



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

Application Ref No: SHE/SWALE/189/0392

Applicant: Mrs Jaswinder Sidhu

Regarding **VARIATION OF PREMISES LICENCE – Austin News 4U,
176 Invicta Road, Sheerness, Kent, ME12 2AG**

Date(s) of hearing: 10 May 2016

Date of determination: 10 May 2016

Committee Members: [Chairman]: Councillor Bobbin
Councillor Paul Fleming
Councillor Ghlin Whelan

Legal Advisor in attendance at hearing: Mrs J Bolas

Senior Licensing Officer in attendance at hearing: Mrs A Seaward

This was an application for:

Variation Grant
 Provisional Statement Review Other

for a Premises Licence

A: Representations, evidence and submissions:

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

Applicant

- Name: Jaswinder Sidhu N/A
- Other representative: Mr Guvinder Sidhu
- Attending with: Gurdip Singh

Responsible Authorities

a) Police

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

- Letter B Targar dated 27/03/16

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 the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 34 and 35 which relate to the variation 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:

Section 2.1 – 2.4 The 4 licensing objectives
Section 3 – 3.6–3.10 off licensed premises
Section 9 – variations to licences
Section 17 – conditions and mechanisms to deal with potential problems

C: Determination:

- Day, date and time of incident
- Nature of incident
- Resolution

Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

- 4) Challenge 25 stickers shall be displayed throughout the premises and a Challenge 25 age verification policy be in operation at all times when alcohol is for sale

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

■ **Prevention of nuisance**

Reasons (state in full):

■ **Protection of children from harm**

Reasons (state in full):

Having carefully considered evidence from the applicant's representative Mr Gurvinder Sidhu at the hearing and the letter from B Targar, a nearby resident to the premises, dated 27 March 2016 Members of the Sub-Committee found: that the area of the premises is heavily residential, with alleyways between properties, there are also other off-licensed premises in the High Street nearby with opening hours from 06:00 – 23:00 daily.

The objector has problems with people drinking and anti-social behaviour in alleyways, particularly adjacent to this property. There was no evidence provided that this premises specifically contributes to the behaviour. This applicant provides lighting, CCTV and cleaning in front of the premises and in the rear alleyway 3 times per week. The premises serve the local community.

The objector is concerned that those underage are not served alcohol and believes that it is irresponsible for it to be available. There was one objection received from a largely residential area and no representation from responsible authorities, save for the Police indicating they would seek conditions be applied to the licence on variation, consistent with those matters the applicant has indicated in the application form as steps she intends to promote the licencing objectives. Guidance indicates that shops should normally be free to provide alcohol sales at any time they are a retail outlet open for shopping and no evidence suggests there is a reason for promotion of the licensing objectives to restrict this in this case.

The Committee has decided to:

- grant the application subject to modified conditions necessary 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 in date order, numbered sequentially and kept for a period of 31 days and provided to Police or Local Authority Licensing Officers on request and in any event within 24 hours of a 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 provide to the Police and Local Authority Local Authority Licensing Officers on request and in any event within 24 hours of a request.
 - The recording equipment and any discs/tapes 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 and Local Authority Licensing Officers immediately on discovery and in any event within 24 hours (licensing.north.division@kent.pnn.police.uk)
 - 2) All persons that sell or supply alcohol to customers must have licensing training, particularly emphasising underage sales and proxy sales issues and checking of ID.
 - Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
 - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
 - Training records for all persons referred to above must be kept on the premises and shall detail the nature, content, date and frequency of all training;
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority on demand either electronically or hard copy.
 - 3) The premises licence holder or designated premises supervisor must keep an incident/refusals register.

Staff to be trained to complete an incident/refusals book or records immediately after the incident but in any event no later than the end of their shift.

The register must be kept on the premises and will detail

There is no evidence that this premises has been involved in any underage sales or that earlier or later hours for sales, as applied for, would not promote the licensing objectives.

It is also clear in Guidance that beyond the immediate surroundings of the premises and direct management of the licensee activities area a matter for the personal responsibility of individuals. Anti-social behaviour complained of is not in the immediate surroundings of the premises.

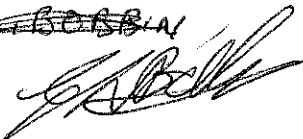
Having balanced the limited variation in hours applied for and the evidence available Members of the Sub-Committee felt that conditions applied to the licence would be appropriate, proportionate and sufficient to ensure steps are taken to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance and protection of children from harm. Most of the steps set out in conditions are being taken currently and are proving effective in promoting the licensing objectives.

The moving of the sales counter is a minor matter, does not affect visibility of alcohol for sale and has not been subject to representation and so is granted.

Parties aggrieved by a decision of the Licensing Sub-Committee have 21 days to appeal the decision by way of complaints to the Magistrates Court.

G.L. BOBBIN

PRINT NAME (CHAIRMAN): Councillor Bobbin

~~G.L. BOBBIN~~


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

Date: 12-5-16

