

DARTFORD BOROUGH COUNCIL

**LICENSING SUB-COMMITTEE**

**MINUTES** of the meeting of the Licensing Sub-Committee held on Tuesday 4 June 2019 at 11.00 am

**PRESENT:**

Councillor C S McLean  
Councillor R M Currans  
Councillor D E Hunnisett

**Also Present:** Sarah Cotton (Solicitor); Caroline Hillman (Licensing Officer); Neil Murphy; (Democratic Services Officer); Veronica Osakwe (Legal Officer) – All Dartford Borough Council. Bayram Kagantekin (Licence Holder); Henry Skudra, (Barrister); Mahir Kilic (Licensing Agent); PC Hill (Licensing Officer); PC Hunt – both Kent Police. In addition PC Danielle Rolfe and PC Ian Belsey attended the meeting as observers for training purposes

**1. ELECTION OF CHAIRMAN**

Councillor McLean was proposed, seconded and duly elected Chairman of the meeting.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interests.

**4. URGENT ITEMS**

There were no Urgent items for the Sub – Committee to consider.

**5. RULES OF PROCEDURE**

The Chairman introduced Members present and called upon others present to identify themselves. He then explained to the parties that the Sub-Committee intended to follow the procedure detailed in the Licensing Sub-Committee Rules of Procedure, circulated as item 5 to the agenda.

**6. EXCLUSION OF PRESS AND PUBLIC**

The Sub - Committee resolved under the provisions of Section 100A (4) of the Local Government Act 1972, as amended, that the Press and Public be excluded from the meeting from the point indicated as the discussion would involve the disclosure of exempt information

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**7. APPLICATION BY NORTH KENT POLICE FOR A REVIEW OF THE PREMISES LICENCE FOR KIA KEBAB 29 HYTHE STREET DARTFORD KENT. DA1 1BE**

The Licensing Manager, Mrs Joanne Philpott, introduced a report which informed Members that Kent Police had requested a review of the Premises Licence held under the Licensing Act 2003, by Mr Bayram Kagantekin, in respect of Kia Kebabs, 29 Hythe Street, Dartford, Kent.

Mrs Philpott informed Members that the review had been requested following a violent incident on 24 February 2019 including staff engaged or employed by the Licence Holder at the premises.

In addition Mrs Philpott informed Members that the Kent Police had requested permission to show CCTV footage in support of their review request. It was explained that Kent Police had only made the CCTV footage available to the Licence holder on the morning of the meeting.

Mr Skudra, representing the Licence Holder asked that the footage should not be considered by the Sub-Committee as his client had not been given the opportunity to view it in advance of the meeting. He suggested that either the footage should not be shown to the Members of the Sub-Committee or that the Sub-Committee should be adjourned to allow his client time to consult with the staff who were present at the premises at that time the footage was taken and to take advice on the contents of the footage.

Kent Police expressed concern at the possibility that the footage might not be considered by Members of the Sub-Committee, but conceded that while notice of the intention to show this had been given to the Licence Holder, the footage itself had not been made available to view until the morning of the meeting.

Members withdrew from the meeting to consider whether the CCTV footage should be allowed.

Members returned to the meeting and having considered the issue agreed that the CCTV footage would not be viewed as the Licence Holder had not had the opportunity to view the footage in advance of the date of the meeting, to discuss the footage with the staff present at premises at the time the footage was recorded and to take advice from their representatives.

In view of the decision of the Sub-Committee on the introduction of the CCTV footage by Kent Police, Mr Skudra said that he would not ask the Members of the Sub-Committee to consider viewing the separate CCTV footage from his client's cameras at the premises.

Mrs Philpott introduced Police Constables Hill and Hunt, who explained that the application for the review of the Premises Licence had been submitted by Kent Police following a violent incident that had occurred at the premises on 24 February 2019 which had involved staff engaged at the premises.

Constable Hill explained the circumstances surrounding the requested review of the Premises Licence and the investigation regarding the violent incident

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which had taken place at the premises on 24 February 2019. He explained that the violent incident could quickly have escalated further and that the actions of the staff had put members of the public at risk.

He explained that in view of the incident and breaches of the conditions of the Premises Licence relating to door supervisors, the Kent Police did not feel that the current Licence holder was exercising a sufficient degree of control over the operation of the premises. Constable Hunt expressed concerns that staff engaged at the premises had not been trained to deal with those difficult situations that might arise when serving customers under the influence of alcohol late in the evening, nor were there adequate procedures in place for staff to defuse any such situations. Kent Police were of the view that it was appropriate for the Council (as licensing authority) to revoke the Premises Licence so as to promote both the licensing objective of the prevention of crime and disorder and the licensing objective of public safety.

Mr Skudra, representing the Licence Holder informed Members that the Licence Holder had not been present at the time of the incident and having spoken to the manager of the premises his client was under the impression that the staff engaged at the premises had acted reasonably. He had only recently received information as to the alleged involvement of the staff in that incident and now proposed to investigate and where appropriate remove staff.

Additionally, the Licence Holder explained that he intended to provide training to any new staff to enable them to deal with difficult situations that may arise as a result of the operation of the premises and the carrying out of the licensable activities.

Members of the Sub Committee asked a number of questions relating to staff, training, door supervisors and the ability of the Licence Holder and his staff to operate and download footage from the CCTV system maintained at the premises.

Members expressed concerns that the Licence Holder had not taken any action to address the serious issues raised by Kent Police in the review application, both in terms of the violent incident and the breaches of licence conditions, and had done little to investigate for themselves the involvement of the staff engaged at the premises in the violent incident.

Kent Police and Mr Skudra both sought clarification on matters raised.

Kent Police and Mr Skudra summed up their points and the Members of the Sub-Committee withdrew to consider the application for the review.

Having considered the evidence presented the Members of the Sub Committee returned to the meeting and

RESOLVED that the

Premises Licence held by by Mr Bayram Kagantekin, in respect of Kia Kebabs, 29 Hythe Street, Dartford, Kent be revoked

The reasons for the decision are:

The Licensing Sub-Committee, having considered all the information submitted to it, concluded that revocation of the Premises Licence was appropriate and proportionate to promote the licensing objectives of the prevention of crime and disorder and public safety given the seriousness of the violent incident on 24 February 2019 by and including staff engaged or employed by the Licence Holder at the premises in breach of the licensing conditions.

The Licensing Sub-committee noted that the licensing conditions had been breached on several previous occasions regarding non-compliance with the provision for door supervisors.

Licence holders must at all times ensure they offer a safe environment for the public, abide by the law and uphold their licensing conditions. The Licensing Sub-committee concluded that the Licence Holder had clearly fallen short of this requirement.

The Licensing Sub-Committee decided that, in view of past breaches, it did not have confidence in the Licence Holder:

- upholding the licensing objectives;
- complying with the licensing conditions;
- implementing adequate measures to ensure that incidents of serious violence do not occur in the future.

The Licensing Sub-Committee rejected possible alternative action, such as modifying the licensing conditions or suspending the licence, because these were considered to be insufficient to promote the licensing objectives of the prevention of crime and disorder and public safety.

The Licensing Sub-Committee had no confidence that any additional conditions would be complied with by the Licence Holder, resulting in the need for enforcement action.

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The meeting closed at 1.15 pm

Councillor C S McLean  
CHAIRMAN

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