



LICENSING HEARING PANEL

28 NOVEMBER 2017

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE

CHATHAM GRILL, 12 BATCHELOR STREET, CHATHAM, KENT ME4 4BJ

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Principal Licensing and Enforcement Officer

Summary

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of Chatham Grill, 12 Batchelor Street, Chatham, Kent ME4 4BJ.

All responsible authorities have been consulted in line with the Licensing Act 2003.

A representation supporting the review has been received from the Kent Fire and Rescue Service. No further representations supporting the review have been received from members of the public or other responsible authorities.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

2. Background to the application and relevant representations

- 2.1 An application for review was received from Kent Police as a responsible authority, in respect of Chatham Grill, 12 Batchelor Street, Chatham, Kent ME4 4BJ.
- 2.2 The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A. A copy of a plan showing the location of the premises is at Appendix B.

- 2.3 A redacted copy of the review application is at Appendix C (the full version is attached as an Exempt Appendix under item 7, Exclusion of the Press and Public) and the Panel's attention is drawn to the grounds for the review, which relate to the prevention of crime and disorder and public safety licensing objectives of the Licensing Act 2003.
- 2.4 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities. Before determining the review application, the Council, as licensing authority, must hold a hearing to consider it and any relevant representations received.
- 2.5 Following the advertising of the review application, representations supporting the review have been received from the Kent Fire and Rescue Service (copy attached at Appendix D). No further representations supporting the review have been received from members of the public or other responsible authorities.

3. Advice and analysis on determination of review application

- 3.1 At the panel hearing, Members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
- (a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - (b) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - (c) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence.
- 3.2 Paragraph 11.16 – 11.18 of the revised guidance issued by the Home Office in March 2015 under Section 182 of the Licensing Act 2003 states "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing

to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.”

4. Risk Management

- 4.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

5. Financial and legal implications

- 5.1 There are no direct financial requirements at this time.
- 5.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 5.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to Members as appropriate at the hearing. However, whatever the decision of the panel, this must be based on the evidence placed before it and the panel must decide what weight to attribute to this information.

6. Recommendation

- 6.1 That the Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral, considers and determines the application to review the premises license.
- 6.2 The steps that the Licensing Hearing Panel may consider taking are set out in paragraph 3.1.

Lead officer contact:

Mandy Francis, Principal Licensing and Enforcement Officer
Telephone: 01634 331922 Email: mandy.francis@medway.gov.uk

Appendices:

Appendix A - Copy of current premises licence
Appendix B - Plan showing the location of the premises
Appendix C - Redacted copy of the Review Application
Appendix D - Copy of the supporting representation
Exempt Appendix - Copy of the full version of the Review Application

Background documents

None

Premises Licence

Premises licence number **Medway-05-PREM-0682**

Postal address of premises, or if none, ordnance survey map reference or description Chatham Grill 12 Batchelor Street Chatham, Kent ME4 4BJ	
Telephone No:	01634 400314
Where the licence is time limited the date Not Applicable	
Name, (registered) Address, Telephone No and email (where relevant) of the holder of this premises licence:- Messrs Murat & Suleyman Kabadiye 12 Batchelor Street Chatham, Kent ME4 4BJ	Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:- Not Applicable
Registered number of holder, for example company number or Charity number (where applicable):- Not Applicable	Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises Licence authorises for the supply of alcohol:- Not Applicable
Mandatory Conditions Not Applicable	

Embedded Conditions Not Applicable
--

Conditions consistent with the 'Operating Schedule'
<ol style="list-style-type: none"> 1. Non-alcoholic drinks to be served in plastic bottles or cans. 2. A notice is displayed at the entrance/exit of the premises to remind customers to leave the premises quietly.

Conditions attached after a hearing by the Licensing Authority Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

Monday	15:00 to 01:00
Tuesday	15:00 to 01:00
Wednesday	15:00 to 01:00
Thursday	15:00 to 01:00
Friday	15:00 to 03:00
Saturday	15:00 to 03:00
Sunday	15:00 to 01:00
Seasonal	Not Applicable
Non Standard	Not Applicable

Late Night Refreshment

Activity takes place	ON the premises - YES	OFF the premises - NO
Monday	23:00 to 01:00	
Tuesday	23:00 to 01:00	
Wednesday	23:00 to 01:00	
Thursday	23:00 to 01:00	
Friday	23:00 to 03:00	
Saturday	23:00 to 03:00	
Sunday	23:00 to 01:00	
Seasonal	Not Applicable	
Non Standard	Not Applicable	

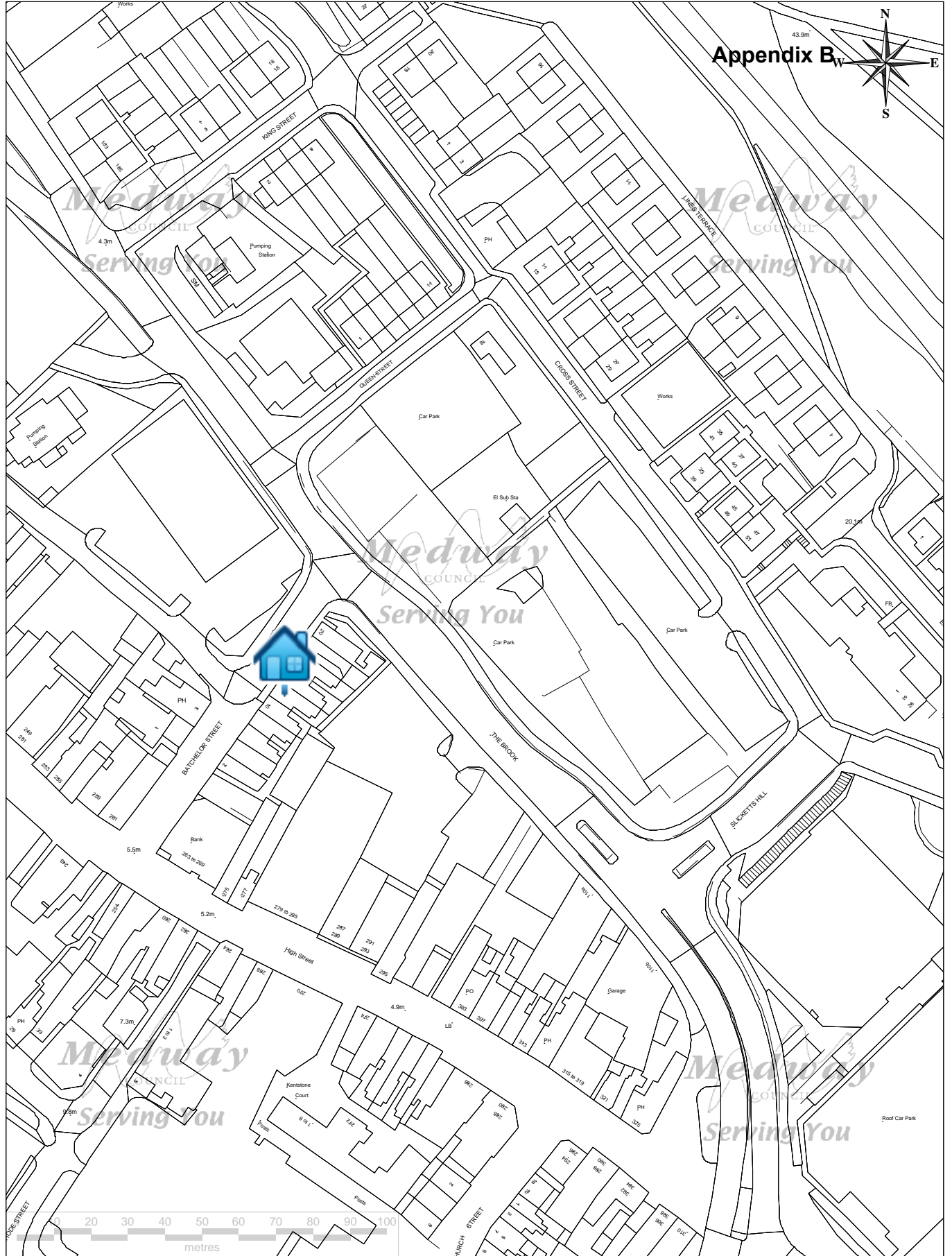
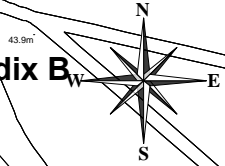
The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.

Signed and Dated on behalf of Medway Council Licensing Authority

8 January 2008

Licensing Manager

Dated



12 Batchelor Street



RESTRICTED (when complete)
Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Appendix C
Redacted
version

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 11044 HUNT

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Chatham Grill 12 Batchelor Street Chatham Kent	
Post town Chatham	Post code (if known) ME44BJ

Name of premises licence holder or club holding club premises certificate (if known) Murat KABADIYE
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Number of premises licence or club premises certificate (if known) MEDWAY-05-PREM-0682

Part 2 – Applicant details

I am

Please tick yes

- 1) an interested part (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

3 a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr **Mrs** **Miss** **Ms** **Other title**
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 11044 Hunt Medway Police Station Purser Way Gillingham Kent Police ME71NE
Telephone number (if any) 01634 792388
E-mail address (optional) 11044@kent.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Kent Police submit this application to review the Chatham Grill takeaway in order to promote the licensing objectives of public safety and the prevention of crime and disorder.

This review is following a violent disturbance at the venue during which staff armed themselves with and used weapons to assault customers.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please provide as much information as possible to support the application

(please read guidance note 2)

This incident has been captured on the CCTV system belonging to the Chatham Grill takeaway. The takeaway is a small premises with a high counter top separating the staff/kitchen area from the public waiting area.

At approximately 2145 hours on Sunday 17th September 2017 three customers were inside the Chatham Grill takeaway and had ordered food. The customers became dissatisfied with the food they were given and were then abusive to staff (racial abuse). A verbal altercation took place during which it is understood the customers were asked to leave but they refused to do so. A violent fight breaks out between staff and customers.

Police have concerns regarding the ability of staff to deal with incidents of increased risk that may occur later into the night time economy and into the early hours.

This incident shows a failure of the venue to promote the licensing objectives of public safety and the prevention of crime and disorder.

Having considered the options available, Kent Police seek the revocation of the premises licence. Should revocation not be considered then Kent Police seek consideration of the below:

1- When the premises is open between 21:00 hrs and closing on Friday, Saturday and Sunday a minimum of 1 door supervisor(s) must be present at the customer entrance/exit of the premises.

2- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

- Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 30 days and handed to Police upon reasonable request.
- The premises licence holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
- The recording equipment and hard drive shall be kept in a secure environment under the control of the PLH or other responsible named individual.
- In the event of technical failure of the CCTV equipment the premises licence holder must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.pnn.police.uk)

3- All staff working at the premises to have received training in Conflict Management in order to:

- Identify the key components present in all angry confrontations
- Recognise different stages of conflict escalation
- Recognise the signs of conflict and aggression
- Maintain composure when responding to conflict and aggression
- Use skills to manage their words, phrases and body language
- Demonstrate skills to stay calm and manage angry customer behaviour

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

- **I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate**
- **I understand that if I do not comply with the above requirements my application will be rejected**

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e mail address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix D

From: Aldridge, David
Sent: 25 October 2017 11:52
To: buddin, helen
Cc: 'Licensing North Division Kent'; '11044@kent.pnn.police.uk'
Subject: RE: Licensing Act 2003 - Review - Chatham Grill 12 Batchelor Street Chatham Kent ME4 4BJ

Licensing Act 2003

Re: Chatham Grill, 12 Batchelor Street, Chatham, Kent, ME4 4BJ

With regards to the above premises please see attached documentation from KFRS.

Kind regards
David

David Aldridge

Fire Safety Inspector | Kent Fire & Rescue Service | North Kent Technical Fire Safety Office

T: 01622 212413

M: 07841 800128

E-mail: David.Aldridge@kent.fire-uk.org

Web Site: www.kent.fire-uk.org



Kent Fire &
Rescue Service

Our aim: "To save lives and reduce risk"



**Kent Fire &
Rescue Service**

North Kent Fire Safety Office

Watling Street
Chatham
Kent
ME5 7HQ

E-mail

TFS.northgroup@kent.fire-uk.org

T 01622 212413

Chatham Grill
12 Batchelor Street
Chatham
Kent
ME4 4BJ

FAO: Murat Kabadiye

Our ref:

Your ref:

Inspector:

David Aldridge

Date:

24 October 2017

Dear Sir,

Licensing Act 2003

Re: Chatham Grill, 12 Batchelor Street, Chatham, Kent, ME4 4BJ

With reference to the application for the review of premises licence dated 2 October 2017, the application has been examined and on behalf of the Fire Authority I wish to make a representation to the licensing committee that the Public Safety objective of the Licensing Act has not been adequately addressed.

The Fire Authority wish to make a representation for the following reasons:

- a) The Responsible person has failed to make a suitable and sufficient assessment of the general fire precautions necessary to control the risks to which relevant persons are exposed within their premises.
- b) As a licensed premises it is a statutory requirement that the significant findings of the Fire Safety Risk Assessment must be recorded.

In the event that we receive full documentation, and the Public Safety objective of the Licensing Act has been adequately addressed, the Fire Authority will immediately notify all parties with a view to dispense any hearing in relation to our representation.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation.

If you require any further advice please contact this Fire Safety Office.

Yours faithfully

David Aldridge
Fire Safety Inspector

cc.: Licensing Authority
Police Licensing Officer



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www.kent.fire-uk.org

*Chief Executive
Ann Millington*



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www.kent.fire-uk.org

Chief Executive
Ann Millington



**Kent Fire &
Rescue Service**

North Kent Fire Safety Office

Watling Street
Chatham
Kent
ME5 7HQ

E-mail

TFS.northgroup@kent.fire-uk.org

T 01622 212413

Chatham Grill
12 Batchelor Street
Chatham
Kent
ME4 4BJ

Our ref:

Your ref:

Inspector:

David Aldridge

Date:

24 October 2017

FAO: Mr Suleyman & Murat Kabadiye

Dear Sirs,

The Regulatory Reform (Fire Safety) Order 2005
Re: Chatham Grill, 12 Batchelor Street, Chatham, Kent, ME4 4BJ

Following a fire safety audit of the above premises on 23 October 2017, the measures specified in the attached schedule are to be carried out to comply with the above legislation.

Kent Fire and Rescue Service, on behalf of The Kent and Medway Fire and Rescue Authority, is the enforcing authority, under Article 25 of The Regulatory Reform (Fire Safety) Order 2005.

If, following your fire risk assessment of the premises, you consider that there is an alternative to the items put forward by the Fire and Rescue Authority in the enclosed schedule, forward these suggestions along with your fire risk assessment in writing to the above office for consideration.

You should note that failure to comply with any requirement of the legislation is an offence and the person responsible may be liable to prosecution. This letter and enclosed schedule are issued without prejudice to any legal action which may subsequently be taken regarding the failures to comply with the legislation. Information and guidance as to the appropriate fire safety measures may be found in Offices and Shops, which may be obtained from the DCLG (www.gov.uk/workplace-fire-safety-your-responsibilities/who-is-responsible).

A follow up inspection may be made in the near future to ensure compliance with the legislation.

If you are in any doubt as to the obligations placed upon you by the legislation, or if there is any relevant matter upon which you require clarification, please contact this Fire Safety Office.

Yours faithfully

David Aldridge
Fire Safety Inspector

Enc: Schedule



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SCHEDULE

The items detailed below are considered by the Fire and Rescue Authority to be best practice for the deficiencies to be rectified, should you have an alternative means by which this could be achieved please contact the Fire Safety Inspector detailed in the covering letter.

1 Article 9 - Risk Assessment

“The responsible person shall make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by the Regulatory Reform (Fire Safety) Order 2005”.

1.2 Deficiency

The responsible person has failed to comply with the requirement to make a suitable and sufficient assessment of the general fire precautions necessary to control the risks to which relevant persons are exposed within their premises.

1.3 Remedy

The responsible person must ensure that a Fire Safety Risk Assessment is undertaken in order to identify and to record all the significant findings and the measures which have or will be put in place to safeguard the safety of relevant persons.

As a licensed premises (under any enactment) it is a statutory requirement that the significant findings of the Fire Safety Risk Assessment must be recorded.

