

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 29 APRIL 2024

Present: Cllrs Jon Andrews, Les Fry and Emma Parker

Officers present (for all or part of the meeting):

Elaine Tibble (Senior Democratic Services Officer), Lara Atree (Senior Lawyer - Regulatory), Kathryn Miller (Senior Licensing Officer) and John Miles (Democratic Services Officer)

Also present: Cllr Rideout (Applicant), Ms Collins (Applicants Witness), Mr Barrington (Applicants Witness), Ms Barrington (Representation), Mr Rock (Licence Holder) and Mr Narraine (Environmental Protection Team Leader).

217. Election of Chairman and Statement for the Procedure of the Meeting

Proposed by Cllr Les fry, seconded by Cllr Jon Andrews

Decision: that Cllr Emma Parker be elected as Chairman for the duration of the meeting.

218. Apologies

Apologies for absence were received from Cllrs Sarah Williams and Paul Harrison, substituted by Cllrs Les Fry and Jon Andrews.

219. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

220. Urgent items

There were no urgent items.

221. Review of the Wine Bar (Rocky's), Queen Street, Gillingham

The Senior Licensing Officer introduced the report. Which was a hearing to consider an application brought by the current ward member in Gillingham on behalf of the residents. When the review was made, the licence was held by the Carter Group but during the course of the review the licence was transferred to Scott Rock. Mr Rock had been running the premises for a number of years. There had been complaints from residents to licensing on and off for a number of years some being noise related. Residents were then asked to contact Environmental Protection (EP) and the review application form had been offered but nothing had

come in until now. It was confirmed that the licence had been a 24-hour licence since 2006.

Cllr Rideout informed the Sub-Committee that she had been contacted by the residents of Queen Street. As the residents had been impacted by issues such as, antisocial behaviour shouting, vomiting, and urinating on a regular basis and security was the main concern. Rocky's bar was located on a quiet residential street, a bar/restaurant had always been there and was the only premises that opened late night hours. The residents did not want the bar to be closed and recognised that it was an important venue which gave young people a place to socialise. She covered the history of the bar and added that communication had broken down with residents. Since 2021, there had been an escalation of antisocial behaviour and residents had logged numerous incidents with EP and the Police. She went through various incidences that had taken place in 2023 and 2024 which related to drunk customers coming out of the Premises and being violent and disorderly in the street immediately in front of the Premises.

Cllr Rideout explained that customers spilled out onto Queen Street to drink and smoke from late evening into the early hours of the morning, residents had witnessed loud, abusive, and violent behaviour with the Police being called on several occasions. Residents had witnessed the front entrance to the Premises being left unattended by security staff during a violent incident on the street outside the Premises. She concluded that residents needed security to be improved and stricter conditions to ensure that customer behaviour was monitored and addressed. She wanted the Sub-Committee to reconsider the hours during which permitted activities took place, the security arrangements and reducing the noise. She added that it was an untenable situation which had led to intimidation, anxiety, and isolation of residents in their own homes.

Cllr Rideout responded to questions from the Sub-Committee. She informed that a closing time of 2 am on the weekend would be suitable and two door supervisors were needed on the front entrance to the premises at the weekend and one at the door to the rear of the garden, which would shut by 10 pm and after would be used as a smoking area with strict controls on numbers of people.

The Sub-Committee heard from Ms Collins who had submitted a statement with the review application. She stated that the noise monitoring forms had been completed but some residents had felt there was no point in continuing submitting forms when nothing had changed. Since August 2021 the premises had operated new opening hours closing on Friday and Saturdays at 2 or 3 am and 4 am on New Year's Eve which resembled night club hours and was unsuitable for the area. She confirmed that continuous contact with EP, and the Anti-social Behaviour Team had been made and noise monitoring logs were recorded. She highlighted that the main issue was Fridays and Saturdays and suggested that a 1 am closing time would be preferred. She raised concerns regarding the noise that could be heard along Queen Street, people acting in a disorderly manner, rubbish being left in the area, urinating and vomiting.

Mr Barrington addressed the Sub-Committee as he submitted a statement with the application for the review. His family had lived in Queen Street for many years and occasionally had experienced issues during the carnival and at Christmas. Since

2021, the change of operating hours had caused noise and anti-social behaviour on Friday and Saturdays in the early hours of the morning. As a result, he was unable to use his garden at weekends due to noise from the beer garden, and waves of sound as the beer garden door opened and closed. He added that he was kept awake on Good Friday this year until 3 am. He confirmed the noise monitoring sheets had been submitted, and meetings had been held with Mr Rock to resolve issues, where suggestions had been made but nothing had changed. He requested that at least two professional door staff at the front entrance from 11pm, no entry after 11pm, for events to not be held every weekend, for external noise monitoring equipment to monitor the sound and for the premises to close at 1 am.

Ms Barrington addressed the Sub-Committee as she had submitted a representation in support of the review. She raised concerns that she was being kept awake in the early hours of the morning on Friday and Saturday most weekends, due to noise and anti-social behaviour from patrons of the premises. She often heard people shouting, arguing, and fighting outside their window and she could not use her garden due to the noise. Her property was attached to the premises so could hear the noise. On the 4th of June she was kept awake until 2.10 am due to people congregating at the front of the premises. Her and her partner had to get up early for their jobs and being kept awake was affecting their quality of life. She informed that the door staff were sometimes at the door, but they did not control the customers properly. At weekends, she believed that a member of staff should monitor customers using the rear garden area and that it should close at 10 pm.

Mr Rock spoke on behalf of the Premises Licence Holder and informed that he had voluntarily closed the garden and door staff were there to protect customers and needed to manage their time effectively. He had tried closing after 11 pm but had problems and made the decision to open after 11. He had tried to address issues from residents but had a business to run and he would be unable to operate a bar with two door supervisors in the rear garden and two on the front door. He said he would close the garden at 10 pm but still allow people to smoke. He preferred that people smoked out the back instead of at the front of the premises as he thought it would cause less problems. He was willing to have a member of staff on the door to the garden to control the numbers and noise levels but did not think they needed to be SIA registered. He did not own the building so it would be difficult to install another set of doors to the garden area. But could move the speakers to reduce the noise to the garden area. He agreed to set up quarterly meetings for residents to raise any issues and to provide residents with a direct telephone number and an email address. He had also created a more detailed log to record any complaints or incidents.

All parties were given the opportunity to sum up and have their say.

Decision:

To amend the hours that licensable activities can take place at the Premises to:

Sale of Alcohol (on and off), performance of a play, exhibition of films, indoor sporting event, performance of live and recorded music and performance of dance.

Sunday to Thursday 10:00 to midnight

Friday and Saturday 10:00 to 2:00 hours

New Year's Eve and carnival day 10:00 to 03:00 hours

Late Night Refreshment

Sunday to Thursday 23:00 to midnight

Friday and Saturday 23:00 to 2:00 hours

New Year's Eve and carnival day 23:00 to 03:00 hours

To amend Condition 1 on the Premises Licence to read:

1. The Premises Licence Holder must assess the requirement for SIA door staff for each event taking into account the numbers attending and the nature of the entertainment taking place. This assessment must be in writing and kept for 6 months on the licensed premises and made available for inspection by a Licensing Officer, or Police Officer.
2. At least one member of SIA registered door staff shall be on duty at the front door to the Premises from 22:00 hours to the time that the Premises close on Christmas Eve, New Year's Eve, carnival day, Bank Holidays and every Friday and Saturday between 1 June and 14 September.

And to add the following conditions to the Premises Licence:

There shall be no entry or re-entry to the Premises after 23:00 hours daily, except for members of staff or the manager of the Premises.

The rear garden area shall close at 22:00 hours daily except for the use of the area for up to six customers at any one time to smoke. One member of staff shall be on duty at the door to the rear garden area from 22:00 hours to the time that the Premises close.

No drinks shall be taken into the rear garden area after 22:00 hours daily.

The manager of the Premises shall arrange for meetings to be held with the residents on a quarterly basis.

A direct telephone number (with answer machine facility) and email address for the manager of the Premises shall be made publicly available for residents to report issues.

A CCTV system shall be installed at the Premises covering the rear garden area and the entrance to the Premises on Queen Street. The CCTV system shall be maintained in working condition and record the Premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.

The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the Police and officers of the Council upon request.

Staff working at the Premises will be trained in the use of the equipment and a log will be kept to verify this. Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the Premises, i.e. capable of identification.

There shall be signs displayed in the customer area to advise that CCTV is in operation.

Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.

The Premises Licence Holder shall ensure that the area immediately to the front of the Premises is swept every day at the close of business to remove litter or waste.

222. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 – 12.00 am.

Chairman

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