



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: SIT/SWALE/189/0623

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Applicant: JD Wetherspoon plc

Regarding **PREMISE LICENCE**  
The Golden Hope, 1 Park Road Sittingbourne Kent  
ME10 1DR

Date(s) of hearing: Monday 30<sup>th</sup> March 2015

Date of determination: Monday 30<sup>th</sup> March 2015

Committee Members: Councillor Monique Bonney  
Councillor C Prescott – Chairman  
Councillor Tony Winckless

Legal Advisor in attendance at hearing(s): Jayne Bolas

Licensing Officer in attendance at hearing(s): Mohammad Bauluck

This was an application for:

- Variation     Grant  
 Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence  
 Temporary Event Notice

**A: Representations, evidence and submissions:**

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

**Applicant**

- Name: JD Wetherspoon plc
- a) Legal or other representative: Deborah Hay – Solicitor  
Mark Powell – Area Manager

**Other Persons**

- Mr Darren & Mrs Deborah Rousell

**Representations considered in the absence of a party to the hearing:**

- None

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

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

Section 16, 19A, 21 and 23-24 which relate to the grant of a premises licence;  
Schedule 2 which relates to Late Night Refreshment

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 8 & 9 which relates to premises licences & determinations

Chapter 10 which relates to conditions attached to licences;

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

Appendix 1 which relates to the 4 licensing objectives;

Paragraph 1.1 which relates to the prevention of crime and disorder;

Paragraph 1.2 which relates to public safety

Paragraph 1.3 which relates to the prevention of nuisance;

Paragraph 1.4 which relates to the prevention of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full): N/A

**C: Determination:**

**The Committee has decided to:**

- Grant the application subject to modified conditions appropriate for the promotion of the licensing objectives. If so, state the modified conditions:
  - 1) 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 30 days and handed to Police upon reasonable request.
    - The premises licence holder must ensure at all times a DPS or trained 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](mailto:licensing.north.division@kent.pnn.police.uk))
  - 2) All persons that sell or supply alcohol to customers must have licensing training.
    - All new front of house staff will complete the full JD Wetherspoon training programme.
    - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation through the JD Wetherspoon e-learning programme
    - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority either electronically or hard copy.

- 3) The License Holder will operate a system(s) for the recording of incidents and refusal of sale of alcohol at the premise. The system(s) will record the following;
  - a) Day, Date and Time of Refusal/Incident.
  - b) Nature of Refusal/Incident and reason.
  - c) Details of or description of the individual.
  - d) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority upon reasonable request.
  
- 4) When the premise is open between 21:00hrs and 01:30hrs on Friday and Saturday a minimum of 2 door supervisors shall be employed at the premises on each door used to access / egress the alcohol premises.  
At all other times the DPS will risk assess the need for door supervisors. Should the use of door supervisors be deemed necessary by the risk assessment, a minimum of 2 door supervisors will be employed at each door used to access / egress the alcohol premises.
  
- 5) Clear notices shall be prominently displayed at all exits from the premises requesting customers to leave the premises quietly.

#### Informative 1

Members note that the DPS will risk assess need for door supervisors at non conditioned times and Members would wish that they pay particular attention to Thursday evenings and liaison with Police and Licensing Officers.

#### Informative 2

The applicant and objector should be made aware that a review of the premises licence can be brought at any time should there be any issues relating to licensable activities and the licensing objectives.

**Reasons for determination:**

Members have carefully considered the evidence of attendees on behalf of JD Wetherspoon plc and Mr & Mrs Rousell. They have taken note of conditions negotiated by the Police and applicant and agreed to be part of the Operating Schedule. Police objections have been withdrawn as satisfied by these conditions. Members noted the licensed authorised closing times of both The Ypres Tavern and The Vineyard and that this application does not exceed those hours. There is no evidence at this time that these premises will cause a public nuisance or crime and disorder by virtue of the hours applied for. Members have modified the door supervisor condition to ensure coverage at all entrances / exits and added a condition requiring notices to request quiet exit at all times to deal with possible noise or crime and disorder.

In Members view the conditions are appropriate to deal with the promotion of the licensing objectives and to reduce the hours applied for would not be proportionate at this stage.

PRINT NAME (CHAIRMAN): Councillor C Prescott

Signed [Chairman]:

A copy of the original document is held on file

Date: 30<sup>th</sup> March 2015