



RECORD OF CONSIDERATION OF INTERIM STEPS

LICENSING ACT 2003 SS53A –C

Applicant Summary Review: Superintendent Lukey, Kent Police

Premises: Merlins, 47, Leysdown Road, Leysdown, ME12 4RB

Licence Holders: Mr s L. Dunne and Mr E. Thompson

Date of Consideration: 17, July 2017

Licensing Sub Committee Members: Cllr Mike Whiting (Chairman)

Cllr Tina Booth

Cllr Anita Walker

Legal Advisor in attendance: Robin Harris, Senior Lawyer (Contentious), MKLS

Licensing Officer in attendance: Mohammad Bauluck

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 holders. This included evidence in the summary review application and also the letter that was received during the interim steps hearing itself.

The Sub-Committee considered the options available to them and the interim step of suspension of the Licence requested by Kent Police.

The Sub-Committee decided to suspend the premises licence with immediate effect. This suspension will be in place until such time that the CCTV evidence is provided to Kent Police in an appropriate format.

In the event that the CCTV evidence is provided to Kent Police the suspension of the Licence will be relaxed to allow pre-existing booked private functions to go ahead, subject to the Licence being modified by the following conditions:

- 1) That during any private function there will be a minimum of 3 SIA door staff present for the entirety of the event.
- 2) That the public bar will remain closed and access to the public bar will be shut off.

Reasons:

The Sub-Committee were satisfied that the premises had failed to provide the Police with the CCTV evidence as required by their licence. This pointed to serious mismanagement of the premises, potentially by persons other than the Licence holders and DPS, a matter that was further evidenced by the letter that arrived during the interim steps hearing. This matter must be corrected prior to the licence being reinstated.

The Sub-Committee noted in favour of the premises that there has not been a serious incident at the venue since 2009, the Public Bar was open on the weekend of the 15th July 2017 without incident and the premises have taken some steps to comply with the conditions on their licence.

Nevertheless, the Sub-Committee were of the view that the premises would benefit from a period of suspension to 'reset' as the respondent themselves accepted that changes would need to be made to the management and operation of the premises in order to promote the licensing objectives.

On that basis, the proposed suspension and/or modified conditions are appropriate as interim steps prior to a full review of the licence, giving the licence holders and DPS time to make the necessary arrangements, whilst not preventing private functions that are wholly different in nature.

Dated: 17th July 2017

Signed:

A handwritten signature in black ink, appearing to be 'M. J.', written over a dotted line.