



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

**NOTICE OF DETERMINATION**

Application Ref No: SHE/SWALE/189/0657

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Applicant: Rajan Musha

Regarding **PREMISES LICENCE**

Date of hearing: 16 August 2016

Date of determination: 16 August 2016

Committee Members: [Chairman]: Councillor Prescott  
Councillor Paul Fleming  
Councillor Lesley Ingham

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: Rajan Musha
- Legal or other representative: Mr Zaman

**Responsible Authorities**

a) Police

b) Environmental Health

**Other Persons**

Witnesses and legal representatives in support of interested parties

- Mr Russell Cashman

**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 16-24 which relate to the grant of a premises licence;

Schedule 1 which relates to Regulated Entertainment

Schedule 2 which relates to Late Night Refreshment

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:

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:

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 on the hard drive and kept for a period of 28/31 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.
- 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 staff paid or unpaid who will be making sales of alcohol will be trained with the internal "due diligence" training manuals or will complete a minimum of the BII Level 1ARAR course; prior to making sales of alcohol.

- Refresher training will take place every quarter
- All staff will have individual training records that detail the date and nature of training (or certificate if a BII course has been taken)
- All staff to receive training in relation to the conditions applicable to this premises licence
- All training will be documented and will be made available to the responsible authorities on request along with the content of the training (not applicable if a BII course has been taken as certificates will be made available)

- All records will be kept for a period of 2 years
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. When the premise is open between 20:00hrs and 23:00 on Friday's and Saturday's a minimum of 1 door supervisor must be present at the customer entrance/exit of the premises.
  5. The premises shall have a written drugs policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Records must be kept to show members of staff who have taken the training.
  6. The premises licence holder or designated premises supervisor must keep an incident register. Staff are to be trained to complete an incident book/records immediately after the incident but no later than the end of their shift. The register must be kept on the premises and will detail

- 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.

The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority either electronically or hard copy.

7. Children under the age of 16 will only be allowed access to the following areas only: restaurant and toilets.
8. The Licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Reasons for determination:**

- **Prevention of Crime and Disorder**  
Reasons (state in full):

The Sub-Committee noted that conditions had been agreed with Kent Police and considered that these were sufficient to meet this Licensing Objective.

■ **Public Safety**

Reasons (state in full):

There were no representations under this Licensing Objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee took account of the written representations and all that was said at the Committee. The Sub-Committee noted that the Environmental Health objection was formally withdrawn at the Hearing as the Environmental Health Officer was unable to produce evidence supporting the original representation. The Environmental Health Officer reassured the Sub-Committee that in the event of any future issues with the premises under this Licensing Objective that there were steps that could be taken under separate legislation and that he may seek a review of the premises licence.

The Sub-Committee listened carefully to the submissions made by Mr Cashman. There were some concerns that issues were being attributed to the premises in the application that were existing problems in the area. The Sub-Committee felt that the additional regulation that would be provided by the licensing of this premises should provide sufficient protection to all local residents for issues raised under this Licensing Objective. The Sub-Committee noted the willingness of the Applicant to work with Mr Cashman to resolve any future issues, particularly given that any other person could call a review of the premises licence in the event of any problems in relation to the operation of the premises. The Sub-Committee were also of the view that the conditions agreed with the Police would assist with meeting this Licensing Objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations under 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.



PRINT NAME (CHAIRMAN): Councillor Prescott

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

Date: 16 August 2016