

**LICENSING ACT 2003 SUB COMMITTEE**

**MINUTES OF THE MEETING HELD**  
**TUESDAY 30<sup>th</sup> JUNE 2009 AT 10:00 AM**  
**ROOM 6B, MAIDSTONE HOUSE, KING STREET, MAIDSTONE**

**AGENDA ITEM 1**

**Application for the expedited review of a Premises Licence under the Licensing Act 2003 for Beluga Bar, Bank Street, Maidstone, ME14 1SN**

**PRESENT:**

**Committee Members:** Councillor Sellar (Chairman)  
Councillor Mrs Hinder  
Councillor Mrs Gibson

**Council Officers:** Mike Hawkins – Legal Advisor  
Lorraine Neale – Senior Licensing Officer

**Applicant:** Chief Superintendent M Nix on behalf of the Chief  
Officer of Police – represented by P.C. Barbara Murray  
John Grant – Police Planning Officer

**Licence Holder:** Mr Hamid Javadi  
Mr Majid Javadi  
Mr Dennis Tree – Security Manager

**DISCLOSURES BY MEMBERS AND OFFICERS**

There were none.

**DISCLOSURES OF LOBBYING**

There were none.

**EXEMPT ITEMS**

**RESOLVED:** That the items on the Agenda be taken in public as proposed.

**Opening Remarks**

The Chairman opened the meeting by asking all parties to introduce themselves. He then read out to all present the administrative matters as set out in the Licensing Act Sub Committee Hearing – Order of Proceedings document. All participants confirmed that they had copies of and understood the procedure. All Committee Members confirmed that they had read the papers beforehand.

The legal advisor then outlined the application and representations regarding the application.

## **The Hearing**

### **i. The Applicant for Review**

P.C. Murray outlined an incident of a serious assault that occurred at the premises on 20<sup>th</sup> June 2009. The incident arose at the rear of The Beluga Bar when three males had been ejected by door staff after having been restrained in the garden area, the incident occurred in the smoking area whereby a person sustained a fractured eye socket and cheek bone. The individual in question had to undergo reconstructive surgery at East Grinstead hospital where a plate was inserted into his face. It was found that CCTV coverage at the back of the premises was not complete and did not record the incident as the incident occurred out of the camera range. Witnesses have said that the injured male was hit in the face by a door supervisor with his radio and CCTV coverage of part of the incident shows at least one of the door supervisors carrying a radio in his hand. CCTV is requested in the blind spots so that incidents like these do not arise again.

Mr Grant undertook a site survey in the company of the DPS Marissa Birch where the siting of cameras was discussed, the premises lacked a lot of clarity at the rear and a further 1 to 2 cameras are recommended so people can be seen. The fire exit barrier is an arm and should be gated and there is no CCTV coverage there either. CCTV footage showed staff trapped behind a wooden gate leading to emergency fire door 4, they were unable to gain entry to assist the door staff who were dealing with the incident. Another member of staff had to walk away from the incident to open the gate. Staff need to be able to enter/exit without needing assistance from other members of staff. There were allegations that the injured person had a knife as CCTV did not capture the incident that could not be proved. Also an Electronic counter for counting customers in/out of the building is recommended as its a more efficient way to keep an eye on capacity.

Councillor Sellar asked what current method was used for counting people in and out of the premises.

Mr Grant answered that a manual clicker was used but that it was not a particularly efficient way to monitor people.

Councillor Sellar asked about the alleyway that goes through the building and asked if the blind spot was well lit but had no cameras there

Councillor Mrs Gibson asked if it were 3 females ejected from the premises.

P.C. Murray answered that it had been 3 males\_ejected from the premises.

Mr Hamid Javadi stated that he was happy to carry out the recommendations for the work suggested by the Police and that he had already purchased the cameras and would rectify immediately the blind spot in the alley. He explained that he was disappointed with the events that occurred that evening and that a member of door staff had been suspended pending further Police enquiries. He also informed all present that his door staff had regular training. He had run similar operations for over 30 years and when incidents like this happened he was always disappointed and that they always to do their best to run their operations. He also mentioned that one of his door staff had his nose broken during the incident. Dennis Tree was

his Security Manager and was well known and respected in town, he was a diligent individual who held regular meetings with the staff to discuss what to do and what not to do.

Mr Majid Javadi reiterated what Hamid had said, he was also disappointed with events and gave assurances that they would do their best to avoid further incidents.

Councillor Mrs Gibson asked for an explanation about the earpieces.

Mr Tree explained that they should be clipped on and not hand held.

Councillor Mrs Gibson asked if this one was hand held.

Mr Tree explained that the radio had been ripped off during the incident and so was in the doorman's hand and that the incident happened in the blind spot.

Councillor Mrs Gibson asked how often were the staff trained.

Mr Hamid Javadi said that over 4 months they have had 3 or 4 sessions of training.

Councillor Mrs Gibson asked who did the training.

Mr Tree answered various professionals for example prison officers.

Councillor Mrs Gibson asked how many door staff there were.

Mr Hamid Javadi answered 14 or 15 on a Saturday.

Mr Tree explained they had a lot of static staff because of the fire exit and positioned at the bar area to see the alleyway and that all door staff had radios.

Councillor Mrs Hinder asked what the capacity of the premises was on that night.

Mr Hamid Javadi answered 1400 -1500, but there are only 900 people on the premises at any one time.

Councillor Mrs Hinder asked how many doormen on that night.

Mr Hamid Javadi answered that there were 14 that night.

Councillor Mrs Hinder asked how many people were outside in the terrace area.

Mr Hamid Javadi answered 120 – 130 and that a doormen stood at the top of a staircase that overlooks everything with a radio.

Councillor Sellar asked what the clubs maximum capacity was.

Hamid Javadi answered that it was 1156 according to the premise licence.

Councillor Sellar asked about the man with the broken nose.

Hamid Javadi explained that the man's nose was broken during the same incident

as the young man with the broken cheekbone and eye socket, that he was in hospital and had an operation the previous day.

### **Closing Speeches**

- i. Mike Hawkins asked for views on the licence being suspended until works were carried out.
- ii. Majid Javadi explained that the cameras had been purchased and if the exact location sitings were agreed with the Police he would have them installed by Friday as he did not want the licence to be suspended.
- iii. P.C. Murray stated that camera and radios were an issue and that a suspension was needed until the conditions were met. All other issues would be dealt with at the Review.
- iv. Hamid Javadi explained that the cameras and electricians were on site and if they were instructed where to place them they would proceed immediately with the installation.

### **End of Hearing**

The Chairman brought the Hearing to a close and asked for Mike Hawkins and Lorraine Neale to remain with the Sub-Committee Members during their deliberations.

### **The Decision**

The Sub Committee came to the decision as shown in the Notice of Determination at Appendix A.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 (as amended by Violent Crime Reduction Act 2006)  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005  
LICENSING ACT 2003 (SUMMARY REVIEW OF PREMISES LICENCES) REGULATIONS 2007

NOTICE OF DETERMINATION OF EXPEDITED REVIEW HEARING

Application Ref No:

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Applicant for Review: Chief Officer of Police (Chief Supt. M. Nix)

Regarding the premises or club: The Beluga Bar  
Bank Street  
Maidstone Kent

Licence Holder: Hamid Javadi and Majid Javadi

Date of hearing: 30<sup>th</sup> June 2009

Date of determination: 30<sup>th</sup> June 2009

Committee Members: [Chairman]:  
Councillor: P. Sellar  
Councillor: J. Gibson  
Councillor: W. Hinder

Legal Advisor in attendance at hearing: M. R. Hawkins (Senior Solicitor, Swale BC)

Senior Licensing Officer in attendance at hearing: L. Neale

This is an application for: Expedited review of premises licence under Section 53A Licensing Act 2003

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant for Review:**

- Name: Chief Officer of Police
- Witness (1): John Grant
- Witness (2):
- Legal or other representative: PC Barbara Murray

**Licence Holder:**

- Name: Hamid Javadi and Majid Javadi
- Witness (1): Denis Tree
- Witness (2): Marissa Birch
- Legal or other representative: N/A

**B: Consideration of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council, Expedited/Summary Reviews Guidance (October 2007)**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 13 which relates to interested parties and responsible authorities;  
Sections 51 – 53A inclusive which relate to the review and expedited review of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 5 which relates to premises licences, paragraphs 5.99 - 5.106 (reviews);  
Chapter 7 which relates to conditions attached to licences;  
Annexes that relate to potential conditions: D (crime and disorder); E (public safety); G (public nuisance); H (protection of children from harm);  
Expedited/Summary Reviews Guidance (October 2007): the whole.

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 19 which relates to the 4 licensing objectives;  
Chapter 20 which relates to the prevention of crime and disorder;  
Chapter 21 which relates to public safety;  
Chapter 22 which relates to the prevention of public nuisance;  
Chapter 23 which relates to the protection of children from harm;

**C. Determination:**

**The Committee has decided, having regard to the application and the relevant representations, to take the following interim steps which members consider necessary for the promotion of the licensing objectives to be in operation until the outcome of the substantive review:**

**1 The following conditions are added to the Licence:-**

**(a) Further CCTV will be fitted to the premises so that all areas currently not covered by a camera are able to be monitored on the CCTV system;**

**(b) All door staff will carry their radios by way of a harness or attached to uniform and not by hand and will use earpieces and “push and talk” buttons.**

**2 The premises Licence is suspended until such time as the police are satisfied (and notify the Licence Holder in writing to that effect) that the requirements of 1(a) above have been complied with to their satisfaction**

**Reasons for determination:**

**Prevention of Crime and Disorder**

The violent events which occurred at the premises on 20<sup>th</sup> June 2009 demonstrated that although there are already numerous cameras in the premises, there are still “black spots” which are not covered. Some important parts of the happenings of that night occurred in these black spots demonstrating the necessity of further coverage. The Committee decided that the elimination of these black spots would be an important step in the prevention of crime and disorder.

PRINT NAME (CHAIRMAN): PATRICK SELLAR.....

Signed [Chairman]: A copy of the original document is held on file

Date: 30<sup>th</sup> June 2009.....