

**Agenda Item No:** 1 – Summary of Report

**Licence Reference** 21/01817/REVIEW  
**Report To:** LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)

**Date:** 8<sup>th</sup> September 2021

**Report Title:** CENTURY CLUB, 30-32 LOWER STONE STREET, MAIDSTONE, KENT  
ME15 6LX

**Application for Review of a Premises Licence**

**Report Author:** Lorraine Neale

- Summary:**
1. The Applicant for Review – Chief Inspector Gary Woodward on behalf of Kent Police
  2. Type of application applied for: Review of a Premises Licence.
  3. Grounds for Review

PREVENTION OF CRIME AND DISORDER  
PUBLIC SAFETY  
PREVENTION OF PUBLIC NUISANCE

**This Review is the same issue that was meant to be considered at Licensing Sub Committee on 20<sup>th</sup> September 2021. However, under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 the authority extended the time for holding this hearing in the public interest by 10 working days. This was with the agreement of the applicant and enabled all parties to be in attendance and informed on all matters.**

It is the belief of Kent Police that there is a lack of suitable pre-planning and risk assessments at the venue and that the management have no measures in place to safeguard customers inside or outside the venue and especially during the pandemic period. The premise licence holder (PLH) is believed to have failed in the Licensing Act objectives of crime and disorder, public safety and prevention of public nuisance.

There have been two incidents of concern that have occurred at the venue between the 4<sup>th</sup> and 6<sup>th</sup> September 2020 that are both failures in upholding licensing objectives and highlight a failure to learn from previous incidents.

Residents have also expressed their concerns to the Police about the day to day running of the venue., their main concerns are of the loud music in the early hours of the morning and all the customers and vehicles at the front of the premises causing a general nuisance.

It is believed that the premises requires very strong management to ensure that the staff, premises, and the wider community are adequately protected and not subjected to issues arising from it. In order for management to regain control of the venue Kent Police believe that certain measures are put in place.

<b>Affected Wards:</b>	High Street Ward
<b>Recommendations :</b>	<b>The Committee is asked to determine the application and decide whether to take such steps as members consider appropriate for the promotion of the licensing objectives.</b>
<b>Policy Overview:</b>	The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.
<b>Other Material Implications:</b>	<p><b>HUMAN RIGHTS:</b> In considering this application it is <b>appropriate</b> to consider the rights of both the licence holder and the applicant together with other parties, such as "<b>responsible authorities</b>" and/or "<b>interested parties</b>" (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for all parties.</p> <p><b>LEGAL:</b> Under the Licensing Act 2003 the <b>Licensing Authority</b> has a duty to exercise licensing control of relevant premises.</p>
<b>Background Papers:</b>	Licensing Act 2003 Home Office Guidance Document issued under section 182 of The Licensing Act 2003 as amended Maidstone Borough Council Statement of Licensing Policy
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## **Agenda Item No. 1**

**Report Title: CENTURY CLUB, 30-32 LOWER STONE STREET, MAIDSTONE, KENT ME15 6LX**

### **Application for Review of a Premises Licence**

#### **Purpose of the Report**

4. The report advises Members of an application for the review of a premises licence, brought by Chief Inspector Woodward on behalf of Kent Police in respect of the premises Century Club, 30-32 Lower Stone Street, Maidstone, Kent ME15 6LX

#### **Issue to be Decided and Options**

1. Members must, having regard to the application and any relevant representations, take such steps mentioned below as members consider appropriate for the promotion of the licensing objectives.
2. The steps are:
  - To modify the conditions of the licence (including for a period not exceeding 3 months);
  - To exclude a licensable activity from the scope of the licence (including for a period not exceeding 3 months);
  - To remove the designated premises supervisor;
  - To suspend the licence for a period not exceeding 3 months;
  - To revoke the licence.
  - To issue a warning or caution.
  - To take no action.

#### **Background**

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
  - The prevention of crime and disorder;
  - Public Safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
4. The current premises licence was granted on 18<sup>th</sup> June 2019 a copy is attached as Appendix B

5. The application has been correctly advertised with a notice displayed on the premises and at the Council offices for the required period.
6. The applicant is requesting that the Sub-Committee:-
  - 1) Reduce the terminal hour to 00:00 for Friday and Saturday nights.
  - 2) Attach conditions 1. – 28 as follows, found at appendix A, application for review.
    1. All persons entering, or re-entering the premises will be subject to searching as a condition of entry. Searching will include the use of knife arch/ metal detecting wand.
    2. There will be no admittance or re-admittance to the premises after 23:00 hours, customers leaving to smoke must remain within the designated smoking area at all times or re-admittance will be refused. The only exception to this condition will be for patrons who have pre-booked their admission to the premises before 20:00hrs. Confirmation of booking will be recorded on a digital platform, date, time and shown on request to the licensing authority.
    3. The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons that those attending
      - a) It is a condition of entry that customers agree to be searched.
      - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
    4. Door supervisors will undertake body searches, at least one male and one female door supervisor must be available to undertake the body searches of the same customer gender before gaining entry to the premises.
    5. Door Supervisors shall be responsible for the lawful searching and / or exclusion of those suspected of carrying illegal drugs, offensive weapons who attempt to gain entry into the premises.
    6. There will be a door control policy that outlines clear instruction and understanding of the door supervisor's responsibilities at the premises. This policy will contain
      - a) How door staff prevent overcrowding
      - b) Supervise the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet as to not disturb neighbours in the vicinity
      - c) A procedure for door staff engaged in searching persons as a condition of entry
      - d) To ensure the dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the end of licensable activities
      - e) Prevent patrons from leaving the premises with open containers and bottles
      - f) To provide evidence by written statement to police in any criminal investigation as and when required.
    7. Regular checks shall be made in the toilets in order to discourage drug use within them. These checks shall be during trading hours and will be logged, date and time. Records must be made available for inspection for Police, authorised officers and Local Authority upon request either electronically or hard copy.
    8. A minimum of 4 SIA registered door staff will be employed at the premises, these staff will be on duty from 2000hrs until 30 minutes after the premises closes to the public. In addition to this a further one door supervisor per 100 customers.
    9. If premises is open on Christmas Eve and/or New Years Eve then at least 4 door supervisor will be employed from 20:00hrs until close of business.
    10. On any Sunday preceding a Bank Holiday at least 4 door supervisors will be employed from 20:00hrs until close of business.

11. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

- a. Cameras shall encompass all ingress, egress and include all areas to which the public have access, including fire escapes, stairwells and where the supply of alcohol occurs (with the exception of areas agreed by the Police, for example toilet cubicles).
- b. The CCTV shall be recording at all times that the premises are open to the public.
- c. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
- d. The Premises Licence Holder must ensure at all times a DPS or appointed members of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
- e. The Police or local authority will be given a copy of the CCTV in a suitable format within 48 hours of any reasonable request.

12. The premises shall have a written drug policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. This will entail an agreed procedure for the handling and retention of any article seized. Where premises consider a drug's safe to deposit drugs found, there will be a clear policy for the handling and packaging of seized items. For premises with a suitable 'drug safe' the items secured within the safe would not be considered as being in possession. For premises that do not have a drug safe they must have a written agreement with police as to a procedure in the collection or delivering drugs to police.

13. To allow the use of IONTRACK. (Drug testing Machine), within the premises, (or curtilage of the premises), as a condition of entry, at the request of, and after consultation with Police. To allow swabbing for detection of drugs use when deemed necessary by Police.

14. All persons that sell or supply alcohol to customers must have licensing training.

- a) Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
- b) Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
- c) Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- d) Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

15. The premises will undertake the "Challenge 25" Scheme.

16. All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" Scheme and such training will be recorded.

17. The premises shall produce a full Risk Assessment to cover the running of events at the premises. All events whether run as "in house" or by outside organisers will comply with that Risk Assessment unless a separate Risk Assessment is completed for that particular event. The risk assessment will be sent to/shared with Kent Police 120 hours prior to the event taking place.

18. The licence holder shall produce risk assessments that must have proper regard to the Health and Safety Executive guidance 'The Event Safety Guide: A guide to health, safety and welfare at music and similar events'. It must address but is not limited to risks specific to the nature of the proposed event and its potential to undermine the licensing objectives. The risk assessments must be submitted in writing either by post or electronically to Police Licensing Team (west.division.licensing@kent.police.uk), the local Licensing Authority and Environmental Health a minimum of 31 days prior to the event taking place.

19. A logbook shall be kept detailing all incidents that occur at the Premises. This will be a bound book which will detail the following:

- A) The day, date and time of the incident
- B) The member of staff making the entry
- C) All members of staff involved in the incident
- D) An account of the incident

- E) Details of any persons injured and the injuries sustained
- F) Any other details thought relevant

20. A refusal register will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:

- a. Item refused.
- b. Name of description of the person refused.
- c. Reason for refusal.
- d. Name of staff member making refusal

21. The register will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

22. Toughened or polycarbonate glass will be used at the premises.

23. No persons under the age of 18 will be permitted in the building unless accompanied by an adult with the exception of staff members working at the time.

24. The Licence Holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons of any admission restrictions.

25. The Licence Holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

26. On duty staff will challenge any patrons parking vehicles directly outside the venue.

27. At least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.

28. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card

- 3) That a period of suspension be considered in order to allow the premises to reset and implement all necessary measures prior to re-opening.

7. Members are advised that they may only modify premises licences if it is appropriate to **promote the licensing objectives.**

8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

**Chapter 2 Licensing Objectives –Para 2.1 to 2.6 crime and disorder, para 2.7 to 2.14 public safety and para 2.15 to 2.21 public nuisance.**

**Chapter 10 Conditions attached to Premises Licences**

**Chapter 11 Reviews**

9. Relevant policy statements **contained in The Licensing Authority's Statement of Licensing Policy (Jan 2016);**

17.9 CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.15 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

#### 17.16 CONDITIONS TO PROMOTE PUBLIC SAFETY.

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs.
- (iii) Cinemas
- (iv) Theatres.
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

#### 17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premise
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (iv) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (v) Availability of public transport to and from the premises
- (vi) Delivery and collection times and locations.
- (vii) Impact of external security or general lighting on residents
- (viii) History of management of and complaints about the premises
- (ix) Applicant's previous success in preventing Public Nuisance.
- (x) Outcomes of discussions with the relevant Responsible Authorities.
- (xi) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.



Members of The Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority’s responsibility to co – operate in the reduction of crime and disorder in the Borough.

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”

### Implications Assessment

- 10 The decision should be made with regard to the Home Office Guidance and the Licensing Authority’s Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
- 11 **Human Rights:** While all Convention Rights must be considered, those which are of particular relevance to the application are:
- Article 8 - Right to respect for private and family life
  - Article 1 of the First Protocol - Protection of Property
  - Article 6(1)- Right to Fair Hearing
  - Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices.

### Conclusion

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

### List of Appendices

- 12 Appendix A Application for Review  
Appendix B Premises Licence  
Appendix C Plan of the premises  
Appendix D Plan of the area  
Appendix E Human Rights Article  
Appendix F Order of Proceedings

### Appeal

**13. The applicant, any interested party and the licence holder may appeal the Licensing Act 2003 Sub Committee’s decision within 21 days beginning with the day on which the Appellant is notified. All any appeals must be lodged with the Magistrates’ Court.**

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