



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

Application Ref No: FAV/SWALE/189/0633

Applicant: Hardy Aziz Kerim

Regarding **PREMISE LICENCE**
Hardy's Market, 87 Preston Street Faversham Kent
ME13 8NU

Date(s) of hearing: Tuesday 11th August 2015

Date of determination: Tuesday 11th August 2015

Committee Members: [Chairman]: Councillor Lesley Ingham – Chairman
Councillor Ghlin Whelan
Councillor June Garrad

Legal Advisor in attendance at hearing(s): Robin Harris

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: Hardy Aziz Kerim
- Legal or other representative: N/A

Other Persons

- Mr Vishal Joshi

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;
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;

C: Determination:

The Committee has decided to:

- grant the application

Conditions agreed with the Police:

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.
 - i) 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.
 - ii) 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.
 - iii) 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.
 - iv) The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - v) 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:-

- i) Avoiding sales of alcohol or age restricted products to those under the age of 18.
- ii) recognising customers who appear drunk and refusing sale or supply of alcohol
- iii) knows the licensing objectives and have read and understood licence conditions
- iv) can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
- v) Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
- vi) Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- vii) 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;

- i) Day, Date and Time of Refusal/Incident.
- ii) Nature of Refusal/Incident and reason.
- iii) Details of or description of the individual.
- iv) Each entry is to be checked and signed by the D.P.S on the day of the event.
- v) 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:

- i). There will be no sale of alcohol in glass vessels from the premises; and
- ii) There will be no external advertisement of alcohol promotions at the premises.

Reasons for determination:

Members have carefully considered the evidence of the applicant and Mr V Joshi. They have taken note of the conditions negotiated between the Police and the applicant and agreed be part of the Operating Schedule. Police objections have been withdrawn as satisfied by these conditions. Members noted that the terminal hour for the sale of alcohol for premises in the vicinity of this premises was in many circumstances at least as late as and sometimes later than those sought in this application. There is no evidence at this time to suggest that these premises will cause a public nuisance or crime and disorder by virtue of the hours applied for. 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. However the applicant should be aware that this licence as any other licence is subject to review in the event that the licensing objectives are no longer being met.

PRINT NAME (CHAIRMAN): Mrs Lesley Ingham

Lesley Ingham

Signed [Chairman]:



Date: Tuesday 11th August 2015