



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: SIT/SWALE/189/0004

Applicant: DC Gill Angus

Regarding **REVIEW OF THE PREMISES LICENCE**

Date(s) of hearing: 25 May 2016

Date of determination: 25 May 2016

Committee Members: [Chairman]: Councillor Ted Wilcox
Councillor Paul Fleming
Councillor Prescott

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

Senior Licensing Officer in attendance at hearing(s): Mo 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: Kent Police
- Legal or other representative: Diane Holroyd and Gill Angus

Responsible Authorities

Fire & Rescue Service

- Name: Marc Rustage

Respondant

- Name: Bradley Wright Premises Licence Holder and DPS

Other Persons

Witnesses and legal representatives in support of interested parties

- None

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 Swale Borough Council

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

Section 51 which relates to the review 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 its Statement of Licensing Policy.

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): not applicable

C: Determination:

The Committee has decided to:

- Other (e.g. on the hearing of a review or a hearing regarding a temporary event notice additional powers apply). If so, state the steps taken:
 - To modify the conditions of the licence.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to all of the submissions made by the Police, both in their written application and in their oral submissions made to the Sub-Committee today. The Sub-Committee were conscious that in accordance with the guidance under Section 182 that Police representations on Crime and Disorder are given full consideration. However, the Sub-Committee were also conscious that the review was originally sought two months ago and that the evidence provided by the Respondent, which was agreed by the Police in relation to incidents at the premises since the review was called indicates a substantial change and improvement in relation to this objective. The Sub-Committee were grateful to Kent Police for withdrawing the request to suspend the licence for any period of time, considering that this would no longer be appropriate for the promotion of the Licensing objectives. The Sub-Committee determined that it would not be appropriate to remove the current DPS as in the view of the Sub-Committee the current DPS has made substantial steps towards operating the premises in accordance with the Licensing objectives.

In relation to the number of SIA door staff it was agreed that the number should be increased from two to four provided that access to the top floor was restricted using

the existing doors, but in the event of a function on the top floor an additional SIA door staff would be required. Further, when the premises is used for an event, there will be a total of eight SIA door staff.

The Sub-Committee determined that in the light of the incidents recorded in the last two months of operation of the premises it would not be appropriate to the promotion of the Licensing objectives to reduce the hours of the premises.

Finally, regarding the proposed condition that the premises only use polycarbonate drinking vessels, the Sub-Committee determined that the step appropriate to the promotion of the Licensing objectives would be to require that on any occasion when the premises has regulated entertainment for glassware to be removed at 20.00 hrs and all drinks to be supplied in polycarbonates or plastics. This will therefore be added as a condition to the licence.

The precise wording of the conditions as agreed between Kent Police and the DPS during today's Sub-Committee will be attached to the Licence.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that having heard from KFRS that there were no further steps required to be taken to promote this objective.

■ **Prevention of nuisance**

Reasons (state in full):

No representations were made under this objective.

■ **Protection of children from harm**

Reasons (state in full):

No representations were made under this objective.

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.

PRINT NAME (CHAIRMAN): COUNCILLOR TED WILCOX

Signed [Chairman]:



A copy of the original document is held on file

Date: 25 May 2016

Condition 1

- (a) CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
- (b) Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
- (c) Equipment shall 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 28 days and handed to Police upon reasonable request.
- (d) The premises licence holder shall 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.
- (e) 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)

Condition 2

- (1) Minimum of four SIA approved door staff to be on duty when any function takes place or regulated entertainment or the upstairs area is open for licensing purposes.
- (2) There will be a minimum of 4 SIA door staff employed at the premises from 20:00 Hrs on every Friday and Saturday night until the close of the premises except when the second floor is for an event organised by the licence holder then an additional 4 SIA door staff must be employed. However if the event on the second floor is a private function then only one additional SIA door staff is required
- (3) All SIA door staff will wear reflective jackets or tabards and their registration card will be displayed in a reflective armband.

Condition 3

- (a) All persons that sell or supply alcohol to customers shall have licensing training.
- (b) Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
- (c) Records shall be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority either electronically or hard copy.
- (d) The License Holder shall 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;
 - i Day, Date and Time of Refusal/Incident.
 - ii Nature of Refusal/Incident and reason.
 - iii Details of or description of the individual.
 - iv These records shall be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority upon reasonable request.

Condition 4

A system will be in place so that numbers of customers inside the premises is known at all times when regulated entertainment is taking place i.e. clicker counter.

Condition 5

No entry or re-entry will be allowed after midnight.

Condition 6

The premises will be member of a radio scheme [subject to approval] and will use and monitor the radio at all times the premises are open for licensable activities

Condition 7

Notices will be prominently displayed to ask customers to leave quietly at all points of exit.

Condition 8

- (a) The 'Challenge 25' scheme shall be adopted so that all staff are trained to ask any customer wishing to purchase alcohol, who appears to be under the age of 25 years, for evidence of age.
- (b) Challenge 25 posters to be prominently displayed in all areas where alcohol is on sale and at the point of entry to the premises.
- (c) All staff to be fully trained in 'Challenge 25'. The training will be auditable and available to police and local authority licensing officers and trading standards officers

Condition 9

Only ID acceptable will be passport, photo driving licence and any PASS marked identification.