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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 1 August 2017 from 2.05pm - 4.23pm.

**PRESENT:** Councillors Tina Booth, Anita Walker and Mike Whiting (Chairman).

**OFFICERS PRESENT:** Mohammad Bauluck, Philippa Davies, Della Fackrell and Robin Harris.

**ALSO IN ATTENDANCE:** PC Chris Hall, PC Hunt, Inspector Craig West (Kent Police), David Aldridge and Dylan Collard (Kent Fire and Rescue Service), Mrs Leonora Dunne, Ms Channing Peters and Mr Eli Thompson (Respondents).

### 154 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the Fire Evacuation Procedure.

### 155 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting by introducing the Sub-Committee and officers present, and also members of the Kent Fire and Rescue Service, Kent Police and the Respondents.

### 156 DECLARATIONS OF INTEREST

No interests were declared.

### 157 REVIEW OF PREMISES LICENCE UNDER THE LICENSING ACT 2003

Mr Mohammad Bauluck, Licensing Officer, introduced the application which was for a summary review full hearing, plus review of interim steps at Merlins, 47 Leysdown Road, Leysdown, Sheerness. The review had been applied for by Kent Police and the review interim steps were agreed on Monday 17 July 2017.

The Chairman asked the Sub-Committee and all those present if they were happy for the two parts, (review and interim steps), to be considered together, or separately. The Senior Lawyer (Contentious) advised that it was common practice if the evidence was the same to deal with both together. Everyone was happy for the two parts to be considered at the same time.

The Licensing Officer provided some background to the case, outlined on page 2 of the Sub-Committee report. He explained that on Saturday 9 July 2017 at 01.15hrs there was an incident outside Merlins which resulted in four males being seriously injured. A meeting had been arranged for 17 July 2017 to discuss interim measures, pending this review, and it was decided to suspend the premises licence with immediate effect, until the CCTV evidence had been provided to the Police in an appropriate format. On receipt of this, bookings already in place were permitted to go ahead, subject to the conditions outlined on page 3 of the report.

The Licensing Officer drew attention to further papers that had been emailed to the Sub-Committee including letters in support of Merlins, and future proposals from the Premises Licence Holders. He added that further requirements from Kent Fire and Rescue Service (KFRS) had also been forwarded and these were tabled at the meeting.

PC Chris Hill, representing Kent Police, gave an overview, and showed the Sub-Committee video footage, of the incident. He described the serious injuries, which included two cases of GBH and two cases of ABH. One of those injured was originally classed as having sustained life threatening injuries. The injuries were no longer life-threatening, but it was too early to say if they were life-changing. Two suspects had been interviewed, and two were still unidentified. PC Hill explained that it was fortunate that a Police vehicle was already in the vicinity and this allowed life-saving first aid to be administered. PC Hill considered that there had been two breaches of the Premises Licence which could have prevented or reduced the seriousness of the incident. He explained that the door staff had told Police he had seen nothing of the incident, and added that there should have been two SIA registered door supervisors present. The man on duty that evening was not SIA registered. If he had been, he would have been able to intervene, and detain the attackers, and would also have been trained in first aid.

PC Hill explained that the video footage had been from a Police camera. There had been delays in receiving CCTV footage from the premises, which had hindered the investigation. He confirmed that following the meeting on 17 July 2017, the CCTV footage had been received.

PC Hill explained that following the meeting on 17 July 2017, the Police visited Merlins as part of multi-agency, pre-planned visits to a number of licensed premises in the area. Drug swabs had been taken throughout Merlins, and traces of illegal substances were found in nine of the 12 locations, within the premises tested. He provided details of the test results and stated that in some areas, the results were higher than he would have expected them to be.

PC Hill outlined the previous incidents that had occurred at the premises and reported that there had been five reported incidents in the last year, not all of which were a result of bad management. The five incidents had been in the bar area, not the function room. PC Hill acknowledged that Mrs Dunne wanted to play more of a part in the management of the premises in the future, and the two Premises Licence Holders were being pro-active in making the necessary changes. He was happy with the idea that the main bar be converted to a restaurant, and the function room stay as it was.

PC Hill referred to the tabled paper with proposed conditions from the Police. He emphasised that he was keen for there not to be a stand-up bar and that alcohol only be served with a tabled meal, in order to reduce the opportunity for disorder. The Police also requested that conditions be added with regard to a drugs policy, and how the premises intended to manage/prevent drug use, and that there be a minimum of two SIA registered door supervisors for the function room. He suggested that together with the additional new conditions and the management of the premises being re-structured, this was the way forward.

Mr Dylan Collard, representing KFRS, referred to the multi-agency visit made on 23 July 2017. He reported that a full audit and review of the premises had been carried out, and a list of deficiencies had been made which included a lack of maintenance of the premises. Mr Collard felt positive that the Premises Licence Holders were happy to improve matters and work with the KFRS, and they would deal with any inadequacies under KFRS powers.

Mr Eli Thompson, one of the Premises Licence Holders, referred to his document that the Sub-Committee had previously seen, which outlined the proposals for the premises. These included no sporting events being shown; removal of pool tables and no regulated entertainment unless applied for via a Temporary Event Notice. Mr Thompson wanted to avoid group activities that could potentially lead to disorder, but still allow regulars, so long as they were seated. He also wanted the facility of allowing customers to drink in the bar, prior to them being shown to their table.

Mrs Dunne, one of the Premises Licence Holders advised that the day-to-day running of the premises would be dealt with by her and Ms Peters.

Mr Thompson outlined improvement measures which included: removing furniture from outside the premises; CCTV being moved to the main building; ensuring timings on the CCTV cameras were correct; and keeping records on site, ready for when there was a request to view it.

PC Hall raised concern in allowing regular customers to drink at the premises without having something to eat, as he considered this could escalate. The conditions would ensure that measures to be followed were written down and staff were not put in the position of making exceptions.

Discussion ensued on the logistics of customers waiting for tables, and whether they would be served drinks whilst they waited.

Members of the Sub-Committee adjourned to make their decision at 3.38pm. Members of the Sub-Committee, Senior Lawyer – Contentious and the Democratic Services Officer returned at 4.17pm, when the meeting was re-convened

The decision, as set out at Appendix I to these minutes was announced.

***Resolved: The Sub-Committee agreed the modifications and additions to the conditions of the premises licence.***

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel