



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: SHE/SWALE/189/0661

Applicant: Christopher Derrick Collier & Rachel Elizabeth Collier

Regarding **PREMISES LICENCE**

Date(s) of hearing: 31 October 2016

Date of determination: 31 October 2016

Committee Members: [Chairman]: Councillor Tina Booth
Councillor Roger Clark
Councillor Anita Walker

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: Christopher Derrick Collier & Rachel Elizabeth Collier
- Legal or other representative: None

Responsible Authorities

(a) Police (agreed conditions)

(b) Other Persons

Witnesses and legal representatives in support of other persons

- Mr Alan Phillips

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

- N/A

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

Schedule 1 which relates to Regulated Entertainment

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 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):

N/A

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:

Conditions proposed by 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.
 - 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.
 - 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 31 days and handed to Police on demand.
 - 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 on demand.
 - The recording equipment and hard drive 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 immediately at licensing.north.division@kent.pnn.police.uk
2. The License Holder will maintain auditable refusal/incident records. These records will detail the following;
 - Day, Date and Time of Refusal/Incident.
 - Nature of Refusal/Incident and reason.
 - Details of or description of the individual.
 - Each entry is to be checked and signed by the D.P.S on the day of the event.
 - These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
3. All persons that sell or supply alcohol to customers must have licensing training.

APPENDIX 1

- 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:-
 - a) Avoiding sales of alcohol or age restricted products to those under the age of 18.
 - b) recognising customers who appear drunk and refusing sale or supply of alcohol
 - c) knows the licensing objectives and have read and understood licence conditions
 - d) can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS
 - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content 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.
4. All empty bottles and glasses will be regularly cleared away once drink has been consumed.
5. The licence holder and DPS shall ensure that no customers will take glasses or open bottles from the premises
6. The Licence holder and DPS 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):

There were no representations in relation to this objective.

■ **Public Safety**

Reasons (state in full):

There were no representations in relation to this objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee heard the evidence of the Objectors who attended the Hearing and had regard to the representations made in writing prior to the Hearing. The Sub-Committee also considered the evidence of the Applicant and the evidence of the Councillor who spoke in support of the application. The Sub-Committee were of the view that the premises, if operated as applied for, would not breach this Licensing objective. The Sub-Committee noted the willingness of the Applicant to work with local residents in the event of there being any problems in relation to noise from the premises. The Sub-Committee were also confident that in the event that any issues did arise, this could be dealt with effectively by a review of the Licence.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations in relation to this objective.

PRINT NAME (CHAIRMAN): Councillor Tina Booth

Signed [Chairman]:

A copy of the original document is held on file

Date: 31 October 2016