

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 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 The Ivy Leaf Bar Hotel Passage High Street Sheerness	
Post town Sheerness	Post code (if known) ME12 1NL

Name of premises licence holder or club holding club premises certificate (if known) Mr Colin BARRETT

Number of premises licence or club premises certificate (if known) SHE/SWALE/189/0445

Part 2 – Applicant details

I am

Please tick yes

- | | |
|---|--|
| <p>1) an interested part (please complete (A) or (B) below)</p> <p style="margin-left: 20px;">a) a person living in the vicinity of the premises <input type="checkbox"/></p> <p style="margin-left: 20px;">b) a body representing persons living in the vicinity of the premises <input type="checkbox"/></p> <p style="margin-left: 20px;">c) a person involved in business in the vicinity of the premises <input type="checkbox"/></p> <p style="margin-left: 20px;">d) a body representing persons involved in business in the vicinity of the premises <input type="checkbox"/></p> | |
| <p>2) a responsible authority (please complete (C) below) <input checked="" type="checkbox"/></p> | |

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

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(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)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 11044 Hunt Medway Police Station Purser way Gillingham Kent, ME7 1NE
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 checked="" type="checkbox"/> |

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

Kent Police submit this application to review The Ivy Leaf Bar in order to promote the licensing objectives of protection of children from harm, public safety and the prevention of crime and disorder.

This review is following an incident whereby a 16 year old female was hospitalised after being found drunk by police and causing a disturbance. This female had spent an afternoon being served alcohol and drinking at The Ivy Leaf Bar.

In a two month period from April to May 2017 there were 9 recorded incidents at the venue, 2 of which involved males said to have been attacked with weapons. Another of these incidents involved a male that sustained injury after a drunken fall.

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Please provide as much information as possible to support the application

(please read guidance note 2)

At approximately 1923 hours on Tuesday 16th May 2017 a parent contacted Kent Police to report her concerns about underage alcohol sales taking place at The Ivy Leaf Bar located in High Street Sheerness. She explained how she had received a telephone call from a friend of her 16 year old daughter stating that her own daughter had been drinking alcohol that afternoon in The Ivy Leaf Bar. Her daughter was said to be so intoxicated that she had urinated in her own trousers. The friend explained that she had now lost sight of the informant's daughter and was worried as she couldn't find her. She didn't want to go back into The Ivy Leaf Bar to look for her as she herself was underage.

At approximately 1914 hours and again at 1924 hours this same day, Kent police received calls to a disturbance at nearby Bridge House, Bridge Road just a short walk from the Ivy Leaf Bar. Reports were of a 16 year old drunk female wearing no shoes, shouting and screaming, causing a disturbance and punching doors. Police attended the location and found the person causing this disturbance was the informant's daughter who had got drunk in The Ivy Leaf Bar. Attending officers considered an arrest for drunk and disorderly but due to her level of intoxication an ambulance attended the scene. With understandable concerns for her health the decision was made that the female needed medical attention as a priority. Police officers remained with the female at the hospital due to her erratic behaviour to ensure the safety of both the female and medical staff. She was later discharged and returned home at around midnight.

On Saturday 20th May 2017 PC Hunt attended The Ivy Leaf Bar and spoke with the DPS Colin Barrett. PC Hunt explained the complaint being investigated. The exact times during which this 16 year old child was drinking at the premises were unknown and for this reason PC HUNT requested CCTV footage covering 1700-1900 hours on 16th May 2017. This footage was provided which showed that the 16 year old female in question was indeed in the pub between 1700 and 1900. CCTV shows the female left the premises at 17:58 hours. It showed beyond doubt that she was drinking alcohol and also provided clear evidence that this 16 year old was intoxicated. The CCTV shows that she was already in the premises at 1700 hours. Further CCTV footage covering 1500-1700 hours was requested by telephone. During this telephone call Colin Barrett stated that he had spoken to his staff and they had denied that any person of the given description had attended the pub on the day in question. He stated that this was a false allegation and that in his opinion it is more likely that the female had "Got drunk down the beach" and lied about having even been into The Ivy Leaf Bar. PC HUNT explained to Colin Barrett that he was wrong and it was now a known fact that the female was drinking at the venue.

On Friday 9th June 2017 PC HUNT attended The Ivy Leaf Bar and seized the further requested CCTV. At the time of his attendance staff at the venue, were on the telephone talking to the very same 16 year old female that was drinking in the venue on 16th May. It was requested PC HUNT speak to her on the phone. She admitted drinking alcohol in The Ivy Leaf Bar that day. She also stated that she had used her 19 year old sister's identification in order to get served. She had already agreed with Colin Barrett prior to speaking to PC HUNT that she would put this in writing and send a copy to The Ivy Leaf Bar. Also present was staff member Kayleigh Robertson who again without prompting admitted to serving the female and she stated she had checked identification prior to any sale.

This further CCTV was later viewed by police and clearly shows this 16 year old female both being served and drinking alcohol at the bar. It shows that the 16 year old female was already in the bar at 1500 hours. Police requested that Colin Barrett now review his own CCTV and provide police with footage from when the 16 year old female actually entered the pub. This CCTV footage should support the identification check that both the female and staff member Kayleigh Robertson both state occurred. This footage was seized by PC HUNT on 16th June 2017.

This final CCTV footage shows that the 16 year old female first attends the premises and approaches the bar with a friend just after 1400 hours. The timings evidence that the 16 year old female was drinking alcohol in The Ivy Leaf Bar for at least 4 hours. (The friend accompanying her is clearly over 18 years). The CCTV confirms that the female showed no identification and that Kayleigh Robertson made no ID check.

Colin Barrett has now obtained a written statement signed by the 16 year old female in which she confirms she used her sisters ID to purchase alcohol at The Ivy Leaf Bar. It also states that she purchased alcohol at

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Aldi using the same ID.

Police are concerned that a designated premises supervisor / premises licence holder Colin Barrett has established the identity of this 16 year old female and has then proceeded to make contact with her to negate potential offences and poor management. This contact goes against one of the very licensing objectives that the venue is said to be trying to uphold, that being the protection of children from harm. Kent Police have spoken with the mother of the 16 year old female who was unaware that her daughter had been contacted by Colin Barrett. She is very upset that persons have spoken to her daughter without her knowledge. Furthermore, she is also upset that her daughter has provided the venue with a written statement in which she is making admissions to having potentially committed a criminal offence. The DPS has made contact with this female in order solely to protect his own interests without due regard to her interests, wellbeing or legal rights.

Colin Barrett has indicated that he feels the blame in this case lies with Kayleigh Robertson (His member of staff) and has displayed little understanding of the severity of the incident or to the responsibility he holds as a DPS. He stated that if CCTV shows that no identification check was made then he will dismiss Kayleigh Robertson. Kent police understand she currently still works at the venue.

CCTV shows a second staff member, Terry Gay, the bar manager, working alongside Kayleigh Robertson that day. In discussion with police, Colin Barrett has failed to identify any failings of the bar manager who had operational control at that time. Condition 10 on the current premises licence states that all staff that sell alcohol to customers must have licensing training and that training records must be kept on the premises. The responsibility to ensure that the training is provided and then implemented and used daily as best practice by the staff, lies with the premises supervisor, Colin Barrett. On 21st June 2017 PC Hunt attended the venue and requested to see training records with regards to staff licensing training. There were no such records. Colin Barrett was unable to provide any records that evidenced his staff have ever received licensing training. During this visit PC Hunt also requested that Colin Barrett evidence that as premises licence holder he had adopted an age verification policy in relation to the sale or supply of alcohol. This is covered by condition 9 on the premises licence. Again Colin Barrett was unable to provide documentation to support this.

Kent Police also raise concerns regarding other incidents at the premises. In the months of April and May 2017 there were 9 recorded calls regarding the premises. Calls range in type and vary including a drunk male regular customer that was said to have fallen over. Another being a report of an assault when a customer sought shelter and ran behind the bar when unknown males entered the premises suspected to be armed with weapons trying to attack him. A third being another disturbance where by males entered the premises and attacked another person armed with metal poles and said to have thrown bricks. This third disturbance is believed to have spilled out onto the street. All of these incidents could have resulted in serious injury. All of these incidents have occurred whilst the premises was open to other members of the public.

In December 2016 Kent Police investigated claims that a different member of staff had allowed shoplifters to use the venue to sell stolen goods to customers. As a result the DPS suspended and later sacked a staff member at the venue for allowing the handling of stolen goods to take place. This was a course of action that he seemed reluctant to take, and only did so after Kent police made clear to him the severity of the situation. In recent weeks he has asked Police if it is suitable to reinstate this member of staff and have her back in employment at the venue. Doing so would not promote the licensing objective of preventing crime and disorder.

In November 2016 Kent Police Licensing officers attended the venue and spoke with Colin Barrett expressing concerns regarding fights occurring at the premises and levels of intoxication. Suitable advice was issued and it was explained to Colin Barrett that the venue would be monitored.

Throughout the investigation into underage alcohol sales, other than providing CCTV to police when requested, Colin Barrett has done very little to evidence to police that he is a responsible designated premises supervisor. Steps that were taken to make contact with the 16 year old female involved were inappropriate. No action appears to have been taken regarding the two members of staff on duty at the time of the incident and it would also appear through discussions with Colin Barrett that he has failed to fully watch his own CCTV and so does not know exactly what it shows. A responsible action would have been to have spoken to staff and reviewed CCTV footage personally as soon as practicable after learning of the

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allegation ensuring that all necessary steps could have been taken as a priority to ensure the promotion of the licensing objectives.

Having considered all options, Kent police seek revocation of the premises Licence. Having carefully considered the current premises licence it would appear that sufficient conditions are already in place to tackle such incidents and prevent them occurring. Should revocation not be considered then Kent Police seek consideration of the below:

1 - Removal of DPS

2 - Suspension of the premises licence for a minimum period of 28 days to allow the new management to devise a strategy to tackle all the issues and allow the clientele base and working practices to reset.

3 – The licence holder or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises at all times while the sale or supply of alcohol is being undertaken at the premises.

4 – Age verification policy Challenge 25

5 – The premises licence holder or designated premises supervisor must keep an incident register / refusal book. All 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

- Day, date and time of incident
- Nature of incident
- 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 either electronically or hard copy.

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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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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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 [Redacted]

Date 21/06/17

Capacity POLICE LICENSING OFFICER

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

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