

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

**Licence Reference** 22/03808/REVIEW  
**Report To:** LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)

**Date:** 1 December 2022

**Report Title:** THE SOCIAL CHILL BAR, 95A WEEK STREET, MAIDSTONE, KENT, ME14 1QX

**Application for Review of a Premises Licence**

**Report Author:** Lorraine Neale

**Summary:**

This report is classified as public, with exempt appendices. The Appendices are referenced within appendix 1 to this report, and have been numbered in accordance with the numbering used in Appendix 1 Review application: 1(1), 1(4), 1(6), 1(7), 1(8). These appendices contain exempt information as classified in paragraph/s 1, 2 and 7 to Part 1 of Schedule 12A to the Local Government Act 1972, in that they contain information relating to

1 - Information relating to any individual.

2 - Information which is likely to reveal the identity of an individual.

7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The public interest in maintaining this exemption outweighs the public interest in their disclosure, which has been requested by Kent Police due to the nature of the information provided.

To summarise the Police's reasons for bringing about this review application of the premises licence for the Social Chill Bar is that Kent Police have worked in conjunction with the venue to assist them with the control of their premises, this has involved bringing concerns to their attention, providing advice on measures that if implemented would, if not prevent, certainly reduce the impact of incidents happening. There are a number of times that the licensing objectives have not been promoted and the conditions on the premises licence have not been complied with which demonstrates that the licence holder is showing scant regard for the Licensing Act 2003 and the requirement placed upon them to run a safe, nuisance free venue. This premises is regularly contributing to the issues within the town as demonstrated within this review application, specifically over the period 11 June 2021 to 27 September 2022 where police presence has often been required in order to control situations at the venue, the effect this has across the wider community is significant and is detrimental to sustaining the economic viability and regeneration and growth of the town.

It has been shown that the premises have staff who are either insufficient in number, not adequately trained or not confident enough to challenge patrons behaviour at an early enough stage to prevent their escalation or to deal with the ensuing incidents that then occur. The recurring failures and delays with the provision of CCTV footage also hinders police investigations into the incidents which do occur. It is understood that venues within the night-time economy will have incidents due to the length of time that people may be exposed to the effects of alcohol, but it is how such incidents are dealt with that reduces the risk to public safety and minimises the nuisance associated with these types of establishments, this venue has on multiple occasions

failed to uphold and promote the licensing objectives and there have been a number of times that the premises licence had been breached.

Kent Police believe all avenues had been explored with the licence holder including variations to the licence to combat members of the public causing issues in the early hours of the morning, It is felt that if this premises is left unchecked then the reputation of the venue will lead to a continued increase in incidents and as previous advice has been given little regard, Kent Police now feels that there is no other option than to request a review of the premises licence before the Licensing Committee.

**Affected Wards:** High Street Ward

**Recommendations :** **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.**

**Policy Overview:** 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.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application it is **appropriate** to consider the rights of both the licence holder and the applicant together with other parties, such as **“responsible authorities” and/or “interested parties”** (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for all parties.

**LEGAL:** Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

**Background Papers:** 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: THE SOCIAL CHILL BAR, 95A WEEK STREET, MAIDSTONE, KENT, ME14 1QX**

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

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

1. The report advises Members of an application for the review of a premises licence, brought by Chief Inspector McLellan on behalf of Kent Police in respect of the premises The Social Chill Bar, 95a Week Street, Maidstone, Kent, Me14 1qx (Appendix 1)

#### **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 9<sup>th</sup> August 2022 a copy is attached as Appendix 2
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 Monday to Sundays.
  - 2) Current existing conditions remain in Annexe 3 with exception of condition 24 (believe they mean condition 22) which is suggested to be amended to:-  
 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.
  - 3) That a period of suspension be considered in order to allow the premises to reset and implement all necessary measures including the training of staff 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 2.222 to 2.32 children from harm.**  
**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 2021);**

**CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.**

17.9 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.

#### CONDITIONS TO PROMOTE PUBLIC SAFETY.

17.16 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.

#### CONDITIONS TO PROMOTE THE PREVENTION OF CHILDREN FROM HARM.

17.26 Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.27.1 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.28 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.29 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

#### **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 1 Application for Review, including:  
Appendices 1a-d; and  
Appendices 1(1), 1(4), 1(6), 1(7), 1(8) of appendix 1 (review application)
- Appendix 2 Premises Licence
- Appendix 3 Plan of the premises
- Appendix 4 Plan of the area
- Appendix 5 Councillor Naghi –comment of support
- Appendix 5 Case outline supplied by Woods Whur Solicitors
- Appendix 6 Human Rights Article
- Appendix 7 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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