

LICENSING HEARING PANEL

9 JULY 2019

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE

BAS BAR, 14 CLIFFE ROAD, STROOD, KENT ME2 3DS

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Licensing Manager

Summary

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of Bas Bar, 14 Cliffe Road, Strood, Kent ME2 3DS

All responsible authorities have been consulted in line with the Licensing Act 2003.

No representations in support of or objecting to the review have been received from members of the public or other responsible authorities.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

2. Background to the application and relevant representations

- 2.1 An application for review was received from Kent Police on 5 June 2019 as a responsible authority, in respect of Bas Bar, 14 Cliffe Road, Strood, Kent ME2 3DS. A copy of the application is attached at Appendix A.
- 2.2 The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix B. A copy of a plan showing the location of the premises is at Appendix C.

- 2.3 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities. Before determining the review application, the Council, as the licensing authority, must hold a hearing to consider it and any relevant representations received.
- 2.4 Following the advertising of the review application, no representations have been received from members of the public or other responsible authorities.

3. Advice and analysis on determination of review application

- 3.1 At the hearing, Panel members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
- (a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - (b) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - (c) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence.
- 3.2 Paragraph 11.16 – 11.18 of the revised guidance issued by the Home Office in March 2015 under Section 182 of the Licensing Act 2003 states "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate."

4. Risk Management

- 4.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and it's Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

5. Financial and legal implications

- 5.1 There are no direct financial implications at this time.
- 5.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 5.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to Members as appropriate at the hearing. However, whatever the decision of the Panel, this must be based on the evidence placed before it and the Panel must decide what weight to attribute to this information.

6. Recommendation

- 6.1 That the Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines the application to review the premises licence.
- 6.2 The steps that the Licensing Hearing Panel may consider taking are set out in paragraph 3.1.

Lead officer contact:

Mandy Francis, Licensing Manager
Email: mandy.francis@medway.gov.uk

Appendices:

Appendix A - Application for Review
Appendix B - Current premises licence
Appendix C - Plan showing the location of the premises

Background documents:

None

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC 11044 HUNT

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bas Bar 14 Cliffe Road Rochester Kent	
Post town Rochester	Post code (if known) ME2 3DS

Name of premises licence holder or club holding club premises certificate (if known) Sukhbir Singh

Number of premises licence or club premises certificate (if known) Medway-05-PREM-0507

Part 2 – Applicant details

I am

Please tick yes

1) an interested part (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)

☒

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

3 a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr ☐ **Mrs** ☐ **Miss** ☐ **Ms** ☐ **Other title** ☐
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 11044 Hunt Medway Police Station Purser Way Gillingham Kent Police ME71NE
Telephone number (if any) 01634 792388
E-mail address (optional) 11044@kent.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Kent Police submit this application to review Bas Bar in order to promote the licensing objectives of the prevention of crime and disorder and public safety.

This review is following the execution of a warrant at the premises conducted by immigration officers.

As a result of a warrant executed on 2nd May 2019, three persons were found to be working illegally.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please provide as much information as possible to support the application

(please read guidance note 2)

This premises has been granted a premises licence by Medway Council and is authorised to conduct the following licensable activities:

Live music, recorded music and dancing: Monday - Sunday 11:00 to 00:00 (midnight)

Sale of alcohol: Sunday - Thursday 11:00 to 00:30, Friday - Saturday 11:00 to 01:00

Late night refreshment: Sunday - Thursday 23:00 to 00:00 (midnight), Friday - Saturday 23:00 to 01:00

Films: Sunday - Thursday 11:00 to 00:00 (midnight), Friday - Saturday 11:00 to 01:00

Indoor sporting events: Sunday - Thursday 11:00 to 00:00 (midnight), Friday - Saturday 11:00 to 01:00

The opening hours of the premises as authorised by the licence are:

Sunday - Thursday 11:00 to 00:30

Friday - Saturday 10:00 to 01:30

The premises has two clearly defined areas on its floor plan and operates as both a public house and as a restaurant providing Indian cuisine. The premises licence holder and designated premises supervisor is Sukhbir Singh, positions he has held since December 2017. The business owners are Sukhbir Singh and Harjot Singh.

Bas Bar was visited by Home Office Immigration Officers executing a warrant at approximately 17:30 hours on Thursday 2nd May 2019. Also in attendance was licensing officer PC Hunt from Kent Police. Upon entry, immigration officers took up strategic positions within the premises covering key areas in order to best monitor those inside the premises. Sukhbir Singh was not present at this time, but business partner Harjot Singh was working at the premises. Immigration officers found that three persons were working at the premises illegally. These three workers were detained by immigration officers and were interviewed at scene.

Person one stated that he had worked at the premises for only one day. He stated that he had enquired about obtaining a job at the premises three weeks ago. He stated he was working from 17:00 to 21:00 and that any future employment would depend upon his performance today. He named his employer as Harja and stated he was to be paid £35 plus receive food from the kitchen. He stated that prior to his employment he had shown Harja a photocopy of his passport and photocopy of a settlement visa for which he had paid £20 in London. Person one stated his job was washing up.

Person two stated that he had worked at the premises for one week. He described his job role as a washer. Person two stated that he works four hours a day each Thursday, Friday and Saturday. He named his employer as Harjot. He stated that he is yet to receive any payment but states he has agreed to be paid £5 per hour and receives food and accommodation. Person two stated that he did not show any documents prior to his employment. Person two was happy with his living conditions.

Person three stated that he has worked at the premises for one and half weeks. He described his job role as a chef working from 12:00 to 15:00 five days a week. Person three stated that his employer was called Harj. He stated that he has not shown his employer any documentation prior to working and stated that he told his employer he would bring in his documentation next week. Person three stated that he is paid £450 each week and is paid cash in hand. He confirmed that he does not pay tax and national insurance.

Harjot Singh explained to immigration officers that both he and Sukhbir Singh are jointly responsible for the hiring of staff. As such immigration officers interviewed Harjot Singh at scene. During this time, Sukhbir Singh attended the premises.

In interview Harjot Singh stated that person 1 had worked at the premises for three to four weeks. He stated that prior to his employment person one had supplied a copy of his passport and had advised him that his immigration status is "indefinite leave to remain". Harjot Singh stated that person 1 works as a Tandoori chef and is paid £280 a week cash in hand, working six days a week from 17:00 to 23:00. To date person 1 has received one week pay.

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In interview Harjot Singh stated that person 2 has worked at the premises for 2 weeks, working as a Tandoori chef. He stated that person 2 works six days a week from 17:00 to 23:00 and has agreed to pay person 2 £400 a week. Harjot Singh explained that person 2 is yet to receive any wages as to date person 2 has failed to provide any documentation showing an entitlement to work. He stated that person 2 had advised him that his immigration status is "indefinite leave to remain".

In interview Harjot Singh stated that person 3 had worked at the premises for no more than two weeks, working as a chef. He stated that person 3 did not provide any documentation prior to employment. He explained that person three had advised him that his immigration status is "indefinite leave to remain". Harjot Singh admitted that he had conducted no checks to verify the alleged immigration status. He advised that person 3 works six days a week from 17:00 to 23:00 and is due to be paid £400 a week cash in hand. He stated that person 3 is yet to receive any wages as to date person 3 has failed to provide any documentation showing an entitlement to work.

In addition to the immigration issues discovered on 2nd May 2019, Kent Police have concerns regarding the premises failing to adhere to their premises licence conditions. Whilst a full premises licence compliance check was not completed during this visit, a cursory check was conducted. CCTV was found to be recording but the hard drive was only storing data for 8 days. There were no staff training records on site and the premises do not have or use an incident recording book. These amount to a breach of the premises licence which clearly states:

Condition 9

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, 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, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to 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 (licensing.north.division@kent.pnn.police.uk).

Condition 13

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

Condition 18

The premises licence holder or designated premises supervisor must keep an incident register. Staff to be trained to complete an incident book/records 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. 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 on demand either electronically or hard copy.

In separate conversations with PC Hunt, both Sukhbir Singh and Harjot Singh explained that they had known the CCTV was not storing the required amount of data for a period of weeks and months and have seemingly taken no action to rectify the issue. It became apparent to PC Hunt that neither Sukhbir Singh or Harjot Singh had much of an understanding of licensing or indeed of the premises licence.

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The Licensing Act 2003 is clearly intended to prevent crime and disorder from occurring in relation to licensed premises but also to deter and prevent criminals from operating under the auspices of a Premise Licence granted by the local authority.

Section 11.24 of the Guidance to the Licensing Act states that reviews do not have to be directly linked or connected with the licensable activities at any premise, although in this case the offences are directly linked to the operation of the premises as a restaurant, selling alcohol and providing late night refreshment and the staff actively involved in these activities.

Section 11.27 states that there is certain criminal activity which should be treated particularly seriously, one of these being knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that persons leave to enter. (It is pertinent to note that the inclusion of this in the statutory guidance indicates the offence has now become a particular concern).

Section 11.28 states that where the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

By paying wages to illegal workers off the record and with no tax or national insurance deductions which are then potentially omitted from an employer's tax report to the HMRC, multiple offences will be committed and become a concern of HMRC.

There are potentially many criminal offences which apply to the employment of illegal workers at this establishment.

It is a legal requirement that employers do not employ illegal workers and do take such measures as are required to prevent it. Employers should demonstrate responsibility and due diligence in determining that the persons they employ are entitled to work. It is clear from the immigration warrant conducted at the premises on Thursday 2nd May 2019 and from the interview of Harjot Singh that the premises have failed to conduct these necessary checks. Kent Police do not feel that this is a case of mistake or lack of knowledge.

Illegal workers are prone to exploitation by employers. Illegal workers are unable to declare themselves to local authorities and are unable to claim any form of benefits or financial support because in doing so they would render themselves liable to detention. It is often the case that they are poorly paid and work long hours, receiving wages below the minimum wage or restricted hours as prescribed in law. They are not afforded the benefit of the protections of United Kingdom employment legislation. In relation to this premises, Harjot Singh has made admissions to allowing persons two and three to work at this premises without seeing documentation and has then withheld paying wages to these persons until such documentation is produced.

The employing of illegal workers also raises concern with regards to the licensing objective of public safety. Licence holders have a clear responsibility to ensure the safety of all persons using their premises. Employing illegal workers raises potential concerns in areas such as competency and training levels, for example with regards to food preparation levels or hygiene which could have a direct effect on those dining at the location. As illegal workers may not have been subjected to the appropriate immigration checks such persons could pose a risk to the public by means of historical criminal activity which potentially could have been a bar to their lawful entry.

Having considered the available options, Kent Police seek revocation of the premises licence. Allowing the premises to continue to operate with the benefits of a premises licence will merely serve to perpetuate this activity.

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

- **I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate**
- **I understand that if I do not comply with the above requirements my application will be rejected**



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an e mail address your e mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Premises Licence

Premises Licence Number

Medway-05-PREM-0507


Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Bas Bar 14 Cliffe Road Strood	
Post town	Rochester, Kent
Post code	ME2 3DS
Telephone number	01634 730812
Where the licence is time limited the dates: Not Applicable	
Licensable Activities authorised by the licence Sale of Retail of Alcohol, Live Music (on the premises), Recorded Music (on the premises), Dancing (on the premises), Films (on the premises), Indoor Sporting Events and Late Night Refreshment (on the premises).	
The times the licence authorises the carrying out of licensable activities <u>Sale of Retail of Alcohol</u> Sunday to Thursday 11:00 to 00:30 and Friday to Saturday 11:00 to 01:00. Non-Standard Times: Extended until 01:00 on the following occasions:- Bank Holidays (set by Government) Easter – Sun & Mon, May – Mon, Whitsun – Mon, August – Mon, Christmas – Christmas Eve, Christmas Day, Boxing Day, 27 December & 28 December / St. Patricks Day / St. Georges Day / Burns Nights. Extended New Years Eve 11:00 to New Years Day end of hours.	
<u>Live Music, Recorded Music and Dancing</u> Monday to Sunday 11:00 to 00:00. Non-Standard Times: Extended until 01:00 on the following occasions:- Bank Holidays (set by Government) Easter – Sun & Mon, May – Mon, Whitsun – Mon, August – Mon, Christmas – Christmas Eve, Christmas Day, Boxing Day, 27 December & 28 December / St. Patricks Day / St. Georges Day / Burns Nights. Extended New Years Eve 11:00 to New Years Day end of hours.	
<u>Films</u> Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00. Non-Standard Times: Extended New Years Eve 11:00 to New Years Day end of hours.	
<u>Indoor Sporting Events</u> Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00. Non-Standard Times: Extended until 01:00 on the following occasions:- Bank Holidays (set by Government) Easter – Sun & Mon, May – Mon, Whitsun – Mon, August – Mon, Christmas – Christmas Eve, Christmas Day, Boxing Day, 27 December & 28 December / St. Patricks Day / St. Georges Day / Burns Nights. Extended New Years Eve 11:00 to New Years Day end of hours.	
<u>Late Night Refreshment</u> Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00. Non-Standard Times: Extended New Years Eve 11:00 to New Years Day end of hours.	

<p>The opening hours of the premises Sunday to Thursday 11:00 to 00:30 and Friday to Saturday 11:00 to 01:30.</p> <p>Non-Standard Times: Opening hours will end 30 minutes after the time and occasions listed.</p> <p>The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.</p>
<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies</p>

Part 2

<p>Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence</p> <p>Balkishan and Sons Ltd 14 Cliffe Road Strood Rochester Kent ME2 3DS</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p> <p>Limited Company - 09328480</p>

<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</p> <p>Esther Hooper </p>
<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol</p> <p>Medway/15/00926/Pers Medway Council</p>

Annex 1 – Mandatory Conditions

Condition 1

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Condition 2

Only individuals licensed by the Security Industry Authority (SIA) may be used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)
- (b) Outbreaks of disorder
- (c) Damage

Condition 3

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by:-

- (a) The British Board of Film classification (BBFC), where the film has been classified by that Board or
- (b) The Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20

(3) (b) applies to the film in question and the admission of children must be in accordance with any recommendation made by the Licensing Authority.

Condition 4

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale of supply of alcohol for consumption on the premises**
- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to**
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or**
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise)**
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective;**
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

Condition 5

The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.

Condition 6

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol**
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either**
- (a) a holographic mark, or**
 - (b) an ultraviolet feature**

Condition 7

The responsible person must ensure that:-

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-**

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
 - (iii) still wine in a glass: 125ml; and
- (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Condition 8

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula:- $P = D + (D \times V)$ where:-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Condition 9

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, 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, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to 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 (licensing.north.division@kent.pnn.police.uk).

Condition 10

When regulated entertainment, which generates significant noise, is taking place, doors and windows will be kept shut.

Condition 11

Reproduced or live music is to be set at a level so as not to be audible at the façade of the nearest residential property.

Condition 12

The designated premises supervisor, duty manager or relevant person should assess noise levels on a regular basis.

Condition 13

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

Condition 14

Regulated entertainment outdoors will be limited to 5 events a calendar year.

Condition 15

Regulated entertainment outdoors will cease no later than 21:30 (9.30pm).

Condition 16

Outdoor areas will not be used after 23:00 (11pm) on all days.

Condition 17

The Licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Condition 18

The premises licence holder or designated premises supervisor must keep an incident register. Staff to be trained to complete an incident book/records 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. 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 on demand either electronically or hard copy.

Condition 19

The licensee shall ensure that no customers will take glasses or open bottles from the premises

Condition 20

The Premises Licence Holder will risk assess any event that takes place at the premises to decide whether door staff should be retained and if so will arrange a minimum of 2 door supervisors to be present at the customer entrance/exit of the premises.

Condition 21

The premises shall have a written drugs policy, this will detail the strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Records must be kept to show members of staff who have taken the training.

Condition 22

A member of staff every 30 minutes whilst the premises is trading will remove all empty drinking vessels, bottles or containers after the contents have been consumed or they become empty. The licence holder and the Designated premises Supervisor shall ensure that the arrangement for the storage of empty bottles prevents unauthorised access to those bottles.

Condition 23

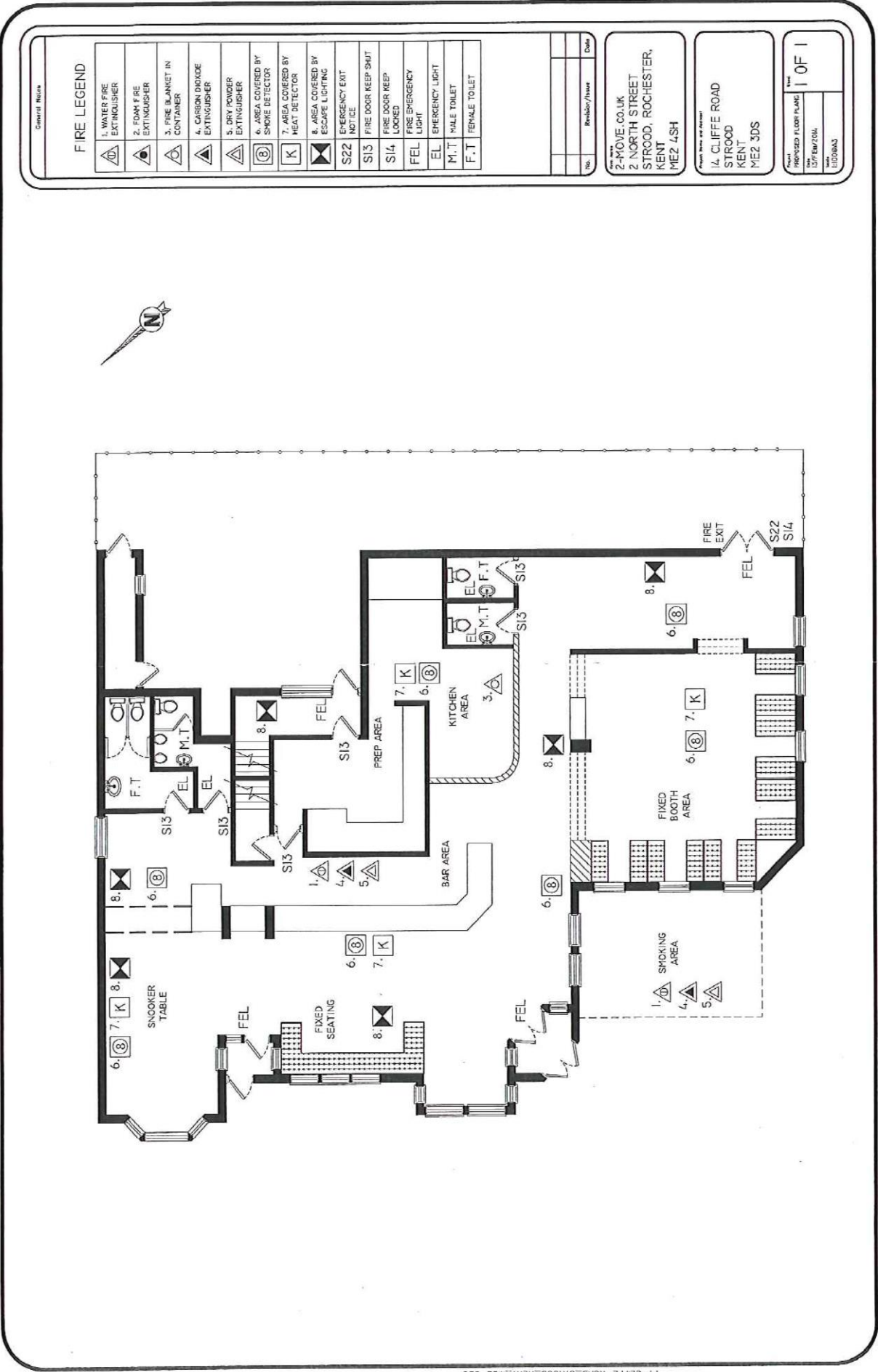
The area immediately at the front of the premise shall not be used by patrons after 21:00 hours and all smokers must use the designated smoking area at all times and prominent, clear notices shall be displayed in the smoking area requesting that customers keep the noise down and to respect the needs of local residents when using the smoking area.

Condition 24

Within 3 months of the Premises Licence being approved (Granted 19 March 2014) the Premises Licence Holder will apply to vary the designated premises supervisor (DPS).

Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable



14-CLIFFE-ROAD, STROOD, KENT, MEZ-3DS

