



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: SHE/SWALE/189/0445

Applicant: PC 11044 Hunt – Kent Police

Regarding **REVIEW OF THE PREMISES LICENCE - Ivy Leaf Bar,
Hotel Passage, High Street, Sheerness, Kent ME12 1NL**

Date(s) of hearing: 23 August 2017

Date of determination: 23 August 2017

Committee Members: Councillor Tina Booth
Councillor Anita Walker
Councillor Ted Wilcox (Chairman)

Legal Advisor in attendance at hearing(s): Mrs J Bolas

Senior Licensing Officer in attendance at hearing(s): Mohammad Bauluck

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

A: Representations, evidence and submissions:

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

Applicant

- Name: Kent Police
- PC Hunt and PC Cossar

Responsible Authorities

a) **Trading Standards** – comments received Appendix H - Agenda

Other Persons

As at Appendices F & G – Agenda – but noting the second representation at page 40 of the agenda does not relate to these premises and has not been taken into account.

Witnesses and legal representatives in support of other persons. None

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

- All as stated above under Other Persons

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 the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 51 – 53 which relates to the review of a premises licence;

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 11 - Reviews

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

Chapter 14 – Reviews
Chapter 16 – Hearings
Chapter 17 – Conditions

Chapter 17.9 which relates to the prevention of crime and disorder
Chapter 17.16 which relates to public safety
Chapter 17.20 which relates to the prevention of public nuisance
Chapter 17.24 which relates to the protection of children from harm

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/A

C: Determination:

The Committee has decided to:

- Suspend the licence for a period of 14 days
- Modify conditions permanently. If so, state the modified conditions:

1) As at page 10, agenda three to five.

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.

Reasons for determination: see separate sheet all objectives

- **Prevention of Crime and Disorder**
Reasons (state in full):

■ **Public Safety**

Reasons (state in full):

■ **Prevention of nuisance**

Reasons (state in full):

■ **Protection of children from harm**

Reasons (state in full):

Parties aggrieved by a decision of the Licensing Sub-Committee have 21 days to appeal the decision by way of complaint to the Magistrates Court.



PRINT NAME (CHAIRMAN): Cllr Ted Wilcox

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

Date: 23 August 2017