



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION
SUMMARY REVIEW AND REVIEW OF INTERIM STEPS**

Application Ref No: SHE/SWALE/189/0290

Applicant: Superintendent P. Anderson, Kent Police

Premises Talk of the Town, The Promenade, Leysdown on Sea,
Sheppey, Kent, ME12 4QB

Date(s) of hearing: 08/05/17

Date of determination: 08/05/17

Committee Members: [Chairman]: Councillor Roger Clark
Councillor Paul Fleming
Councillor Colin Prescott

Legal Advisor in attendance at hearing: Jayne Bolas, Solicitor Team Leader
(Contentious), MKLS

Licensing Officer in attendance at hearing: Mohammad Bauluck

This was an application for:

Summary Review

of a

Premises Licence

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Name; Kent Police

- other representative: PC C Hill

Licence Holder/s: Mr C & Mrs J Prime

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Swale Borough Council.

The Committee has taken into account specifically the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 53A – D.

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 10 which relates to conditions attached to licences;
Chapter 12 which relates to summary reviews.

The Committee has taken into account its Statement of Licensing Policy:

C: Determination:

The Committee has decided to:

- Modify conditions of the premises licence.

If so, state the modified conditions:

(1) CCTV

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

- Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

- 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 31 days and handed to Police upon request.
- The premises licence holder must ensure at all times a DPS or 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.
- In the event of technical failure of the CCTV equipment the premises licence holder or DPS 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)

(2) SIA

(a) On any day when live entertainment,(not Karaoke), is scheduled at any time, on or in the immediate vicinity of the premises and arranged by or in conjunction with the premises, a minimum of 2 door supervisors will be employed at the premises from 19:00 hours until the close of trading.

(b) On any day when any other type of regulated entertainment is taking place, on or in the immediate vicinity of the premises and arranged by or in conjunction with the premises, the Designated Premises Supervisor will undertake a risk assessment in respect of the provision of door supervisors and where deemed appropriate a minimum of 2 door supervisors will be employed.

(3) Record Keeping

A logbook will be kept detailing all incidents that occur at the premises. This will detail the following:

- The day, date and time of the incident.
- The member of staff making the entry.
- All members of staff involved in the incident.
- An account of the incident.
- Details of any persons injured and the injuries sustained.
- Any other details through relevant.
- The duty manager or supervisor will check and sign the logbook every shift.

A register will be kept of all security staff working at the premises for every time that the premises are open for trading. This register will contain the following information:

- Day and date of entry.
- Time that member of security staff starts and finishes work.
- Full name.
- SIA registration number.
- Signature of the member of security staff.
- The duty manager or supervisor will check and sign the register every shift.

A written refusals book will be kept at the premises and all staff fully trained in its use. The following information will be recorded in this book:

- Time of refusal.
- Item refused.
- Name or description of person refused sale.
- Reason for refusal.
- Name of staff member making refusal.

The refusal book will be made available for inspection to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time. The supervisor on duty will countersign all entries in the refusal book.

(4) Glassware

From 2000 hours on Fridays, Saturdays, Sundays and Bank Holiday, all drinks will be provided in plastic or polycarbonate containers. All bottled drinks will be provided in plastic bottles or decanted into plastic or polycarbonate containers.

(5) Pool tables and cues

No use of pool tables and cues and balls to be removed from the public area, after 2200hrs on Fridays, Saturdays, Sundays and Bank Holidays.

Cues to be provided for use from the non-public area as approved by staff, at all times on Fridays, Saturdays, Sundays and Bank Holidays.

This decision does not have effect until the end of the period for appealing the decision or if the decision is appealed the time the appeal is disposed of.

Reasons for determination:

- Prevention of Crime and Disorder
- Public Safety
- Protection of Children from harm

The Sub-Committee having heard evidence from Kent Police and the Licence holders and considered an email received from a legal representative for the Licence holders accepted that there had been four incidents, with fourteen offences investigated, relating to the premises, in the last calendar year.

The summary review by Police arose from a serious incident on 8 April 2017 at approximately 20:50hours. This resulted in serious violent disorder, four injured persons and four offences, two of GBH with intent and two of ABH, all being subject to ongoing investigation.

Members consider it appropriate and proportionate to promote the licensing objectives of prevention of crime and disorder, public safety and protection of children from harm to add conditions to the premises licence to deal with CCTV, door supervision at times considered to be most at risk in relation to those objectives and increased control by recording incidents and limiting opportunities to use glass and pool cues as weapons should an incident arise.

REVIEW OF INTERIM STEPS

Steps taken on date: 13/04/17

See Record of Consideration for steps, decision and reasons. The conditions considered necessary as steps are set out in that record shown at Appendix 5 of the report for this hearing.

The Sub Committee having considered, on the basis of the same evidence, whether the interim steps are appropriate for the promotion of the licensing objectives and any relevant representations have determined to modify the interim steps taken by:

Modifying conditions of the premises licence.
If so, state the modified conditions:

AS stated above at C for the full review.

In relation to interim steps these are to be effective immediately and the same reasons apply to amendment of the interim steps as to full review.

PRINT NAME (CHAIRMAN): Cllr Roger Clark

Signed [Chairman]: A copy of the original document is held on file

Date: 08/05/17