



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: SIT/SWALE/189/00655

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Applicant: WM Morrison Supermarkets Plc

Regarding **REVIEW OF THE PREMISES LICENCE**

Date(s) of hearing: 27 July 2016

Date of determination: 27 July 2016

Committee Members: [Chairman]: Councillor Mike Whiting  
Councillor Tina Booth  
Councillor Prescott

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

Senior Licensing Officer in attendance at hearing(s): Angela Seaward

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: WM Morrison Supermarkets Plc
- Legal or other representative: Clare Johnson (Solicitor) and Kelly Nicholls (Licensing Manager)

**Responsible Authorities**

**Kent Police**

- Name: Nobody in attendance (agreed conditions).

**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:

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:**

Grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:

Condition (1):

- (a) 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.
- (b) Cameras shall encompass all areas of ingress and egress to the premises, fire exits and all areas where licensable activity takes place.
- (c) 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 28 days.
- (d) The premises licence holder must ensure at all times a D.P.S or appointed member of staff is capable and competent to operate the C.C.T.V system and upon request or as soon as is practicable provide copies of any recording or data in a format that can be taken away and viewed elsewhere, to Kent Police.
- (e) The recording equipment and discs/tapes shall be kept in a secure environment under the control of the D.P.S or other responsible named individual.

Condition (2):

- (a) All staff paid or unpaid who will be making sales of alcohol will:
- (b) Be trained in accordance with the premises licence holder's training procedures.
- (c) Receive refresher training every 6 months.
- (d) Have individual training records that detail the date.
- (e) All training will be documented and made available to Kent Police upon request.
- (f) All records will be kept for a period of 2 years.

Condition (3):

The licence holder will maintain auditable incident logs. These logs will detail the following:-

- (i) Day, date and time of incident.
- (ii) Nature of incident.
- (iii) These logs will be made available for inspection to any Police Officer or Police Licensing officer upon request or as soon as practicable.

A refusal log will be maintained which will show the day, date and time of refusal together with the reason for refusal. These logs will be made available for inspection

to any Police Officer or Police Licensing officer upon request or as soon as practicable.

**Reasons for determination:**

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee noted the written representation from Mr and Mrs Hockley in relation to this licensing objective. The applicant addressed this concern by explaining that once conditions had been agreed with Kent Police there was no further representation from the Police in relation to Crime and Disorder. The Sub-Committee were satisfied that the conditions agreed with the Police were sufficient for this objective to be met.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee noted the written representation from Mr and Mrs Hockley in relation to this licensing objective. The applicant stated that there had been no representation from any statutory body in relation to public safety.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee noted the written representation from Mr and Mrs Hockley in relation to this licensing objective. The applicant made the point that although entitled to make representations these individuals lived too far away from the premises to be likely to be affected by any nuisance from the premises. Further to that there had been no representation from Environmental Health and no representations from any of the properties closer to the premises. The applicant advised that none of the residential premises in the vicinity of the proposed licensed premises were particularly close to the premises and none of them had lodged any objection to the licence. On that basis the applicant was confident that the procedures in place were sufficient to meet this objective.

The Sub-Committee were satisfied that sufficient steps to meet this objective were in place.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee noted the written representation from Mr and Mrs Hockley in relation to this licensing objective. The applicant observed that there had been no objection from any statutory body in relation to this objective.

In response to a question from Cllr Mike Whiting the applicant explained in detail the training provided to staff in order to prevent sales either directly or by proxy to underage people. The Sub-Committee were satisfied that sufficient steps were in place to promote this licensing 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.

*MICHAEL JOHN WHITING*

PRINT NAME (CHAIRMAN): COUNCILLOR MIKE WHITING



Signed [Chairman]:

A copy of the original document is held on file

Date: 27 July 2016

