



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

NOTICE OF DETERMINATION

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

Date(s) of Hearing: 19 June 2018

Date of Determination: 19 June 2018

Sub-Committee Councillors Michael Lyons (Chair), Ms Susie Govett and Russell Tillson

Officers in attendance: Arthur Atkins (Environmental Health and Licensing Manager), Lisa Farrell (Licensing and Compliance Officer), David Kelly (Legal Services Manager), Sue Lewis (Committee Services Officer) Briony Williamson (Licensing Officer and Olivia McDonagh (Support Assistant)

This was an application for a Review of a Premise Licence in respect of The Swan Hotel, 59 High Street, Hythe, CT21 5AD.

Reason for hearing: to determine the Review called by the Police as a Responsible Authority and to consider representations received from other interested parties.

The Licensing Sub-Committee heard evidence from PC Chris Stephens on behalf of the Police, Lisa Farrell, Licensing Officer, on behalf of the Licensing Authority and Mr Mihirbhai Patel, Licence Holder, responded.

Decision:

The Committee have agreed the following conditions to be added to the operating schedule -

1. The premises to close each day half an hour after the last time for the sale of alcohol, therefore 23.30hrs Monday to Saturday and 23.00hrs Sunday.
2. A Personal Licence Holder will be employed and will be present on the premises all hours that the premises are open for licensable activities.
3.
 - (i) 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 ejection of customers.
 - (ii) The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
 - (iii) CCTV shall be operational at all times that members of the public and/or staff are on the premises.
 - (iv) Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
 - (v) The Police and Local Authority will have access to these images at any reasonable time.
 - (vi) The Police and 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.
 - (vii) Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during all trading hours who is able to provide a recording of any incident at the request of police and the local authority.
4. All staff selling alcohol shall be trained to the BII Level 1 Award in Responsible Alcohol Retailing and shall show certification of successful completion of the training, which must be logged and provided not less than once every twelve months. The training log will be made available for inspection by the Police, Local Authority Licensing Officer and/or Trading Standards Officer.
5. 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 the person.
6. All staff at the premises will be trained in the Challenge 25 Policy.
7. The premises will display zero tolerance drug posters in both the male and female toilets.
8. 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.

9. The premises will complete and retain an incident book that will be made available to Police and the Local Authority upon request. This book will be a bound book with no loose leaves and detail time, date, location, a precis of the incident, details of police officers attending, known injuries, name (if known) or description of persons involved.
10. A refusals log must be kept at the premises, and made immediately available on request to the Police, Local Authority Licensing Officer and/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
11. No persons under the age of 16 will be allowed entry into the premises after 22.00 hours unless resident or attending a pre-booked function.
12. No alcohol to be taken outside of the premises at any time.
13. SIA accredited and qualified door staff to be employed from 6pm until closing every day.

Reason

The sub-committee considered all 4 licensing objectives in reaching its decision:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Date: 19 June 2018

Licensing Sub-Committee Cllr Michael Lyons (Chair)

You have the right to appeal against the decision of the Sub-Committee. Any appeal must be made to Folkestone Magistrates Court, The Law Courts Castle Hill Avenue Folkestone Kent CT20 2DH within 21 days of the date you were notified of the decision.

Additional Notes:

- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Interested Person should there be any concerns regarding the operation of, and/or breach of the licence.
- Other Persons and Responsible Authorities are reminded that they may apply for a review of the licence "after a reasonable interval" pursuant to Section 51 of the Licensing Act 2003.
- Entitlement to appeal for parties aggrieved by the decision of the Licensing Authority is set out in Schedule 5 to the Licensing Act 2003.
- In the case of a Premise Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.