

25 APR 2010

RECEPTION

RESTRICTED (when complete)

Application for the review of a premises licence or club premises
certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

25 APR 2010

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 9944 Stephens

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
The Swan Hotel,
59 High Street

Post town Hythe

Post code (if known) CT21 5AD

Name of premises licence holder or club holding club premises certificate (if known)
Mr Mihirbhal PATEL

Number of premises licence or club premises certificate (if known)
SHEP00242/05

Part 2 – Applicant details

I am

1) an interested part (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

Please tick yes

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

3 a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Kent Police
Folkestone Police Station
Bouverie Road West
Folkestone
Kent CT20 2SG**

Telephone number (if any)

E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Following a serious incident at 2205hrs on Friday 13th April 2018, other recent violent incidents, disturbance caused to a local resident, persons under the age of 18 being drunk on the premises and poor management/availability of CCTV, police have called the review under all four of the licensing objectives.

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please provide as much information as possible to support the application

(please read guidance note 2)

On Friday the 13th April at 2205hrs a local resident telephoned Kent Police to report that there was a fight going on at The Swan Hotel. The noise generated from the incident could be heard by the operator over the phone. The resident stated that they can hear a lot of noise and commotion and wanted to complain about the noise as well as the fight.

At 2236hrs the same evening, SECAMB contacted Kent Police to report that there was a fight at The Swan Hotel. The victim had been kicked to the ground, stamped on and is suspected to have a fractured shoulder. The offender was still at the location.

At 2300hrs Police attended the location and found paramedics treating the victim. He was drunk and did not want to engage with the officers. He was taken to the William Harvey Hospital for treatment.

Due to the circumstances and injuries sustained by the victim, a crime report was raised for Grievous Bodily Harm with Intent. To support the investigation on the 16th of April, PCSO 59863 Bennett attended The Swan Hotel to request and collect CCTV of the initial incident inside the premises. PCSO Bennett spoke with the Bar Manager who identified himself as . . . said that he did not know how to use the CCTV system as he was not trained to do so and could therefore not provide any footage (PCSO Bennett statement is attached to this application). Although the victim would not engage with police, the offence committed is serious and with additional verifiable evidence police can pursue a prosecution. Unfortunately in these circumstances and without the premises CCTV, police are unable to identify the suspect/s and the report was filed with no further action taken.

Previously on Thursday the 29th March 2018 at 2136hrs, a male customer at The Swan Hotel called Kent Police to report that 'there was a group of people beating another female up'. The female was now locked in the toilet. The victim also called police stating that she had been punched in the face by 2 people and that she had gone into the male toilet as the female toilet was locked.

Police attended and a crime report was raised for Public Order Affray and 2 females were arrested. The crime report identifies the following.

'Female toilets were closed due to previous reports of 'drug taking' in there so she used the Gents toilets'.

'Other customers try splitting the altercation up, this goes on for 3-4 minutes'.

'CCTV has been recorded using PC PUTLAND's BWV as it couldn't be downloaded at the time **the footage stays on the system for approximately 7 days only'.

'I have attempted to contact the Swan Hotel in order to try and get the CCTV. However they are not answering. The issue was that they have had a problem with their system and therefore it is unclear if they will have retained the footage'.

'Due to the fact that I am unable to get the actual CCTV in an evidential format I do not believe that there is any further course of action that needs to be taken in regards to this report'.

'XXXX XXXX came out of the pub quite drunk some time after we had arrived and stated that the offender was still in the pub'

The girl described above has since been found to be 17 years old - born

DC Woolnough reports that whilst attending The Swan Hotel to deal with the incident on 29/03/2018 she believed that 80% of the customers were under age and were all intoxicated. Due to the investigation the officer was not in a position to ID and confirm her suspicions. DC Woolnough also expressed her concerns surrounding the locking of the female toilets due to drug taking and that the licensee seemed to be as drunk as the customers.

On the 27th January 2018, PC Alexander reports that he was investigating an incident at The Swan Hotel. . . identified himself to PC Alexander as the manager and stated that he was not a personal licence holder. He further stated that he closed at 2am and when requested to allow PC Alexander to review the CCTV, he changed his story but wasn't sure of the time. PC Alexander found through reviewing CCTV that the premises was still open at 4am. . . initially claimed that they were hotel guests, but later admitted that there were people in the premises who were not residents. . . was also

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

unable to download the footage.

The information provided by PC Alexander prompted a premises visit by Folkestone and Hythe District Council who instigated appropriate enforcement at the time. On 23rd March 2018 as part of OP Locality (a multi-agency licensed premises Initiative) the premises was advised that they must submit a variation to the premises licence before they can legally serve any Hotel Guests beyond 2300hrs. To date this action has not been taken forward by the Premises Licence Holder.

From the collated information, it is apparent that managerial responsibilities at the Swan Hotel are below adequate. There are repeated incidents that show CCTV is inadequate through staff being unable to download footage and availability times being 7 days or less. No intervention or adequate response to disorderly behaviour. Offenders remain at the premises after being involved in disorder. Selling of alcohol outside of authorised times. There is likely supply of alcohol to minors evidenced above. Inappropriate steps in attempt to prevent drug misuse on the premises and the bar manager being drunk when in charge of the sale of alcohol. In addition to this, the noise generated from the premises has an effect on neighbouring residents.

In light of recent events Kent Police request that the licensing committee consider taking the following steps to prevent crime and disorder, promote public safety, protect children from harm and prevent a public nuisance.

A personal licence holder will be employed and will be present on the premises during all hours that the premises are open for licensable activities.

CCTV to be fitted to a standard agreed to by the police that complies with The current CCTV Code of Practice produced by the Information Commissioners Office, with all public areas, including all access and egress points covered. This is also to include any exit doors, alleyways or any other areas used for the ejection of customers.

The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.

CCTV shall be operational at all time that members of the public and/or staff are on the premises.

Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.

The Police or Local Authority will have access to these images at any reasonable time.

The Police or Local Authority will be provided with a recording by way of USB, tape, CD Rom or any other means of the image, immediately upon request.

Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.

All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

All staff selling alcohol will be trained in the BII Level I award or equivalent in Responsible Alcohol Retailing.

A 'Challenge 25' policy will be adopted at the premises.

All staff at the premises will be trained in the 'Challenge 25' policy.

All staff training will be auditable and will be available to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

The premises will display zero tolerance drug posters in male and female toilets.

The premises will complete and retain an incident book that will be made available to Police and local

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

authority upon request. The book will be a bound book with no loose leaves and detail time, date, location, a precds of the incident, details of police officers attending, known injuries, name (if known) / description of persons involved.

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

25-4-18

.....

Capacity

POLICE CONSTABLE REPRESENTING KENT POLICE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an e mail address your e mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

From: Stephen ALEXANDER-PC 46009564

Sent: 27 January 2018 16:59

To: Chris STEPHENS PC 46009944

Cc: Paul DIMENT 46054700

Subject: The Swan

Chris

I am on IDM attachment at the moment and have assisted with an enquiry into a DV assault where the male has been detained. I thought I would update you reference I visit I had to undertake at The Swan , Hythe High Street. The incident was a domestic incident (KP-20180127-0215) .

We were asked to go and see if there was CCTV and whether the DP and his partner had been at the pub and if there was any issues . On arrival I went to the bar and a staff member identified himself to me . I introduced myself and asked if he was in charge . He stated no but gave his details as a . He did not have a personal licence . He told me the manager was upstairs in the hotel part of the premises . He was asked to go and look for him and after 10 mins returned and said he would come down . A further wait and a male came down and said he was the manager.

He gave his details as and he lives on premises . He too does not have a personal licence . He explained that (he is shown as DPS) no longer has anything to do with the premises . I have looked up . and it shows his as the manager on a previous visit.

I enquired with him what time he closed and he initially said 2am however when I said I could check this with his cctv he changed his story but wasn't sure of the time . We went to look at the CCTV as the DV incident happened at 4.15 approx . The premises is still open at 4am. He initially stated they were hotel guests but then did admit later that there were people in the premises who were not residents . He was unable to download the footage and as I am on attachment I do not have my full kit here so could not bodycam the cctv. If you need anything further please let me know.

Regards

Steve

Chris STEPHENS PC 46009944

From: Leigh WOOLNOUGH DC 46011393
Sent: 30 March 2018 04:32
To: Chris STEPHENS PC 46009944
Subject: The Swan Public House

Hi Chris,

I attended the above premises about 10pm to reports of a girl being assaulted by two females the IP was a 17 year old female and was in the pub with a group of 17 year olds. I arrested a female by the name of [redacted] for assault. Her daughter [redacted] was the second offender but was not at the pub at the time of police arrival, has been banned from the premises by the licensee three times last year and is currently on a ban this year but he let her in tonight because her mum vouched for her. Had he not done so police would not have been called however the reason I am e-mailing you is that we had cause to enter the pub to search for the offender. Whilst in the pub it was apparent that 80% of the customers were under age and were all intoxicated. We were not in a position to ID them as much as I would have liked to. The other issue I found was that the licensee locks the female toilets due to drug taking on the premises and he seems to be as drunk as his customers.

I am advised by others on the team that the landlord is always as drunk as the customers.

Would you be able to look at a licensing check of the premises.

Many thanks

Leigh

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 46

Statement of: **Lewis Bennett**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police community support officer**

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: **L Bennett**Date: **Monday 16th April 2018**Tick if witness evidence is visually recorded (supply witness details on rear)

Approximately 1110 hours on Monday 16th April 2018 I was in full uniform on foot patrol on Hythe High Street. I entered The Swan Hotel, 59 Hythe High Street, Hythe, Kent where I conducted CCTV enquiries regarding a reported fight on Friday 13th April. I spoke with the bar manager who identified himself to me as . I explained that there had been a fight at the premises that spilled out onto the street and requested that he provided me CCTV for the times between 2200 and 2230hrs from the bar area, extd and immediately outside. stated that he did not know how to use the CCTV system as he was not trained to do so and could therefore not provide it to me.

Signature: **L Bennett**
Typed by:

Signature witnessed by:

