

Covering Email with Solicitor's Reps

From: Katharine Holt [REDACTED]@snslaw.co.uk>
Sent: 19 July 2017 12:18
To: Licensing Resource (SBC)
Subject: Barrett - Alcohol Licensing Matter
Attachments: Ivy Submissions.pdf; Exhibit C - Kayleigh Robertson.pdf; Exhibit B - Lisa Scamp.pdf; Exhibit A - Miss S L.pdf

Dear Sirs

Please find attached submissions on behalf of the licence holder Colin Barrett.

Mr Barrett has not yet been able to view the CCTV personally. The CCTV was recorded onto data sticks which were supplied to PC Hunt. PC Hunt has copied and returned one stick. That stick is unreadable and displays a message that the data is corrupted.

Mr Barrett has also not yet been provided with detailed disclosure in respect of the '9 alleged incidents'.

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**IN THE MATTER OF
THE IVY LEAF BAR, HOTEL PASSAGE,
HIGH STREET, SHEERNESS, KENT
ME12 1NL**

**AND OF
A REVIEW PURSUANT TO SECTION 51
LICENSING ACT 2003**

**SUBMISSIONS ON BEHALF OF THE
PREMISES LICENCE HOLDER, COLIN
BARRETT**

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**SUBMISSIONS ON BEHALF OF THE PREMISES LICENCE HOLDER, COLIN
BARRETT**

1. These submissions are provided for inclusion in the Report to the Committee in advance of the Licensing hearing listed for the 8th August 2017 and will be supplemented by oral evidence and submissions by the Premises Licence Holder ("PLH"), Mr Barrett, and his representative at the hearing.
2. It is accepted that shortly after 1400 hours on the afternoon of the 16th May 2017 an individual, "Miss S L", aged 16 years, went to the Ivy Leaf Bar, High Street, Sheerness in company with a 30-year old woman, Lisa Scamp, known to the staff and a "regular" at the bar. Contrary to the account in the Police application, Kayleigh Robertson, the member of staff who served Miss S L, requested and was shown photographic identification by Miss S L which showed her to be aged 19 years. It appears, from subsequent inquiries, that in fact Miss S L presented Identification belonging to her older sister; the two individuals bear a strikingly close family resemblance.
3. Miss S L remained in the Ivy Bar, primarily in the beer garden, in the company of several friends and was there for about four hours, leaving the premises at 1758 hours. She states that she bought one drink at the bar. She was not drunk or unruly while she was in the bar and did nothing to attract the attention of the staff or to suggest that she was inebriated; it is simply untrue to suggest that Miss S L "had got drunk in The Ivy Leaf Bar" or that the CCTV footage provides "clear evidence that this 16 year old was intoxicated" as asserted in the Police application; the PLH will ask the Committee to view the relevant sections of the CCTV footage.

4. It appears, again from further enquiries, that when she left the premises she went to the Aldi store in Pepys Avenue and purchased more alcohol again producing her sister's Identification. The Police application in this matter states that calls of a disturbance in Bridge Street were received at 1914 and 1924 hours, i.e. more than an hour after Miss S L had left the Ivy Bar; no adequate details have been provided by the Police of the nature or cause of the "disturbance" alleged for the PLH to comment further on the events of the 16th May at this stage.
5. It is accepted that PC Hunt attended The Ivy Leaf Bar on the 20th May and spoke to the PLH about the incident on the 16th May and requested CCTV footage for the period 1700 to 1900 hours, which was obtained from the external IT company used by the PLH and provided, and subsequently requested CCTV footage for the period 1500 to 1700, which was also obtained and provided. The PLH cooperated fully with the requests from the Police.
6. Given that the officer had requested the relevant CCTV footage and was investigating the matter it is not accepted that "a responsible action would have been to have spoken to staff and reviewed CCTV footage personally"; no doubt the police would criticise the PLH for interfering with their investigation if he had spoken to the staff and, having provided the CCTV to the Police, there was no purpose to be served (at that stage) by the PLH viewing the footage himself.
7. It is also accepted that PC Hunt attended The Ivy Bar again on the 9th June 2017 however it is denied that "at the time of his attendance staff at the venue were on the telephone talking to [Miss S L]". PC Hunt had arranged to arrive to collect the third data stick of CCTV footage and when PC Hunt arrived, the PLH and Kayleigh Robertson had been discussing the seriousness of Kayleigh having served Miss S L and Kayleigh was in tears because she had been told that she would probably lose her job because of the situation. Kayleigh suggested that she could telephone Lisa Scamp to confirm that she (Kayleigh) had checked Miss S L's Identification; the officer agreed and when Lisa Scamp answered the call Kayleigh handed the phone to PC Hunt who discussed the events of the 16th May with her. It is understood that Miss S L was with Lisa Scamp at that time and also spoke directly with PC Hunt within the same call. At no stage did the PLH speak to either Lisa Scamp or Miss S L (as alleged in

the Police application) and Kayleigh only spoke to Lisa Scamp after PC Hunt had agreed that she could do so.

8. It is correct that subsequently both Miss S L and Lisa Scamp have provided written statements concerning the events of the 16th May (copies attached marked "A" and "B" respectively) and confirming matters set out in paragraphs 2 to 4 above. These statements were provided by the individuals voluntarily and without any involvement from the PLH and in order to set out what happened on the day in question. In addition, Kayleigh Robertson has provided a statement (marked "C") detailing her involvement in the matter.
9. As regards training and training records, both Kayleigh Robertson and Terry Gay are experienced bar staff and are well aware of their responsibilities; staff training is provided when required and in any event the PLH regularly works at the Ivy Leaf and ensures that his staff are acting appropriately and in accordance with the licensing objectives.
10. The Police application refers to "9 recorded calls regarding the premises" in April and May 2017 but does not provide details of the date and time of any such incident; furthermore, the descriptions provided suggest that the accounts of the incidents are, at best, hearsay i.e. a customer "was said to have fallen over", "unknown males ... [were] suspected to be armed", "males ... [were] said to have thrown bricks" and a "disturbance is believed to have spilled out onto the street". Given the apparent reliance upon these matters in the Police application and the fact that the Police seek revocation of the Premises Licence and the serious implications for the PLH and his employees, the PLH requires adequate advance notice and details of all such allegations in order that he can respond to them at the hearing.
11. Similarly, in respect of a police investigation in December 2016 (when the Police had asked the PLH to allow activities to continue while they gathered evidence) the Police application criticises the PLH for seeming reluctant to sack a member of staff; the Committee will appreciate that employment legislation requires a proper and fair procedure to be followed when considering disciplinary action against an employee, especially if such action might involve dismissal. It is absurd to suggest that an employer could (or should) dismiss an employee simply at the request of a police officer.

12. In summary, and reserving the PLH's position once the further details requested above are provided, it is submitted that:

- a. The PLH has acted appropriately throughout this matter,
- b. The bar staff at The Ivy Leaf did as much as could reasonably be expected of them in the circumstances i.e. having checked the Identification provided by Miss S L they served her and monitored her while she was in the premises,
- c. the, at present, unsubstantiated and unparticularised allegations do not justify further action and
- d. the police criticisms of the PLH's conduct as regards cooperation with the investigation in to the events of the 16th May are unreasonable and unfair.

In the circumstances, revocation of the Premises Licence (or removal of the DPS, suspension of the Premises Licence or the imposition of additional conditions on the existing licence) is unwarranted

13. The PLH and his representative will expand upon these submissions in the hearing.

Becket Chambers
Innovation Centre
Canterbury

PAUL TAPSELL
19th July 2017

my name is S [redacted] L [redacted] on the 16th May 2017, I took my Sisters I.D and used it in the Ivy pub, and other places during the day.

I had my Sisters Id in my hand when I walked in with Lisa where we was meeting friends.

I used this I.D. to purchase one beer at the bar. I used this id in Aldi for Alcohol and was

Served:
Name: S [redacted] L [redacted]

Sign: [redacted]

Date: 9th June 2017

my name is Lisa Scamp on Tuesday
16th of May I see [REDACTED] S [REDACTED] [REDACTED]
In the high Street where we walked
into the Ivy Pub to meet some
friends. S [REDACTED] had ID on here when
she came into the pub and got a
Beer. I was unaware of her age as
she told me she was 19 as her friends
are in ^{the} 20s - 30s.

[REDACTED]

Lisa Scamp
9 June 2017

When Lisa walked into the Ivy with her friend, S [REDACTED] they came to the bar and S [REDACTED] had the ID in her hand. I should of been more vigilant on the matter and checked properly. I have taken statements from the both to solve the problem and prove ID was used, even though it was her sisters.

Sign:

[REDACTED]

9th June 2017.