



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION
REVIEW**

Applicant: Chief Inspector Mark McLellan on behalf of Kent Police

Premises Social Chill, 95A Week Street, Maidstone, Kent ME14 1QX

Date(s) of hearing: 1 December 2022

Date of determination: 1 December 2022

Committee Members: Councillor Clive English (Chair)
Councillor Bob Hinder
Councillor Ziggy Trzebinski

Legal Advisor in attendance: Helen Ward, Lawyer (Contentious) MKLS

Licensing Officer in attendance: Lorraine Neale

Democratic Services Officer in attendance: Oliviya Parfitt

This was an application for:

☒ Review

of a

☒ Premises Licence

A: Representations, evidence and submissions:

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

Applicant

Name: Kent Police, PC James Williams, James Powell

Legal or other representative: None

Responsible Authorities

None

Other Persons

Cllr David Naghi

Premises Licence Holder

Mr Bulent Turgut

Legal or other representative: Paddy Whur, Woods Whur

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

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

Sections 51 - 53

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

Chapter 2 which relates to the licensing objectives
Chapter 10 which relates to conditions attached to licences;
Chapter 11 which relates to reviews.

The Sub-Committee has taken into account its Statement of Licensing Policy, in particular:

Section 3, relating to licensing authority policy considerations

Section 14, relating to reviews of premises licences
Section 16, relating to hearings
Section 17, relating to licence conditions

The Sub-Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

C: Determination:

The Sub-Committee has decided:

- To take no action in respect of the premises licence. However, the Licensing Sub Committee note that the situation regarding consumption of alcoholic drinks off the premises must be resolved and welcomed the comments from the premises licence holder that steps would be taken in this regard.

Reasons for determination, considering each of the licensing objectives in turn:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Licensing Sub Committee considered the evidence presented prior to and at the hearing in respect of incidents that had occurred at the premises. The Licensing Sub Committee recognised the seriousness of the incidents however they noted that no incidents had taken place since May 2022 and the premises licence holder had put in a number of measures since the incidents, including updates to the CCTV, a new door supervisor team and updated staff training measures. The Licensing Sub Committee heard evidence of weaknesses in the premises management and response to the incidents when they occurred however they were reassured by the premises licence holder that the additional steps taken would address previous failings. They recognised that the premises licence holder had undertaken a full licensing compliance audit and accepted credible evidence provided regarding an improvement to supervision and management training.

The Licensing Sub Committee noted that there were deficiencies in record keeping in particular in respect of the log book, but steps were being taken to rectify this, including by way of digitising the records on an app.

There was some discussion about off sales and the licence plans. The external area of the premises is not included in the licence plans and sales of alcohol are permitted for consumption on the premises only. The premises licence holder's representative made submissions that the plans were not licensing compliant and the premises licence holder will take steps to deal with this.

The Licensing Sub Committee considered the Police request to curtail the permitted hours. They noted the premises licence holder's concerns that this would be a de facto revocation of the premises licence due to the financial implications. The Sub Committee recognised that the promotion of the licensing objectives was the paramount consideration and they did not accept that the evidence provided was sufficient to justify any intervention of the hours. In particular, it was noted that the incidents themselves were some time ago and were not sufficiently linked to the time permitted for the sale of alcohol

The Licensing Sub Committee considered a period of suspension to allow for training however they felt that as improved training had already been put into place by the premises licence holder, no further steps were considered appropriate.

The Licensing Sub Committee considered the last entry condition but again did not feel that the evidence sufficiently justified any intervention in respect of this condition.

The Licensing Sub Committee considered all the existing premises licence conditions, including those relating to CCTV and staff training, and felt that no further steps were considered appropriate.

■ **Public Safety**

Reasons (state in full):

There was no evidence put forward in respect of public safety over that identified in the review application and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ **Prevention of public nuisance**

Reasons (state in full):

There was no evidence put forward in respect of the prevention of public nuisance and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ Protection of children from harm

Reasons (state in full):

In respect of the concerns relating to underage persons on the premises, the Licensing Sub Committee believed that the evidence for this was limited and the incident referred to in the review application had been dealt with appropriately by way of a contemporaneous warning from the police. No further steps were considered appropriate in respect of this licensing objective.

D: Appeal

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

An appeal has to be commenced by the giving of a notice of appeal by the appellant to the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified of the full written decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

PRINT NAME (CHAIR):

Signed [Chair]:

A copy of the original document is held on file

Date: