mitigate the noise in the future to ensure neighbours were not disturbed.

Gary Grant, the applicants Barrister introduced himself to the Panel, informed Members of his purpose at the meeting and guided them through the proposed conditions attached in the supplementary pack.

The Barrister introduced Brian Nixon, the new Premises Licence Holder, to the Committee and spoke of his highly professional credentials and business related background owning several businesses and managing pub chains. The Barrister recognised that the aforementioned problems stemmed from poor management and he made it clear to Members that Brian Nixon would run the premises effectively and Munise Ibrahim would only have a marketing role at the Silk Bar. Although the Barrister did concede that if it was the Committees desire, then Munise Ibrahim could be removed entirely from the business. Brian Nixon was currently interviewing for a strong Designated Premises Supervisor and before any candidate was officially selected; their application would be sent over to Kent Police for their approval.

The Barrister further addressed the Panel putting forth reasons as to why the Silk Bar had to remain open until 03:00am on the weekend to ensure profitability; a 01:00am closure would see the Premises never open again.

The Barrister then invited several Members of the public to speak who spoke of their support for the Silk Bar including its dedication to the LGBT Community, its safe atmosphere to drink and its availability for people working shifts or pub work etc.

The Barrister then asked the Area Manager – Professional Security UK a series of questions about his company and their work providing security to many high class establishments across the UK. The Panel were advised that the firm would be taking over security of the Silk Bar and the Area Manager assured them that the Licensing Condition's proposed were standard to his company and his staff would ensure the Silk Bar were compliant.

The Panel had their questions answered by the Area Manager – Professional Security UK.

Lastly, the Barrister asked the Independent Crime Consultant to explain his findings in his report that analysed the two CCTV recordings. Members and the Police Licensing Officer had their questions answered.

At the request of the Chair, both parties summarized their arguments to the Panel.

The Panel adjourned to make a decision.

Determination

The Chair thanked all of the people present for attending and then advised that, in coming to their decision, the Panel considered all the evidence presented by both parties at the hearing including the evidence submitted by the responsible authorities, the new Premises Licence Holder and his legal representative, the witness testimonies, the section 182 statutory guidance, Gravesham Borough Councils Licensing Policy, the implications for both parties, the representations in accordance with the Equality Act 2010 and the CCTV evidence.

Having considered all those matters and advice given, the Panel found the root cause of the problems to be poor management, lifted the suspension on the Premises Licence with immediate effect and accepted the proposed conditions, and opening hours, listed in the supplementary pack on pages 4-7, subject to the following:

- Amendment of Proposal 8, item 3 – *“Munise Ibrahim shall not be the DPS or directly or indirectly involved in the day to day management of the premises”*
- To include the requirement that Munise Ibrahim shall have no involvement directly or indirectly in the hiring out of the premises, management or employment of staff.

Close of meeting

The meeting ended at 16:16pm.