



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF DETERMINATION

SUMMARY REVIEW AND REVIEW OF INTERIM STEPS

Application Ref No: SHE/SWALE/189/0224

Applicant: Superintendent Lukey, Kent Police

Premises: Merlins 47 Leysdown Road, Leysdown on Sea, Sheppey, Kent, ME12 4RB

Date(s) of hearing: 01/08/2017

Date of determination: 01/08/2017

Committee Members: [Chairman]: Councillor Mike Whiting
Councillor Anita Walker
Councillor Tina Booth

Legal Advisor in attendance at hearing: Robin Harris Senior Lawyer (Contentious), MKLS

Licensing Officer in attendance at hearing: Mohammad Bauluck

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
- other representative: PC C Hill

- Name; Kent Fire and Rescue Service
- other representative: Dylan Collard

Licence Holder/s: Mr E Thompson and Mrs L Dunne

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

C: Determination:

The Committee has decided to:

- Modify conditions of the premises licence.
If so, state the modified conditions:

To replicate the current conditions with the exception of the following alterations:

- 1) Removal of bullet points 9,10 and 11 (regarding SIA door supervisors) – part 5, conditions applied after a committee hearing.

To be replaced with:

At all times when the function area is being used for a licensable activity a minimum of two SIA registered door supervisors will be employed and present at the premises from the start of the event to the close of trading.

- 2) The premises shall have a written drugs policy, this will detail the strategies to minimise the use and supply of illegal drugs in the premises. The drugs policy shall include a structured training policy for all staff covering the misuse of drugs in relation to licensed premises. Records must be kept to show members of staff who have taken the training.
- 3) In the restaurant area alcohol will only be served with a table meal eaten in the restaurant.

This decision does not have effect until the end of the period for appealing the decision or if the decision is appealed the time the appeal is disposed of.

The premises also undertook to amend the plan of the premises and the operative hours of the licence in accordance with the attached Schedule and to transfer the DPS to Miss Channing Peters.

Reasons for determination:

- Prevention of Crime and Disorder
- Public Safety

The Sub-Committee having heard evidence from Kent Police, Kent Fire and Rescue Service and the Licence holders accepted that there had been five incidents, with relating to the premises, in the last calendar year. It was noted that not all of these incidents were related to bad management at the premises. The Licence holders also accepted that there were outstanding fire safety issues.

The summary review by Police arose from a serious incident on 9 July 2017 at approximately 01:15 Hrs. This resulted in serious violent crime and/or disorder, four injured persons and four offences, two of GBH and two of ABH, all being subject to ongoing investigation.

Kent Police and Kent Fire and Rescue Service both noted that the premises had adopted a positive and helpful attitude to the resolution of the issues identified.

Members considered it appropriate and proportionate to promote the licensing objectives of prevention of crime and disorder and public safety to add conditions to the premises licence to deal with door supervision, drug use and the use of the bar area. The conditions applied were agreed between the parties at the hearing. The issues raised by Kent Fire and Rescue Service were noted and it was confirmed that these are being dealt with through the fire service's own powers.

REVIEW OF INTERIM STEPS

Steps taken on date: 17/07/17

See Record of Consideration for steps, decision and reasons. The conditions considered necessary as steps are set out in that record shown at Appendix 6 of the report for this hearing.

The Sub Committee having considered, on the basis of the same evidence, whether the interim steps are appropriate for the promotion of the licensing objectives and any relevant representations have determined to modify the interim steps taken by:

Modifying conditions of the premises licence.

If so, state the modified conditions:

AS stated above at C for the full review.

In relation to interim steps these are to be effective immediately and the same reasons apply to amendment of the interim steps as to full review.

PRINT NAME (CHAIRMAN): Cllr Mike Whiting

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

Date: 01/08/2017