

Licensing Panel

Monday, 21 July 2014

10.00am

Present:

Cllr John Loughlin (Chair)

Cllrs: Richard Smith
Harold Craske

Martin Goodman
Christina Hills
Emily Lane-Blackwell
Carlie Plowman

Corporate Lawyer
Senior Licensing Officer
Licensing Officer
Committee Services Officer

Also in attendance:

DC Gill Angus
PC Claire Cossar
Jerry Posuniak
Dorota Posuniak

Kent Police
Kent Police
Applicant
Applicant

31. Declarations of Interest

No declarations of interest were made.

32. Application GM/PRE/14/0003 - Polski Sklep, 155 Milton Road, Gravesend

The Panel considered an application, to which representations had been made, for the grant of a Premises Licence under the Licensing Act 2003 – application reference number GM/PRE/14/0003.

The application was for the sale and supply of alcohol off the premises from 09:00 until 22:00 Monday to Sunday.

Members were advised that Kent Police were not opposed to the application under the times stated but wished to see the following conditions attached to any licence granted:-

1. 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 to the premises, outside the premises, fire exits and all areas where the sale and supply of alcohol occurs;

- equipment must be maintained in good working order, be correctly time and date stamped, recording must be kept on the hard drive and kept for a period of 31 days and handed to the police on demand;
 - 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 on demand;
 - the recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual;
 - 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 immediately at: licensing.north.division@kent.pnn.police.uk
2. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises whilst the sale or supply of alcohol is undertaken at the premises.
3. The licence holder will maintain auditable refusal/incident records. These records will detail the following:-
- (a) day, date and time of refusal/incident;
 - (b) nature of refusal/incident and reason;
 - (c) details of/or description of the individual;
 - (d) each entry is to be checked and signed by the DPS on the day of the event;
 - (e) these records will be made available for inspection to any police officer, police licensing officer and officer of the local authority upon demand.
4. All persons that sell or supply alcohol to customers must have licensing training:-
- training should take place within six week of employment and any new employees will be supervised until the training has taken place. Training must include:-
 - (a) avoiding sales of alcohol or age restricted products to those under the age of 18;
 - (b) recognising customers who appear drunk and refusing sale or supply of alcohol;
 - (c) knows the licensing objectives and have read and understood licence conditions;
 - (d) can produce licences/certificates/permits relevant to the premises in the absence of the licence holder/DPS;
 - (e) refresher training should be repeated a minimum of every six months or earlier if due to changes of legislation;
 - (f) training records must be kept on the premises and shall contain the nature, content and frequency of all training;
 - (g) records must be made available for inspection by police, police licensing offices and authorised officers from the local authority on demand either electronically or hard copy.

5. No beers, lager or cider will be sold above 5.5% ABV.
6. No single can sales of beer, lager or cider will be made.

The Senior Licensing Officer advised that the Applicants' solicitors have agreed to conditions 1 to 4 but dispute conditions 5 and 6.

DC Gill Angus (Kent Police) and Jerry Posuniak (Applicant) addressed the Panel.

The Panel adjourned to consider its decision.

Determination

Having considered the information provided in the written report compiled by the Senior Licensing Officer and presented to the Licensing Panel; the representations of Kent Police and the Applicant; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State; and the licensing objectives, the Panel decided to **grant** the application subject to the following conditions:-

1. 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 to the premises, outside the premises, fire exits and all areas where the sale and supply of alcohol occurs;
 - equipment must be maintained in good working order, be correctly time and date stamped, recording must be kept on the hard drive and kept for a period of 31 days and handed to the police on demand;
 - 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 on demand;
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 - (e) refresher training should be repeated a minimum of every six months or earlier if due to changes of legislation;
 - (f) training records must be kept on the premises and shall contain the nature, content and frequency of all training;
 - (g) records must be made available for inspection by police, police licensing offices and authorised officers from the local authority on demand either electronically or hard copy.
5. No beers, lager or cider will be sold above 6.5% ABV.
6. No single can sales of beer, lager or cider will be made.

The Panel explained that conditions 5 and 6 (with condition 5 being slightly amended) had been imposed due to:-

- the underlying issues within the vicinity of the proposed premises; and
- the upcoming "Reducing the Strength" campaign by Gravesham Borough Council - retailers will be asked to remove all beers, lagers and ciders from their stores with an alcohol volume of 6.5% or over.

The Senior Licensing Officer informed the Applicants of their right of appeal.

Close of meeting

The meeting ended at 10.57 am.