



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

**NOTICE OF DETERMINATION
SUMMARY REVIEW AND REVIEW OF INTERIM STEPS**

Application Ref No: N/A

Applicant: Superintendent Warren Franklin, Kent Police

Premises The Gallery Bank Street Maidstone Kent ME14 1SD

Date(s) of hearing: 30th September 2019

Date of determination: 30th September 2019

Committee Members: [Chairman]: Councillor Cllr Susan Grigg
Councillor Denise Joy
Councillor Val Springett

Legal Advisor in attendance at hearing(s): Robin Harris, Interim Team Leader
(Contentious), MKLS

Licensing Officer in attendance at hearing(s): Lorraine Neale

This was an application for:

Summary Review

of a

Premises Licence

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Name: Kent Police

Legal or other representative: PC James Williams

Responsible Authorities

None

Other Persons

None

Witnesses and legal representatives in support of other persons

- **N/A**

Licence Holder

Name: Century Buildings (Rochester) Limited

**Legal or other representative: Leo Charalambides
Luke Elford**

Witnesses and legal representatives in support of the licence holder

**Mr David Fuller
Mr Trevor Modell
Miss Carla Helyar**

Representations considered in the absence of a party to the hearing:

- **N/A**

REVIEW OF INTERIM STEPS

Steps taken on date: 6th September 2019

See Record of Consideration for steps, decision and reasons. The Sub Committee having considered whether the interim steps are appropriate for the promotion of the licensing objectives and any relevant representations have determined to withdraw/modify the interim steps taken by:

Modifying conditions of the premises licence.

If so, state the modified conditions: See attached sheets

These reviewed interim steps apply until the end of the period for appealing the full review decision, if that decision is appealed against until the appeal is disposed of or for such shorter period as specified.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

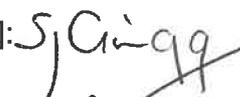
There were no representations relating to this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

PRINT NAME (CHAIRMAN): Cllr Susan Grigg

Signed [Chairman]:  A copy of the original document is held on file

Date: 3/10/2019

Conditions to be added to Premises Licence

1. The Premises Licence Holder will install and maintain a knife arch/metal detecting arch at the customer entrance to the Premises. All customers entering or re-entering the Premises shall pass through the knife arch/metal detecting arch and be searched in accordance with the Premises' search policy.
2. The Premises Licence Holder shall ensure that all performers and their pre-registered entourages attending the Premises are searched with a metal detecting wand and follow-up searches conducted in accordance with the Premises' search policy.
3. The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons that those attending:
 - a. It is a condition of entry that customers agree to be searched;
 - b. Police will be informed if anyone is found in possession of controlled substances or weapons
4. Door supervisors will undertake body searches, at least one male and one female door supervisor must be available to undertake the body searches of the same customer gender before gaining entry to the premises.
5. Door Supervisors shall be responsible for the lawful searching and / or exclusion of those suspected of carrying illegal drugs, offensive weapons who attempt to gain entry into the premises.
6. There will be a door control policy that outlines clear instruction and understanding of the door supervisor's responsibilities at the premises. This policy will contain:
 - a. How door staff prevent overcrowding

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account specifically the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 53A – D.

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 10 which relates to conditions attached to licences;
Chapter 12 which relates to summary reviews.

The Committee has taken into account its Statement of Licensing Policy:

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):
N/as

**C: Determination:
The Committee has decided to:**

- Modify conditions of the premises licence.

If so, state the modified conditions: See attached sheets.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

- b. Supervise the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet as to not disturb neighbours in the vicinity
 - c. A procedure for door staff engaged in searching persons as a condition of entry
 - d. To ensure the dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the end of licensable activities
 - e. Prevent patrons from leaving the premises with open containers and bottles
 - f. To provide evidence by written statement to police in any criminal investigation as and when required.
 - g. The toilets shall be regularly monitored.
7. When the Premises are used for the sale of alcohol to the public, a minimum of 4 door staff will be employed from 20:00 hours or when licensable activity is taking place. In addition to this a further one door supervisor per 100 customers. CCTV Control Room will be manned by a suitably licensed Operative controlling and viewing the CCTV.
8. 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.
- a. Cameras shall encompass ingress and egress to the premises, emergency routes, fire exits and all public areas including 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 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 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 (west.division.licensing@kent.police.uk)
9. The premises shall have a written drug policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. This will entail an agreed procedure for the handling and retention of any article seized. Where premises consider a drug's safe to deposit drugs found, there will be a clear policy for the handling and packaging of seized items. For premises with a suitable 'drug safe' the items secured within the safe would not be considered as being in possession. For premises that do not have a drug safe they must have a written agreement with police as to a procedure in the collection or delivering drugs to police.
 10. To allow the use of IONTRACK. (Drug testing Machine), within the premises, (or curtilage of the premises), as a condition of entry, at the request of, and after consultation with Police. To allow swabbing for detection of drugs use when deemed necessary by Police.
 11. 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 should 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.
12. The premises will undertake the "Challenge 25" Scheme.
13. All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" Scheme and such training will be recorded.
14. The Premises Licence Holder will produce a risk assessment for events at the Premises. Where an event is categorised as 'high risk' the Premises Licence Holder will notify the Police Licensing Team at least 5 days (120 hours) before the event. A copy of the risk assessment will be kept at the Premises and made available to Responsible Authority Officers on request.
15. A logbook shall be kept detailing all incidents that occur at the Premises. This will be a bound book which will detail the following:
 - a. The day, date and time of the incident
 - b. The member of staff making the entry
 - c. All members of staff involved in the incident
 - d. An account of the incident
 - e. Details of any persons injured and the injuries sustained
 - f. Any other details thought relevant
16. Toughened or polycarbonate glass will be used at the premises. All drinks will be supplied in polycarbonate or suitably toughened glass vessels except for bottled drinks.
17. No persons under 18 years of age will be allowed on the premises except for pre-booked functions ending by midnight.

18. The Licence Holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons of any admission restrictions and that any patrons causing any disturbance or disorder in a queue will result in admission being refused.
19. The Premises Licence Holder will use reasonable endeavours to dissuade persons attending the Premises from parking directly outside the Premises.
20. At least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.
21. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card.