

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

**MINUTES OF THE MEETING HELD ON FRIDAY 6 SEPTEMBER
2019**

Present: Councillors Mrs Hinder (Chairman), Hinder and Joy

5. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

6. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

7. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12 A
and Brief Description**

Expedited Review of a Premises Licence
under Section 53A of the Licensing Act 2003

Paragraph 1 –
Information relating
to any individual

8. EXPEDITED REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF
THE LICENSING ACT 2003

The meeting commenced at 11.07 a.m.

The Chairman requested that all those participating in the hearing identified themselves as follows:-

Councillor Mrs Wendy Hinder – Chairman
Councillor Bob Hinder – Committee Member
Councillor Mrs Denise Joy – Committee Member

Robin Harris – Legal Officer
Lorraine Neale – Senior Licensing Officer
Mike Nash – Democratic Services Officer

For the Applicant:

Mr James Williams – Kent Police
Mr Mark Beresford – Kent Police
Mr Chris Hill – Kent Police

For the Respondent:

Mr David Fuller – freeholder of the property and license holder of the premises

The Chairman asked all parties to confirm that they were aware of the hearing procedure.

The Committee Members confirmed that they had pre-read all the agenda papers and any other documents regarding the hearing.

The applicant was invited to give his opening remarks.

Mr James Williams outlined the nature of the serious disorder that took place in Jubilee Square on 25 August 2019 at 3.00 a.m. and explained that the security procedures adopted by The Gallery nightclub were relevant to the ongoing investigation.

Mr Chris Hill, Mr Mark Beresford and Mr James Williams responded to questions from the Committee relating to the incident and the security procedures at The Gallery nightclub.

The respondent was invited to give his opening remarks.

Mr Fuller confirmed details relating to the ownership and leasing of the premises license and explained the day-to-day management arrangements for the venue.

In response to questions from the Committee, Mr Fuller outlined the nature of the future events that had been booked at the venue and clarified that all events to be held on a Saturday had been cancelled.

Mr Harris asked Kent Police to comment on the Objectors counterproposal.

Mr Beresford and Mr Hill reasserted the reasons why the original proposal had been submitted.

The Chairman advised that the Committee would retire for deliberation.

The meeting closed at 11.58 a.m.

9. NOTICE OF DETERMINATION



RECORD OF CONSIDERATION OF INTERIM STEPS
LICENSING ACT 2003 SS53A –C

Applicant Summary Review: Superintendent Warren Franklin, Kent Police

Premises: The Gallery Bank Street Maidstone Kent ME14 1SD

Licence Holders: Mr Dave Fuller

Date of Consideration: 6th September 2019

Licensing Sub Committee Members: Cllr Wendy Hinder (Chairman)

Cllr Denise Joy

Cllr Bob Hinder

Legal Advisor in attendance: Robin Harris, Interim Team Leader
(Contentious), MKLS

Licensing Officer in attendance: Lorraine Neale

DECISION AND REASONS

The Sub Committee have considered whether interim steps are necessary in this case. They have considered the grounds set out in the application for summary review and the oral representations made by Kent Police and the Licence holder. This included the evidence in the summary review application. Also, conditions offered by the Licence holder as appropriate and proportionate to promote the relevant Licensing objectives were considered.

The Sub-Committee considered the options available to them, in particular the interim step of suspension of the Licence requested by Kent Police. Having heard representations from all parties the Sub-Committee were of the view that only the suspension of the licence would properly promote the licensing objectives and that this interim step was necessary for the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee considered that there were no conditions that could be imposed as interim steps in lieu of suspension and that the premises should use the suspension period as an opportunity to pause, consider its operating schedule and work with the Police in order to propose an updated operating schedule at the impending full review hearing.

The 'distraction' created by trying to dynamically risk assess and manage events in the interim period would hamper that process and there would be a very real danger that adequate risk assessments for events would be impossible in the short term due to the community tension around this premises.

For all the above reasons the interim step of suspension of the licence pending the full review hearing was appropriate, proportionate and necessary to promote the licensing objectives.

There is no right of appeal against this interim steps decision.

Dated: 6th September 2019

Signed: Signed copy kept on file