

Licensing Authority - Folkestone Hythe District Council

Thursday 17th May 2018

The only thing I would like to say as representation is that I myself have visited the premises 4 times over the last year – 3 of those being in last couple of months and I have witnessed only 1 member of bar staff being a young lady on her own.

The lady in charge at the time of my visits did not know who the Designated Premise Supervisor was and neither did she know any of the conditions or operating schedule.

There were mainly men in the bar area, all very loud and shouting on each visit that I made. I myself, on the last visit felt very vulnerable as they were intoxicated shouting out 'who is that' to the bar girl and 'was she alright'. When I advised who I was and why I was visiting she said 'can you not go into the bar I don't want people to see that we have done anything wrong'. I advised that I had to display the notice of review in the window and it was for public viewing anyway and explained the reason for that too. She seemed very worried. I asked her if she is the only member of staff on duty and how does she look after two bar areas at once if it's only her... she then said 'well it don't get very busy in the restaurant side during the day and can you just put it up and leave and ill speak to my boss'. By the time I exited the premise there was already 5 people in the street gathered around the notice and when I walked out they looked at me and said 'about time!'

On our annual premise licence compliance inspections in Hythe so many business owners/managers in the High street complained or mentioned the bad running and management of The Swan. The loudness and drunkenness of all who drink in that premise. They also commented that it only attracts the same faces continuously as it's not an establishment that families would wish to visit. Music at times can also be very loud, I have witnessed this and I asked the bar lady to turn the volume down as it could be heard in the street loudly.

Following the police incidents in March & April 2018, I visited Mr Patel and advised him to put in for a variation to his licence to add Alcohol on sales for Hotel guests only, separate from the alcohol sales on the current licence for the public house and restaurant. I explained why the Licensing Authority and police were pushing for this. He said he would complete it and submit it. This never happened so two weeks later I visited again as I could not make phone contact. The bar lady called Mr Patel and I spoke to him and once again reiterated the advice about submitting the variation. Once again this was never received.

Local Business Representation

To whom it may concern

I have been asked by our local community officer to contact you regarding the nuisance caused by the Swan Hotel. For reasons

(redacted comments)

On a regular basis the noise and bad language coming from the Swan during daylight hours causes a nuisance in the High Street. From 10.30 in the morning throughout the day, customers from the Swan are loitering outside the pub with pint glasses in their hand, smoking and causing an obstruction on the pavement, and making members of the public including mothers with pushchairs leave the pavement and walk in the road.

Many of my customers (a lot of whom are visitors to Hythe) comment on the noise and language, commiserate that we have to put up with it all day and comment that it is a blot on the High Street, in what is otherwise a very nice town.

On a recent occasion I had cause to return to my shop at 11.45pm to allow UK Power Networks to gain access to complete some electricity repairs. At this point the Swan was in full swing, windows open, music blaring and drunken people outside the Swan smoking, swearing and fighting. I had cause to be at my shop until 01.15am and when I left there was no sign of the "party" slowing down. The UK Power Networks engineers also commented that this had been going on since 8pm Thursday evening.

If you require any further information please do not hesitate to contact me.

Local Business Representation

Public Nuisance - We are becoming increasingly concerned about the people who are frequently drinking outside (on the pavement & road) of The Swan Hotel in Hythe High Street. They are often inebriated and can present as volatile and intimidating. This has been happening on quite a regular basis and seems to be escalating now that the weather has improved. To the point that myself and my colleagues are having to cross the road as do not feel safe walking past these people. I dread to think what it must be like at night.

Local Resident Representation

Since moving to Hythe (over a year now) I have witnessed incidents at this pub.

This pub is a noisy establishment and there is always trouble outside. Being one of the pubs neighbours they have been nothing but a nuisance. From loud noise from music to load noisy drunk people outside. Below are a number of examples.

Every week, Thursday or a Friday, there is load music which resonates through my flat and down the high street. this goes on to 12 am. This is worse in the Summer when its hot as they keep the windows open.

About 2 or 3 weeks ago I will assume there was a private party that went on until 3 or 4 in the morning.

There was a fight outside the pub at 10pm a couple of weeks ago.

A young girl was arrested about a month ago from the pub.

Last year there was another fight between three men and three women.

I have heard drunk people from the pub leave and shout as they walk down the high-street and argue with people who have woken up from their "singing".

There is broken glass bottles on the street sometimes or empty beer glasses.

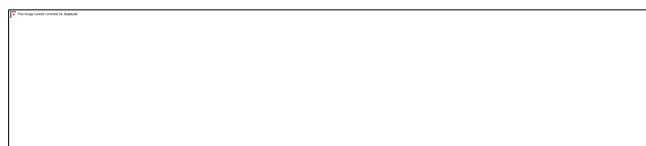
The people that smoke at the pub just throw their cigarette ends on the street. Its quite messy sometimes during the weekends especially if they show a football game or a boxing fight.

I hope that my email highlights the nuance this pub is to its neighbours.

(Redacted comments)

Prevention of Public Nuisance and Crime & Disorder

Memorandum



From Oliver Jewell
Principal Trading Standards Officer

Our Ref R/003775
Your Ref

Tel

Email

Date 9th May 2018

To Folkestone & Hythe District Council Licensing Section

The Trading Standards Department of Kent County Council as a responsible authority under the Licensing Act 2003, and hereby make representation in relation to licensing objectives, in connection with the application in relation for review of the premises of The Swan Hotel, 59 High Street, Hythe, CT21 5AD.

I can confirm that Trading Standards holds no other relevant material to be added to this review, however having reviewed the material contained within the Kent Police application, this department agrees with the recommendations put forward as part of the reviews as proportionate to the apparent failures to meet the licensing objectives.

It is noted from the review the attendance of DC Woolnough on 29/03/2018 assessed approximately 80% of the customers to be underage. Whilst this wasn't subject to confirmation, this suggests a worrying picture of the current attitude to the protection of children from harm. Suitable measures suggested in the review include the imposition of a Challenge 25 policy, training and refusals logs at the venue which it is suggested should go further to ensure these measures are properly and effectively implemented by the licence holder.

1. The Challenge 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable

to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

2. All staff selling alcohol shall be trained to the BII Level 1 award in Responsible Alcohol Retailing before commencing work. Staff should additionally receive refresher training which must be logged and provided not less than every twelve months. The training log will be made available for inspection by Police, Local Authority Licensing Officer or Trading Standards Officer.
3. A refusals log must be kept at the premises, and made immediately available on request to the Police, Local Authority Licensing Officer or Trading Standards Officer. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - a) the identity of the member of staff who refused the sale
 - b) the date and time of the refusal
 - c) the alcohol requested and reason for refusal
 - d) description of the person refused alcohol
4. Posters of A4 size shall be displayed conspicuously on the premises in customer facing areas:
 - a) 'Challenge 25' to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25.
 - b) 'Proxy purchasing' intended to warn adults not to buy alcohol for those under 18 years-of-age.

The conditions above are suggested in addition to other recommendations made by Kent Police in relation to the other Licensing Objectives.

Principal Trading Standards Officer – Kent County Council

Date: 16th May 2018

Gosschalks – Solicitor for Freeholder of The Swan Hotel

Dear Sirs,

Re: Licensing Act 2003 – Review Proceedings

The Swan Hotel, 59 High Street, Hythe CT21 5AD

Premises Licence number SHEP00242/05

We act on behalf of Ei Group plc (formerly Enterprise Inns Plc). Our client is the freeholder owner of these premises and we thank you for providing a copy of the application for review lodged by Kent Police.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Plc owns around 4000 public houses in England and Wales. The vast majority of these public houses are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant.

These premises are the subject of a 20 year lease agreement in favour of Alene and Arpi Limited.

We note from the application for review that the Police are seeking the addition of a number of conditions on to the premises licence. Having reviewed the application, we respectfully submit that the appropriate action to take on the basis of the evidence given is that this application be determined by the imposition of conditions relating to CCTV, staff training and the imposition of a condition relating to age verification.

On the face of the evidence provided by the Police, it appears that the issue that has given rise to the review is down to the management of these premises.

The Home Office guidance (Paragraph 11.20 – April 2018) is clear that when determining which of its powers to invoke, a Licensing Authority should seek to establish the cause or causes of the concerns that the representations identify and direct the remedial action at those causes. By imposing conditions relating to training, the issues that gave rise to the review would be addressed.

Our client may seek to expand upon this representation when this matter is listed for hearing before the Licensing Committee. At this stage, we would be grateful if you could acknowledge receipt of this representation and advise in due course as to the date of the hearing in order that we may take instructions from our client with regards to whether or not it will seek to attend and expand upon this representation.

We look forward to hearing from you.

Yours faithfully

GOSSCHALKS

Mr Patel – Licence Holder Representation

Regarding the latest incidence reported on 13th April 2018, please note that I was away on an personal emergency to India (evidence can be provided if required). I discussed about this incidence with my manager and staff present on duty that night and was told by them that there was no fight inside the pub and they only got to know about it when the police arrived at the premises inquiring about it. This incidence had not started inside the premises of The Swan hotel as reported. However I do apologize about the CCTV footage that our manager couldn't provide on USB. He had offered the officer who arrived on 16th April to see the footage and record the incidence themselves but the officer didn't do so. On earlier occasions police have come down to the hotel for recordings which they usually record themselves or I provide them the USB of the same. Unfortunately I was away on this instance and the Officer didn't watch or record the incident on 16th April.

I have now trained [redacted] and the morning Bar tender to record the incidence on the USB. I will make sure that I provide the footage on USB whenever requested by an official. We have always called the police in case of an incident in the past and have had such violence creators from the pub.

Regarding the second incidence that was recorded on 30th March, the incident did happen with the 17 year old girl who was only served coke. She later even thanked the manager for supporting her after the incident. The offender [redacted] (who is Bard from the pub) was unfortunately allowed that night as it was her mom's birthday and she had vouched for her. [redacted] had complained falsely about drug usage in the toilet to support her daughter. We will make sure that Bard customers aren't allowed into the pub under any circumstances. The group however which the police claim as underage isn't correct as ID's are always checked before serving alcohol and we do have the Challenge 25 in place. This has now been made even more strict as we have put up a notice of not allowing customers under 18 after 9 pm into the Pub. Staff training about the Challenge 25 is going to be undertaken on 25th May to revise the laws.

Regarding locking of Ladies toilets, we do so as the entrance of the Ladies and Gents toilets is common and the Men sometimes end up using the Ladies toilets as we have had complaints from ladies customers of the same. We have never had complaints from customers regarding the locking of ladies toilets.

I have never been drunk on the premises as claimed on the report. I am not even a regular drinker. You can test me anytime for it.

The oldest incident recorded on 27 January about the late closing of the Pub. The pub was unfortunately opened until late on that occasion and the manager [redacted] had been given a warning of the same. I now make sure that no guests are served after the closing hours of 11pm and the Pub is shut once the guests have finished their last drink.

I would also want to bring to your notice that most of our day guests are old are

regular customers to the Pub since around more than 20 years and do not get drunk in the Pub. But Staff have been warned not to serve drunk customers if any.

Measures taken or will be implemented soon:

1) There will be a personal Licence holder at all times present in the bar. The bar manager is attending for one on 22nd May at Ashford

2) CCTV footage will be made available on USB whenever requested by officials. The recordings availability times are going to be increased to one month. Maintenance of the CCTV is carried on regular basis.

3) Challenge 25 is in place but will be made stricter by undergoing training of staff on Thursday 25th May. Under 18's will not be allowed into the pub after 9 pm and before 9 pm they will have to be accompanied with family.

4) All staff have been asked to provide BII Level 1 award or equivalent award by end of this month.

5) Closing hours are strictly adhered to. I am now making sure no customers are served after closing time of 11pm. We will apply the application to vary a premises licence to serve ONLY hotel guests after 11pm. This decision will be taken once the review of our premises licence is cleared.

6) Employing a security personnel on busy days.

7) Not serving customers believed to be drunk and refusing to serve trouble makers. This is already in place but will be made stricter.

8) Incidents log will be maintained in detail and be made available to officials whenever requested.

9) Zero Tolerance Drug Posters have been put up. If any incidents come up will be reported to Police.

9) As a DPS, I will take responsibility of the past incidents and am really sorry about these. But I will make sure that I adhere to all the laws and will not allow unforeseen incidents to happen in the Pub and will report them to police immediately if the case and cooperate with the officials. I am a law abiding citizen and a father of 2 kids and will definitely not do anything that will affect the locality and especially children. I have taken this review very seriously and request you to present me one chance to run my premises in an up to date manner.

Please advice / suggest us if we need to work on any other factors to insure that the pub is run in a orderly manner.

Mihir Patel
The Swan Hotel
59 High Street
Hythe
CT21 5AD