



Kent Police

Chief Officer of Police Representation in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent FUTERS
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	[REDACTED]
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Gill Angus 01634 792388
	Chris Hill 01634 792276
	Clare Cossar 01634 792411
Details of premises representation is about	
Name of Premises:	Hardy's Markets
Address of premises:	89 Preston Street Faversham ME13 8NU
Date application received by police	19 th June 2015
Date representation sent to Licensing Authority	9 th July 2015
All representations must be made within 28 days of receipt of initial application <i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? No

If yes complete the appropriate statement:

Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:

This application is for a new premise at 87 Preston Street, Faversham. The location is a mixture of shops/businesses with residential premises above. As it is a new premise there is no information available to Kent Police in respect of this premise.

The application is for the premise to be open to the public and sell alcohol :
06:30 – 00:00 Sunday – Saturday

Kent Police are opposed to this application under the times stated and propose the following:

Premise open 06:00 - 00:00

Alcohol Sales 08:00 - 00:00

Kent Police are seeking appropriate and unambiguous conditions be attached to any authorisation as a result of this variation.

1) Prevention of Crime and Disorder

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this licence that seeks to effectively promote this objective and minimise the risk of it being undermined. The conditions need to be clear and precise. The applicant has outlined that staff will receive training and has outlined that CCTV will be installed and maintained and recording will be available all the time and the retained images will be in the CCTV recorder for a minimum of 31 days and access will be available to the police and local authority. In relation to safety we have requested that during the Hop Festival no glass vessels are sold from the premises to reduce the risk of bottles being used in disorder. The store can decant bottles into plastic containers, if so required.

2) Public Safety

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police.

3) Prevention of Public Nuisance

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby. Any incidents that Kent Police responds to are by definition a nuisance to some section of our community. This is more pronounced during the hours of the Night Time Economy. Those that engage in anti-social behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance.

4) Protection of Children from harm

The applicant states that they wish to promote this objective, by not selling alcohol to anyone who is or appears to be under the age of 18 and that proof of identity will be requested.

What they have not identified is the practice of proxy sales and how they will address and deal with this. This is a rising issue and needs to be closely monitored by the licence holder.

Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:

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, outside the premise, 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 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 DPS or other responsible named individual.
 - 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. All persons that sell or supply alcohol to customers must have licensing training.

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

Training must include:-

- Avoiding sales of alcohol or age restricted products to those under the age of 18.
 - recognising customers who appear drunk and refusing sale or supply of alcohol
 - knows the licensing objectives and have read and understood licence conditions
 - can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
 - Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon reasonable request either electronically or hard copy.
3. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.
 4. The License Holder will maintain auditable refusal/incident records. These records will detail 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) Each entry is to be checked and signed by the D.P.S on the day of the event.
 - e) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
5. All purchases of alcohol must be made through an accredited wholesaler and the Premises Licence Holders or Designated Premises Supervisor will be required to keep proof of purchases and retained in accordance with HMRC requirements.
6. On the Saturday and Sunday of the Hop Festival:
- A. There will be no sale of alcohol in glass vessels from the premises; and
 - B. There will be no external advertisement of alcohol promotions at the premises.



PC Clare Cossar
PP. Ch. Supt Adrian FUTERS
North Division Area Commander

Date: 9th July 2015

Email from Police to confirm acceptance of Police conditions

From: Clare Cossar PC 46012431 <[REDACTED]>
Sent: 10 July 2015 14:21
To: Licensing Resource (SBC)
Cc: Mohammad Bauluck; [REDACTED]
Subject: FW: Representations Hardys
Attachments: Representations Hardys.doc

Good afternoon

Please find attached the conditions agreed for Hardy's 87 Preston Street, Faversham. I formally withdraw my representations.

Thank you.

Clare

From: Hardy [mailto:[REDACTED]]
Sent: 10 July 2015 13:06
To: Clare Cossar PC 46012431
Subject: Re: Representations Hardys

Hello PC Clare

I have read the document regarding the sale of alcohol at 87 Preston Street, and I am agree to the terms and conditions you have mentioned.

Many thanks
Hardy

Sent from my iPhone

On 9 Jul 2015, at 09:54, Clare Cossar PC 46012431 <[REDACTED]> wrote:

Dear Sir

Please find attached the Police Representations in respect of the new premises licence of Hardy's Market, 87 Preston Street, Faversham. Can I ask that you and your client read through the proposed conditions and if you are in agreement, please advise me as soon as possible and I will formally withdraw my representations.

If you have any queries, please can you contact me.

Thank you

Clare

PC Clare Cossar
North Division Licensing Officer

[REDACTED]

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<Representations Hardys.doc>

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Email from Police to confirm the correction to the Opening Hours

From: Clare Cossar PC 46012431 [mailto: [REDACTED]]
Sent: 29 July 2015 13:01
To: 'Hardy'
Cc: Mohammad Bauluck
Subject: RE: Representations Hardys

Hello Hardy

Further to our telephone conversation. Please accept my apologies for the time error, which should read 06:30 am instead of 06:00am.

Please can you confirm as soon as possible that the opening time of 06:30 am is correct.

Thank you.

Clare

Email from applicant to confirm the correction to the Opening hours

From: Hardy [mailto: [REDACTED]]
Sent: 29 July 2015 15:50
To: Clare Cossar PC 46012431
Subject: Re: Representations Hardys

Hello

I confirm that the time of 6:30 is correct.

Regards
Hardy

Sent from my iPhone