

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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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)

Police are calling this review of the premises licence for Sundowners Wine Bar, 1 Albert Terrace, Margate. Under three of the licensing objectives: of

The Prevention of Crime and Disorder,
The Promotion of Public Safety and
The Prevention of Public Nuisance.

There is also concern about the suitability of the Designated Premises Supervisor's ability to run the premises following an increase in violence against the person recorded crime.

Kent Police believe that three of the licensing objectives are failing to be promoted adequately and have serious concerns regarding the current running of the premises.

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Please provide as much information as possible to support the application

(please read guidance note 2)

The Premises

Sundowners is situated at the end of Albert Terrace, Margate. As you face the premises there is an alleyway to the left hand side with a barrier across; this alleyway leads onto the High Street. The sole entrance to the premises is situated at the front and consists of a single door that leads straight on to a stairwell. There is a designated smoking area here which is cordoned off by brass supports and advertising barriers between. At the top of this stairwell, to the right, is the entrance to the first floor. Turning right you go through a door and enter a lobby area, it is here that you also gain entrance to the men's toilets. This lobby area is an empty room with a large window that overlooks the beach. On the right is another flight of stairs that leads to the second floor. At the top of these stairs there is a small seating area to the right and ahead are the female toilets. On the left is another door that leads into the bar area. In this area, on the left, are tables and chairs and the bar is situated on the right hand side with a pool table at the back. Past the pool table is a step that leads to the DJ booth and dance floor. There is a door on the left which is for the private residence of the DPS. At the back of the dance floor is a pole and stage area. In summary, Sundowners is situated over three floors and due to its layout means that security staff must at all times be vigilant being aware of congregation points outside of their natural line of sight.

On Sunday 6th August 2017 police were called by the DPS – Duncan Bayles to attend a large fight which was taking place within the premises – violent behaviour had spread across all floors. Police subsequently attended and suspects have been arrested and interviewed. A number of crime reports have been recorded from and relating to this one incident, namely, Violent Disorder, two reports for Actual Bodily Harm, one for Wounding with intent. The Violent Disorder is subject of an on-going criminal investigation. This was a violent episode which put both staff and customers in danger. No one appeared to take control of the situation and the staff appeared to be vastly outnumbered with only one of the SIA staff members actively trying to disrupt the fight. Police are not satisfied that the DPS or the SIA door staff had sufficient control of this incident.

History

On Tuesday 22nd March 2016 police held a meeting with the DPS to discuss issues which had arisen within the premises – following this meeting the police did not feel confident that these issues had been resolved. This related to repeatedly high drug readings and concerns regarding under-age drinking within the premises and what appeared to be a lack of knowledge regarding the licence and its conditions.

On 20th July 2016 a further meeting was held seeking improvement as to how the premises was being managed and controlled. This related to concerns from the police over the correct checking of ID to ensure those underage were not admitted. Following this meeting an email was sent to the applicant outlining ways to improve without the need to call the premises for review.

On the 18th August 2016 police held a meeting with the DPS and his legal advisor discussing the DPS potentially applying for extra conditions to resolve the concerns held by the police without necessitating calling a review of the premises licence. The variation to the licence was applied for in September 2016 and the licence was granted. This imposed tighter conditions to support the premises, including extra SIA door staff generally, with more SIA door staff being required when an event is taking place.

This year (from Jan 1st to Sept 9th) has seen 28 recorded crimes that occurred at the premises or were causally linked to them, with 17 of them being committed after 0100 hours. Of these 17 reports 13 relate to violence offences, 2 thefts and 1 harassment. These offences have been recorded as occurring at or after 0100 hours.

Police request the following measures are considered to promote the licensing objectives:

Change of Designated Premises Supervisor (DPS); Duncan Bayles is currently the responsible person for the

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premises and is accountable for promoting the licensing objectives against the backdrop of the growing number of violent crimes being recorded at the premises. Duncan Bayles took over as DPS in August 2015 since then there has been 55 recorded crimes at the premises. 32 of those have all taken place after 0100 hours and 32 of these crimes are violence against the person reports. There are 3 recorded crimes in 2015. 25 recorded crimes in 2016 and 28 recorded crimes so far in 2017.

From 2003 to the last recorded crime in 2015 and before he took control there were 39 recorded crimes of which 10 of those are after 0100 hours. 2007 being the busiest year in that time with 8 recorded crimes. 20 of those recorded crimes are violence against the person reports.

On these statistics alone it would show that since the DPS has been in charge of the premises crime within the premises has significantly increased.

The Police seek the following conditions to be applied to the premises licence.

1. Sale by retail of alcohol to end at 0030 hours.

More than 50% of all recorded crime occurring since the DPS has had the control and responsibility for the premises occurs after 0100 hours. This new condition will allow a 30 minute drinking up time and assist to stagger dispersal.

2. Close of premises at 0100 hours.

To close at 0100 hours for the reasons above.

3. No admission after 0000 hours.

This will eliminate people arriving at the premises late and with only 30 minutes left to purchase alcohol. This would assist in discouraging people from consuming alcohol in a short space of time before the premises closes.

4. No re-admission after 0000 hours (unless supervised readmission from the smoking area)

If people leave the premises and are not continually supervised within the smoking area, then they should not be allowed to come back in after this time. This will reduce noise issues outside the premises. If somebody wants to have a cigarette this will allow them to do so and to then return upstairs to the bar under supervision.

5. No drink is to leave the bar area as defined by the door entrance at the top of the stairs.

This will support the premises ensuring that the bar and its staff are in control and can see all areas where alcohol is permitted to be consumed. It will also prevent patrons grouping in unsighted areas. This door can be controlled by SIA Door staff to ensure that drinks are not allowed outside.

6. The removal of pool cues and balls from 2100 hours with the option to play pool being removed after this time.

The violent disorder evidenced that offenders used pool balls and threatened with pool cues. By removing them in the evening will eliminate this risk. The most recent report shows offenders using pool balls and cues in a violent assault.

7. All drinks to be served in plastics from 2100 hours.

Glasses were thrown in this incident and previous crime reports outline where glass was used as a weapon. This will protect patrons from serious injury.

8. 3 SIA security staff every Thursday – Saturday, Sunday to Wednesday - 1. In a planned event evening a minimum of 4 SIA security staff with a Planned event being defined as any event where an

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entrance fee is paid.

From the very layout of the premises the SIA door staff are restricted in their sight and their ability to deal with any incident that may arise. SIA door staff would and should be required to cover all floors and the main bar area.

9. All SIA to wear body worn cameras.

For the protection of patrons and staff; the benefits of body worn video are that they are a valuable tool that will not only assist the protection of patrons and staff but will also fully support the licensing objectives.

SIA door staff are employed to safeguard the premises licence and patrons, on the evidence of the CCTV seen the current employed staff fall way below what is expected and necessary. The Police want all SIA security staff replaced by a recognised security company as previous concerns around the current SIA security staff have been raised. By employing a recognised security company, the premises would be getting experienced SIA door staff to support the premises and in furtherance of the licensing objectives.