

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Tuesday, 19 June 2018

Present: Councillors Miss Susie Govett, Michael Lyons and Russell Tillson

Apologies for Absence

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

Others Present: PC Chris Stevens, Mr M Patel (Licence Holder)

4. **Election of Chairman for the meeting**

Proposed by Councillor Michael Lyons
Seconded by Councillor Ms Susie Govett and

Resolved: To appoint Councillor Russell Tillson as Chairman for the meeting.

(Voting: For 2; Against 0; Abstentions 0)

5. **Declarations of interest**

Councillor Michael Lyons declared a voluntary announcement in Report DCL/18/05. He remained in the meeting during the discussion and voting of this item.

6. **The Swan Hotel, 59 High Street, Hythe, CT21 5AD**

Report DCL/18/05 set out the facts for the Licensing Committee to consider when a responsible authority applies to the Licensing Authority for a review of a premise licence. The licensing committee is the Licensing Authority acting in a role previously undertaken by the Magistrate's Court. It is, therefore, not appropriate for officers to make additional comments other

than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report.

Mr Atkins, Environmental Health and Licensing Manager, presented the Licensing Sub Committee with the initial background to the report and why it had now come to Committee.

The Chairman introduced those present, and invited the responsible authorities and interested parties to make representations. The Sub-Committee heard a number of representations:

PC Chris Stephens applied for a review of the premises licence and proceeded to go through the representation as stated in the report.

PC Stephens also informed the Sub-Committee that he has had numerous conversations with Mr Patel, the Licence Holder, to discuss all the issues raised in the representation and he felt that Mr Patel was willing to listen and undertake the advice from the Police and was happy to take on all the conditions put to him.

It was clear from all the discussions and incidents that there was a significant issue with managerial responsibilities.

Lisa Farrell, Licensing Officer, on behalf of the Licensing Authority, informed the Sub-Committee of a number of visits she had made to the premises and this information is contained in Appendix 3 in the report.

Members requested the dates of these visits which will be provided following the meeting.

Mr Mihirbhai Patel, Licence Holder, responded to the issues raised by both the Police and the Licensing Officer, answering a number of questions from the Sub-Committee but he also wanted to reassure the Sub-Committee that he had taken the concerns seriously and that he had already begun to make changes. He wanted to work with the Police and officers of the Council to improve the functioning of the Swan Hotel and in doing this he would work on the following:

- provide staff training and staff training log books;
- operational CCTV: this has now been done;
- log books for incidents, keeping a correct record and informing the police accordingly;
- Challenge 25 – no alcohol will be sold if ID cannot be produced;
- All the necessary signage to inform customers of the rules and regulations;
- Mr Patel would be on site more;
- Not to have single staff on duty in the bar/restaurant;
- Ladies toilets to be left unlocked;

- Noise issues would be monitored and music would be switched off/town to a level acceptable at 11 o'clock.
- Clear signage informing residents and clientele of the rules and regulations – this is already being done.

Mr Patel explained that he did want to improve the running of the Hotel and to do this with the help from the police and local authority.

Mr Atkins reminded the Sub-Committee of the representations made within the report from the following:

Ei Group PLC
Local Business
Local Residents
Kent County Council

The Chairman then asked those present to sum up:

PC Stephens informed that the CCTV was now in place, Mr Patel wanted to improve the premises and was willing to work hard to do this with the necessary support but it was made clear that his staff needed to be confident in dealing with all types of incidents and be managed and supported the Licence Holder in the correct way.

The responsible authority did not wish to make any further comments other than those previously stated.

Mr Patel again stated that he wanted to work with the Police and officers of the Local Authority to address all the issues and concerns raised.

The Sub-Committee then adjourned to make a decision, in private, on the application. The Council's Legal Officer and Committee Officer remained with the Sub-Committee.

The Sub-Committee returned to the Chamber and the Chairman read out the decision of the Sub-Committee and were mindful of all four licensing objectives being met, namely:-

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

Proposed by Councillor Ms Susie Govett
Seconded by Councillor Michael Lyons and

Resolved:

- 1. To receive and note Report DCL/18/05.**

2. Following a review of the premises licence, that the following conditions are met:

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.

(Voting: For 3; Against 0; Abstentions 0)