



# Kent Police

**Chief Officer of Police Representation** in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

<b>Details of person making representation</b>	
<b>Name of Chief Officer of Police</b>	Chief Superintendent Loudon
<b>Postal Address: (Divisional Headquarters)</b>	Medway Police Station Purser Way Gillingham Kent ME7 1NE
<b>E-mail address</b>	licensing.north.division@kent.police.uk
<b>Telephone Numbers:</b>	
<b>Licensing Co-ordinator</b>	Geoff Rowley 01634 792733
<b>Licensing Officers</b>	Chris Hill 01634 792276
	Daniel Hunt 01634 792388
	Ian Pickett 01634 792411
	Andre Smuts 01634 792733
<b>Details of premises representation is about</b>	
<b>Name of Premises:</b>	
<b>Address of premises:</b>	9 Brewhouse Yard Gravesend Kent DA122EJ
<b>Date application received by police</b>	6 <sup>th</sup> April 2022
<b>Date representation sent to Licensing Authority</b>	4 <sup>th</sup> May 2022
<p>All representations must be made within 28 days of receipt of initial application</p> <p><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i></p>	

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

Prevention of crime and disorder	x
Public Safety	x
Prevention of public nuisance	x
Protection of children from harm	

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003?** No

**If yes complete the appropriate statement:**

**Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:**

This is an application for a new premises licence at a venue located in Brewhouse Yard, just off Queen Street in Gravesend Town Centre. If granted as applied, this premises would be authorised to conduct the following licenced activities:

Late night refreshment – Monday to Sunday 11:00 to 02:00

Supply of alcohol – Monday to Sunday 11:00 to 02:00

Recorded music – Monday to Sunday 11:00 to 02:00

Live music – Thursday to Sunday 14:00 to 01:30

The application refers to the premises as being a restaurant with a bar with a dining capacity for 30 seated persons. It is intended to use the premises for functions and events. The sale of alcohol is intended for on sales only.

The town centre where the premises are located is made up of many retail outlets, takeaways, restaurants, shops and off licenced premises as you would expect with modern town centre locations. There are also residential properties in the immediate area.

The applicant has provided some level of information within their proposed operating schedule however clarification is sought in some areas.

As already suggested, the premises are described as being a restaurant with a bar. The attached plan indicates there to be 10 tables providing seating for 34 persons which is slightly more than earlier suggested. There is understood to be no outside space and therefore all music be it recorded or live will be for indoor use only.

In summary of the steps offered to promote the licensing objectives, the applicant proposes the following:

Installation of CCTV that would last a minimum of 31 days and would be made available to Police upon reasonable request, staff training, customers being asked to leave the premises quietly with supporting signs and a challenge 25 ID process.

Whilst such proposed measures would ordinarily be suitable for a restaurant style premises operating for example on weekdays until 23:00 and until midnight on weekends, they are not necessarily suitable for a premises with a bar operating daily until 02:00. If this licence were to be granted as applied for, the premises would have the ability to operate as a late-night bar and music venue opening every day into the early hours. Kent Police are concerned that the premises licence conditions offered would be insufficient for a premises that would have this capability and thus would be insufficient to fully promote the licensing objectives.

Kent Police are concerned that a late-night music venue could have significant impact on and cause anti-social behaviour and noise nuisance that would impact upon local residents. I am aware that local authority environmental health officers share similar concern.

As suggested above, the premises would appear to have no outside area shown on the premises plan, therefore it is assumed that customers would have to use the street should they wish to smoke. Whilst this may not be so much of an issue in the early evening, there is potential for this to cause a noise nuisance and antisocial behaviour effecting residents into the early hours.

With the exception of CCTV the application makes no mention to safety measures that would ordinarily be expected of a premises that has the ability to host functions or events and operate as a late-night music

venue into the early hours. For example, there appears to have been no consideration for the use of door supervisors that would help prevent issues of crime and disorder.

### **Prevention of Crime and Disorder**

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to a licence that seek to effectively promote this objective and minimise the risk of it being undermined and any conditions would need to be clear and precise.

### **Public Safety**

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police. Licence holders have a responsibility to ensure the safety of those using their premises and this objective is concerned with the safety of persons using the premises rather than public health. Conditions imposed under public safety will also promote the crime and disorder objective.

### **Prevention of Public Nuisance**

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community.

### **Protection of Children from harm**

The protection of children from harm includes protection from moral, psychological and physical harm; therefore, this is not just about protecting the children from the inherent harms of alcohol but includes exposure to strong language, and sexual harms.

**Kent Police are not opposed to this application in its entirety, but should the premises licence be granted with the licensable hours sought as applied, Kent Police seek the addition of the following conditions:**

Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the premises.

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, and which must comply with the following requirements:

- a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
- b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
- c. The premises licence holder must ensure at all times that the DPS or an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and available to provide the same to the Police and/or Local Authority upon reasonable request.
- d. 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 within 24 hours unless the CCTV will be repaired before that time ([licensing.north.division@kent.police.uk](mailto:licensing.north.division@kent.police.uk))

The premises licence holder or designated premises supervisor must keep an incident register. Staff must be trained to complete the register immediately after the incident but no later than the end of their shift. The register must be kept on the premises and will detail:

- a. Day, date and time of incident
- b. Nature of incident
- c. Resolution
- d. Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority either electronically or hard copy upon request.

The premises must have written a drugs policy which is to be made available to police or other authorised officer upon reasonable request.

All persons that sell or supply alcohol to customers must have licensing training.

- a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
- b. Refresher training must be repeated a minimum of every six months or earlier if required due to changes of legislation.
- c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

When the premises is open for licensable activity beyond midnight, then from 21:00 a minimum of 2 SIA door staff shall be on duty at the premises.

Should customers be permitted to smoke outside the premises after 23:00, then customer numbers in such areas are to be monitored by staff and restricted so as not to cause a disturbance to nearby residents.

PC Dan Hunt 11044  
PP.Ch. Supt Loudon  
**North Division Area Commander**

**Date:** 04/05/2022