

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 19 September 2018 at 10.00 am.

Present:

Chairman: Councillor D Hannent

Councillors: M J Ovenden (as substitute for Councillor S M Le Chevalier)
P Walker (as substitute for Councillor P D Jull)

Officers: Head of Governance
Licensing Team Leader
Licensing Enforcement Officer
Democratic Services Manager

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2018/0004V) (Minute No. 16) and (NOD/2018/0005A) (Minute No. 17).

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P D Jull and S M Le Chevalier.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillors M J Ovenden and P Walker had been appointed as substitute members for Councillors S M Le Chevalier and P D Jull respectively.

15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

16 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS PREMISES SUPERVISOR

The Sub-Committee considered an application from Admiral Taverns for the variation of the premises licence to specify an individual as the Designated Premises Supervisor (DPS).

The hearing was required due to Chief Inspector M Weller, on behalf of Kent Police, giving notice to the licensing authority under section 37(5) of the Licensing Act 2003, within the required period, that to grant the application would undermine the licensing objective of prevention of crime and disorder.

On the basis of the representations of the applicant and the responsible authority, the Sub-Committee found the following facts to be established:

- (i) The Mill Inn was situated in a challenging area of Deal
- (ii) That an incident had occurred at the Mill Inn on 19 June 2018 at 02:55 hours when an unknown male arrived at the premises after an England football match and was allowed to remain in the premises with others until a fight

broke out in the bar area. A further scuffle followed outside when the offender was ejected from the premises by the applicant for the DPS, who had at the time been working behind the bar. Kent Police were called to the incident and launched an investigation.

- (iii) It subsequently emerged that the applicant for the DPS had been left to run the premises by the appointed Designated Premises Supervisor at the time as they were out of the country. At the time of the incident, the then Designated Premises Supervisor had been out of the country for about 2 months.
- (iv) The DPS applicant had worked at the premises since around September 2015 and had been in place as the premises manager for a period of approximately 12 months.
- (v) During the investigation, it was established that on the night of the incident, 11 alcohol sales had taken place between the terminal hour of 00:00 hours and 00:30 hours. The Mill Inn Premises licence requires the terminal hour for service of alcohol to be 00.00 hours and for it to close to the public at 00:30 hours. However, on 19 June 2018 there were a number of people who had been allowed to remain on the premises until 02:55 hours when the incident took place.
- (vi) That, having completed his BIIAB Licensing Course in December 2017, the DPS applicant should have been aware of the licensing objectives and the terminal hours of operation of the premises. This course was undertaken before the incident on 19 June 2018.
- (vii) That at the time of the incident on 19 June 2018, the DPS applicant had not applied for a personal licence.
- (viii) That the applicant's reference to the lack of 'exceptional circumstances' was a matter only for Kent Police under section 37(5) of the Licensing Act 2003. By service of a notice under s.37(5), the Police had demonstrated that they considered there to be exceptional circumstances and it was not a matter for the Licensing Sub-Committee to consider in its deliberations.

In reaching its findings the Sub-Committee took into account the following:

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.

RESOLVED: (i) That the application for the variation of the premises licence to specify an individual as the Designated Premises Supervisor be REJECTED on the basis that the Sub-Committee consider it appropriate for the promotion of the crime prevention objective to do so, for the following reason:

- a. The incident which took place at the premises on 19 June 2018 was after the time that the DPS applicant had obtained his licensing qualification and as such,

he should have been aware of his responsibilities as the bar manager and fully aware of the licensing objectives. In addition, having worked at the premises for some three years and having been the manager for approximately 12 months, he should have been fully aware of the times of closing and the time of the various licensable activities.

17 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF 10 DELF STREET, SANDWICH

The Sub-Committee considered an application from Mr W Greenham in respect of 10 Delf Street, Sandwich, Kent CT13 9BZ. The application was for the grant of a premises licence for:

Supply of Alcohol (for consumption on the premises)

Monday – Thursday	11:00 to 23:00 hrs
Friday – Saturday	11:00 to 00:00 hrs
Sunday	11:00 to 22:00 hrs

Recorded Music

Friday – Saturday	10:00 to 00:00 hrs
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Late Night Refreshment

Friday – Saturday	23:00 to 00:00 hrs
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On the basis of the representations of the applicant and his representative, and other persons, the Sub-Committee finds the following facts to be established.

- (i) There had been no representations made by any of the Responsible Authorities, including the Police. PC S Noddings had not made representation but asked the applicant that the following conditions should be attached to the premises licence, should it be granted:

CCTV

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 areas to the premises and all areas where the sale, supply and consumption 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 days and handed to Police or authorised bodies 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

Challenge 25 Policy

A 'Challenge 25' policy will be adopted at the premises and all staff will be fully trained and posters advertising the policy will be placed in prominent places.

Training

All staff engaged in the supply of alcohol are to be fully trained in their responsibilities under the Licensing Act 2003 and a training record is to be maintained and provided to Police or Local Authority Officers on reasonable request.

Incident Register

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.

- (i) That there was no cumulative impact assessment of problems caused by the licensed premises in the area. As a result there was no special policy in respect of this location.
- (ii) Residential properties were within close proximity of 10 Delf Street. At the hearing the objectors stated that there were issues with noise and anti-social behaviour from some of the existing licensed premises in the areas.
- (iii) That the applicant would be installing CCTV.

- (iv) That the applicant's intention was to provide a community, family friendly establishment offering locally produced alcohol products

In reaching its findings the Sub-Committee had taken into account the following:

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.

RESOLVED: (a) That the application for a premises licence in respect of 10 Delf Street, Sandwich, Kent CT13 9BZ be GRANTED as follows:

Supply of Alcohol (for consumption on the premises)

Monday – Thursday	11:00 to 23:00 hrs
Friday – Saturday	11:00 to 00:00 hrs
Sunday	11:00 to 22:00 hrs

Recorded Music

Friday – Saturday	10:00 to 00:00 hrs
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Late Night Refreshment

Friday – Saturday	23:00 to 00:00 hrs
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Subject to the following conditions:

- (i) That all doors and windows must be closed from 23:00 to 00:00 hours except to allow ingress and egress of patrons.
- (ii) General
All staff will be fully trained in their responsibilities under the Licensing Act 2003, and a training record is to be maintained and made available to Police or Authorised Officers on request.
- (iii) Prevention of Crime and Disorder
CCTV will be operational throughout the premises, and comply with relevant codes of practice and 'Data Protection' legislation, and recorded for a minimum of 28 days, and made available to the Police and Local Authority on request.

A clear notice will be displayed showing the hours for licensable activities.

There will be a drinking up time of 20 minutes before closure of the premises.

A log book is to be maintained at the premises detailing any refusals/incidents at the premises, and provided to Police or Authorised Officers on request.

(iv) The Prevention of Public Nuisance

Speakers for recorded music to be hung and not connected to the floor, with rubber cushioning in between where the bracket meets the wall.

Prominent, clear and legible notices to be displayed at the exit requesting patrons to respect nearby residents and leave quietly.

Deliveries to be limited to socially acceptable times

Customers will not be admitted to the premises outside of opening hours.

(v) Protection of Children from Harm

Challenge 25 to be in operation at the premises.

The meeting ended at 12.19 pm.