

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Wednesday, 25 May 2016

Time: 2.00 pm

Venue: Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Paul Fleming, Ben Stokes and Mike Whiting

Quorum = 3

Pages

1. Fire Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Notification of Chairman and Outline of Procedure

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B report for the Licensing Sub-Committee to decide

5. Review of premises licence under the Licensing Act 2003

1 - 40

To review the premises licence for Sittingbourne Snooker Ltd, Sittingbourne, Kent ME10 4AY.

Issued on Monday, 16 May 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Council, please visit www.swale.gov.uk

Director of Corporate Services, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Agenda Item No: 1 – Summary of Report

Licence Reference SIT/SWALE/189/0004
Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 25TH MAY 2016
Report Title: Sittingbourne Snooker Club, 7-11 High Street, Sittingbourne, Kent

Application for Review of a Premises Licence

Report Author: Mohammad Bauluck

- Summary:**
1. The Applicant for Review – DC Gill Angus on behalf of Kent Police
 2. Type of application applied for: Review of a Premises Licence.
 3. Grounds for Review

THE PREVENTION OF CRIME AND DISORDER, PREVENTION OF PUBLIC NUISANCE AND PROMOTION OF PUBLIC SAFETY

The Police have stated “Sittingbourne Snooker Club has been found to be breaching several conditions on their licence. The venue has continued to do this despite previous warnings and having both local council, fire service and Kent police working closely with the premises”.

Affected Wards: Chalkwell Ward

Recommendations: **The Committee is asked to determine the application and decide whether to take such steps as members consider appropriate for the promotion of the licensing objectives.**

Policy Overview: The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is **appropriate** to consider the rights of both the licence holder and the applicant together with other parties, such as “**responsible authorities**” and/or “**other persons**” (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for all parties.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Document issued under section 182 of The Licensing Act 2003 as amended
Swale Borough Council Statement of Licensing Policy

Contacts: Mr Mohammad Bauluck at: mohammadbauluck@swale.gov.uk – Tel: 01795 417364

Agenda Item No. 1

Report Title: **Sittingbourne Snooker Club - Application for Review of a Premises Licence**

Purpose of the Report

The report advises Members of an application for the review of a premises licence, brought by DC Angus on behalf of Kent Police in respect of the premises Sittingbourne Snooker Club, 7-11 High Street, Sittingbourne, Kent, ME10 4AY.

Issue to be Decided and Options

1. Members must, having regard to the application and any relevant representations, take such steps mentioned below as members consider appropriate for the promotion of the licensing objectives.
2. The steps are:
 - To modify the conditions of the licence (including for a period not exceeding 3 months);
 - To exclude a licensable activity from the scope of the licence (including for a period not exceeding 3 months);
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding 3 months;
 - To revoke the licence.

Background

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
 - The prevention of crime and disorder;
 - Promotion of Public Safety;
 - The prevention of public nuisance; and
 - The protection of children from harm
4. The current premises licence was granted on 24th November 2005, a copy is attached as Appendix B.
5. A notice of the review was displayed on the premises and at the Council offices for the required period.
6. The applicant – Kent Police are seeking to review this licence in order to promote the licensing objectives and ask for:
 - 1) Suspension of the licence for a period of 3 months to allow the premise to rest and allow modifications to be implemented fully.
 - 2) (i) Removal of the Designated Premises Supervisor – Mr Bradley Wright

(ii) Alterations to the current hours authorised for licensable activity to a reduction in hours, with all licensable activity concluding at 00:00 Monday – Sunday

(iii) A minimum of 5 SIA registered door supervisors to be employed at the premises on Thursday, Friday and Saturday. 2 SIA door staff from 20:00 and a further 3 SIA door at 22:00 hours until the completion of the licensable activity. A minimum of 2 SIA registered door supervisors must be

present at the main entrance/exit to control access and egress. The remaining 3 SIA door supervisors must be present inside the venue to monitor the first floor, second floor, toilets and rear exits.

(iv) All drinks to be supplied in polycarbonate or suitably toughened glass vessels

(v) Rewording of the current conditions in consultation with the panel and the DPS

7. Members are advised that they may only modify premises licences if it is **appropriate to promote the licensing objectives**.

8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapter 2 Licensing Objectives – para 2.1 onwards, Crime and disorder, prevention of public nuisance and the prevention of public safety.

Chapter 10 Conditions attached to Premises Licences

Chapter 11 Reviews

9. Relevant policy statements **contained in The Licensing Authority's Statement of Licensing Policy (Dec 2015);**

10. The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

11. **Human Rights:** While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 6(1)- Right to Fair Hearing

The full text of each Article is given in the attached Appendices.

Conclusion

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

List of Appendices

- 12 Appendix A Application for Review
- Appendix B Premises Licence and plan
- Appendix C Plan of the area
- Appendix D Kent Fire Report
- Appendix E Senior licensing statement of witness
- Appendix F Human Rights Article
- Appendix G Order of Proceedings

Appeal

- 13 The applicant, any interested party and the licence holder may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All any appeals must be lodged with the Magistrates' Court.

Contact:
Email:

Senior Licensing Officer
angelaseaward@swale.gov.uk

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 DC Gill Angus

(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 Sittingbourne Snooker Club High Street Sittingbourne Kent	
Post town Sittingbourne	Post code (if known) ME10 4AY

Name of premises licence holder or club holding club premises certificate (if known) Bradley Wright

Number of premises licence or club premises certificate (if known) SWALE-PL-1611
--

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
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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

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

(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 DC 9539 Gill Angus Medway Police Station Purser Way Gillingham Kent Police ME7 1NE
North Division Licensing Department
Telephone number (if any) 01634 792276
E-mail address (optional) licensing.north.division@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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Sittingbourne Snooker Club has failed to promote the prevention of crime and disorder , prevention of public nuisance and the prevention of public safety, licensing objectives .

Sittingbourne Snooker Club has been found to be breaching several conditions on their licence. The venue has continued to do this despite previous warnings and having both the local council, fire service and Kent police working closely with the premises.

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)

In January 2015 Bradley Wright became the DPS as a result of Kent Police licensing negotiating the removal of the previous DPS, Mr Kris Forshaw due to breaches of the licensing conditions and failure to support the licensing objectives.

Kent Police were keen to work closely with Mr Wright due to the inherent problems and felt additional support would be needed to help support the new regime. There were initial teething problems with past customers trying to breach previous banning orders; however Mr Wright appeared to be pro-active in promoting the licensing objectives.

The premises has struggled to maintain a suitable client base and attempted to host a UV party to promote the premise and encourage new customers. Kent Police Licensing helped and supported this event which was well run and there were no incidents of crime and disorder.

On the 15th January 2016 there was a joint KFRS, Council Licensing and Police Licensing visit, during which KFRS highlighted that the fire exits on both the first and second floor fire exits were locked and required push bars to be fitted, the fire alarm was not working and the emergency lights were also not working. As a result a formal letter was sent reducing the capacity levels for the whole building to 300, and requesting an urgent fire risk assessment was carried out. Despite a further visit by KFRS none of the work had been completed and this is still the case 4 months later

On the 19th February 2016 there was a GBH assault at the premise. The victim in this incident had been causing problems in the premises earlier in the evening and was asked to leave by a member of the door team. He was subsequently allowed to re-enter the premise by another member of the door team and a further incident occurred whereby the victim took offence to the way the offender was talking to a female, the victim then smashed a glass at the offenders feet and the offender then punched him in the face and the victim required surgery to replace two front teeth.

The incident was not covered by CCTV due to a blind spot created by customers and police were not called by the DPS or any other member of staff. Clearly there has been a lack of communication between the door staff and a person who was ejected has now suffered a significant injury as a result.

On the 27th February 2016 during a police drugs operation, it was observed that door staff were not wearing hi-vis tabards which is a breach of the licence conditions and SIA badges were not on display which is an offence contrary to Section 9 of the Private Security Industry Act 2001.

The drugs dogs indicated on two persons inside the premise who were found to be in possession of Cannabis and Cocaine respectively. Police licensing and Council Licensing officers also witnessed new customers entering after midnight, which is another breach of conditions.

On 3rd March 2016 a council licensing visit was held with the DPS and a 4 month action plan was agreed as a result of all the licence breaches and failure to promote the licensing objectives, this was confirmed in writing and sent to the DPS on 4th March. That same evening, Police and Council Licensing Officers again attended the premise and door staff were witnessed by a council licensing enforcement officer allowing a male to leave with a glass in his hand and persons were entering after midnight. CCTV has shown that the male did secrete the glass in his trouser pocket and walk past door staff stationed at the top of the stairs then remove it once halfway down having checked the door staff hadn't seen him. Clearly there was an intention to hide the glass and had door staff been stood at the main entrance at the bottom of the stairs like they do when an event is taking place the male would hopefully have been challenged appropriately. The glass could have been used as a weapon, but even if his intentions were merely to drink his pint while smoking on the street there is a Designated Public Place Order in place for Sittingbourne High Street. Door staff work for the premise and it is the responsibility of the DPS to ensure they are stationed to provide effective control of patrons and support the licence conditions of the premise, the question has to be asked why there are door staff at the main entrance for an event or when the hours are extended but not for a regular Friday or Saturday. In addition having been told there would be an action plan the previous day,

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

which was confirmed in writing, it appears no measures were immediately implemented.

The Police licensing officer who attended, had to deal with the assault of a customer leaving the premises with no support from the door staff who described the club as "going bent" inside. In addition it was noted that door staff were still not complying with the conditions of the licence in respect of wearing hi-vis tabards.

Whilst in the premise, the Police Licensing Officer witnessed large quantities of alcopops and Jägerbombs pre-poured in a room behind the bar area. When questioned about this, the DPS responded that this was a regular thing as in the past he had sold 35 Jägerbomb to one male who had drunk them and still walked out. This from a person who holds a personal licence and is the DPS, and who did not seem to understand why this was wrong to provide a single person with 49 units of alcohol in one evening and completely failed to understand that this clearly undermines the licensing objectives and shows a blatant disregard for a persons' health and well-being.

As previously mentioned whenever there is an event or the hours are extended he has risk assessed the need for door staff to accommodate the event, assessing a minimum of 8 door staff are required. This is in stark contrast to a normal Friday and Saturday where he has only three door staff. The premise comprises 2 floors accessed by a step set of stairs there are double doors leading to the first floor area which has a bar, kitchen area and area set aside for seating. The pool and snooker tables are at the back of the room and during Friday and Saturday nights they are pushed back to facilitate dancing. There is another set of stairs leading to the second floor which is a large open space with access to the toilets. There is another set of stairs that leads from the toilets back down to the double doors on the first floor. When the premise is busy there are people up and down the all the stairs particularly to use the toilets, and while the DPS states the 2nd floor is only used for events the limited number of door staff cannot adequately protect the safety of the patrons. This is highlighted by the male walking past door staff with a near full pint glass in his pocket.

It is the opinion of PC Holroyd and the North Division Licensing Team that this clearly shows that Mr Wright and his staff at The Snooker Club have failed to promote the prevention of crime and disorder, and the public safety objectives which are the underpinning foundations of the Licensing Act.

Kent Police Licensing are seeking to review this licence in order to promote the licensing objectives and ask for:

- 1) A suspension of the licence for a period of three months to allow the premise to reset and to allow modifications to be implemented fully
- 2)
 - i) Removal of the Designated Premises Supervisor – Mr Bradley Wright
 - ii) Alterations to the current hours authorised for licensable activity to a reduction in hours, with all licensable activity concluding at 00:00hrs Monday – Sunday.
 - iii) A minimum of 5 SIA registered door supervisors to be employed at the premises on Thursday, Friday and Saturday. 2 SIA door staff from 20:00 hours, and a further 3 SIA door supervisors at 22:00 hours until the completion of the licensable activity. A minimum of 2 SIA registered door supervisors must be present at the main entrance/exit to control access and egress. The remaining 3 SIA door supervisors must be present inside the venue to monitor the first floor, second floor, toilets and rear exits.
 - iv) All drinks to be supplied in polycarbonate or suitably toughened glass vessels.
 - v) Rewording of the current conditions in consultation with the licensing panel and the DPS

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
<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

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

31-03-16

Capacity

Kent Police Licensing

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.

SECRET



Swale Borough Council, Swale House, East Street,
Sittingbourne, Kent, ME10 3HT

Premises licence number

SIT/SWALE/189/0004

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Sittingbourne Snooker Ltd
7-11 High Street

Post town | Sittingbourne, Kent

Post code | ME10 4AY

Telephone number | 01795 424040

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Performance of Dance	(Indoors Only, main area and level 2 bar)
Provision of live & recorded music	(Indoors Only, main area and level 2 bar)
Facilities for Dancing	(Indoors Only, main area and level 2 bar)
Provision of late night refreshments	(Indoors Only, main area and level 2 bar)
Sale of alcohol on the premises	(Indoors Only, main area and level 2 bar)

The times the licence authorises the carrying out of licensable activities

Performance of Dance:	Monday – Wednesday & Sunday:	12:00hrs – 00:00hrs
	Sunday prior Bank Holiday Monday	12:00hrs – 00:30hrs
	Thursday:	12:00hrs – 01:00hrs
	Friday & Saturday	12:00hrs – 01:00hrs
	Live Music:	Monday – Wednesday & Sunday:
Sunday prior Bank Holiday Monday		12:00hrs – 00:30hrs
Thursday :		12:00hrs – 01:00hrs
Friday & Saturday:		12:00hrs – 01:00hrs

The times the licence authorises the carrying out of licensable activities continued

Recorded Music:	Can be played throughout opening hours.	
Facilities for Dancing:	Monday – Wednesday & Sunday:	12:00hrs – 00:00hrs
	Sunday prior Bank Holiday Monday	12:00hrs – 00:30hrs
	Thursday:	12:00hrs – 01:00hrs
	Friday & Saturday	12:00hrs – 01:00hrs
Late night refreshments:	Each night from 23:00hrs until close.	
Sale of alcohol:	Monday – Wednesday & Sunday:	12:00hrs – 00:00hrs
	Sunday prior Bank Holiday Monday	12:00hrs – 00:30hrs
	Thursday:	12:00hrs – 01:00hrs
	Friday & Saturday:	12:00hrs – 01:00hrs

The opening hours of the premises

Monday – Wednesday & Sunday:	12:00hrs – 00:00hrs
Sunday prior bank Holiday Monday	12:00hrs – 00:30hrs
Thursday:	12:00hrs – 01:00hrs
Friday & Saturday:	12:00hrs – 01:00hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Bradley Wright
67 Periwinkle Close
Sittingbourne
Kent
ME10 2JU

Registered number of holder, for example company number, charity number (where applicable)

09422557

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Bradley Wright

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

SWALE-PL-1611
Swale Borough Council

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 7

- (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 or 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 a 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 8

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

Condition 9

- (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 10

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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (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 11

- (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.

Annex 2 - Conditions consistent with the Operating Schedule**Condition 1**

- (1) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- (2) The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be recorded onto CD/DVD or other equivalent medium.
- (3) Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days (one calendar month) and shall be available, subject to compliance with the Data Protection legislation, to the Police or Officers of the Licensing Authority immediately that a request is made or, in any case, within 48 hours.
- (4) The CCTV system will incorporate cameras covering the entrance door, rear entry points, all public areas [except inside toilet areas] of the premises and the alcohol display areas. The system will be capable of providing an image, which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with Police from time to time.
- (5) The system will display, on any recording, the correct time and date of the recording.
- (6) A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- (7) The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity and at all times when any members of staff or public are in the premises.
- (8) Any rear access points to the premises will be alarmed and covered by CCTV.

Condition 2

- (1) Minimum of two SIA approved door staff to be on duty when any function takes place or regulated entertainment or the upstairs area is open for licensing purposes.
- (2) Sufficient SIA door staff will be employed to deal with any likely contingency.
- (3) There will be a minimum of 2 SIA door staff employed at the premises from 2000 hours on every Friday and Saturday night until close of the premises, when there is any regulated entertainment.
- (4) All SIA door staff will wear reflective jackets or tabards and their registration card will be displayed in a reflective armband.

Condition 3

All toilets on the premises will have the cistern boxed in with no horizontal surfaces in the toilet area.

Condition 4

A system will be in place so that numbers of customers inside the premises is known at all times when regulated entertainment is taking place. ie clicker counter.

Condition 5

No entry will be allowed after midnight on a Friday and Saturday or if regulated entertainment is taking place on any other day. Any readmission will be by means of a clearly identifiable means ie stamp or similar to identify readmissions to SIA staff, police officers or other enforcement agency.

Condition 6

The premises will be member of a radio scheme [subject to approval] and will use and monitor the radio at all times the premises are open for licensable activities

Condition 7

Notices will be prominently displayed to ask customers to leave quietly at all points of exit.

Condition 8

- (a) The 'Challenge 21' scheme shall be adopted so that all staff are trained to ask any customer wishing to purchase alcohol, who appears to be under the age of 21 years, for evidence of age.
- (b) Challenge 21 posters to be prominently displayed in all areas where alcohol is on sale and at the point of entry to the premises.
- (c) All staff to be fully trained in 'Challenge 21'. The training will be auditable and available to police and local authority licensing officers and trading standards officers

Condition 9

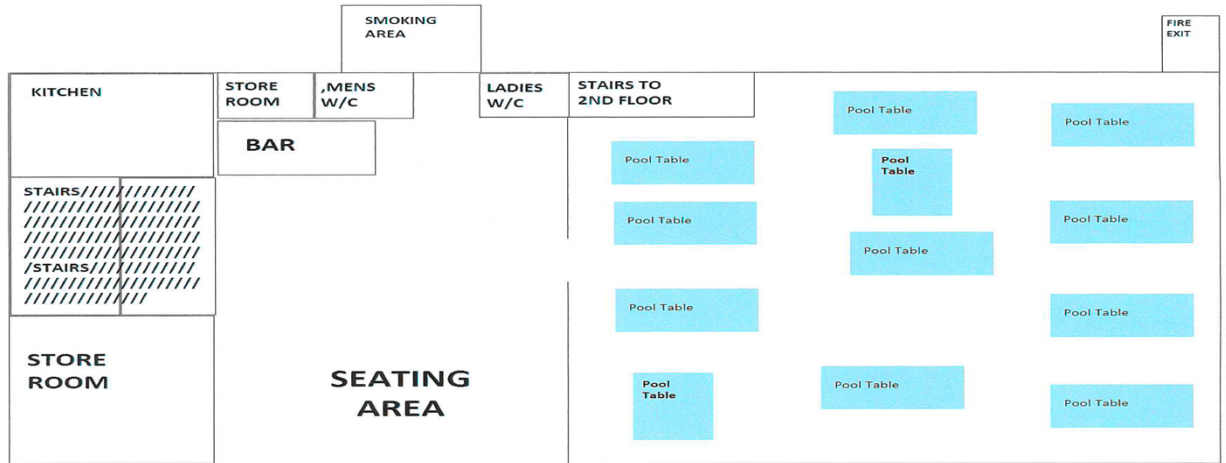
Only ID acceptable will be passport, photo driving licence and any PASS marked identification.

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

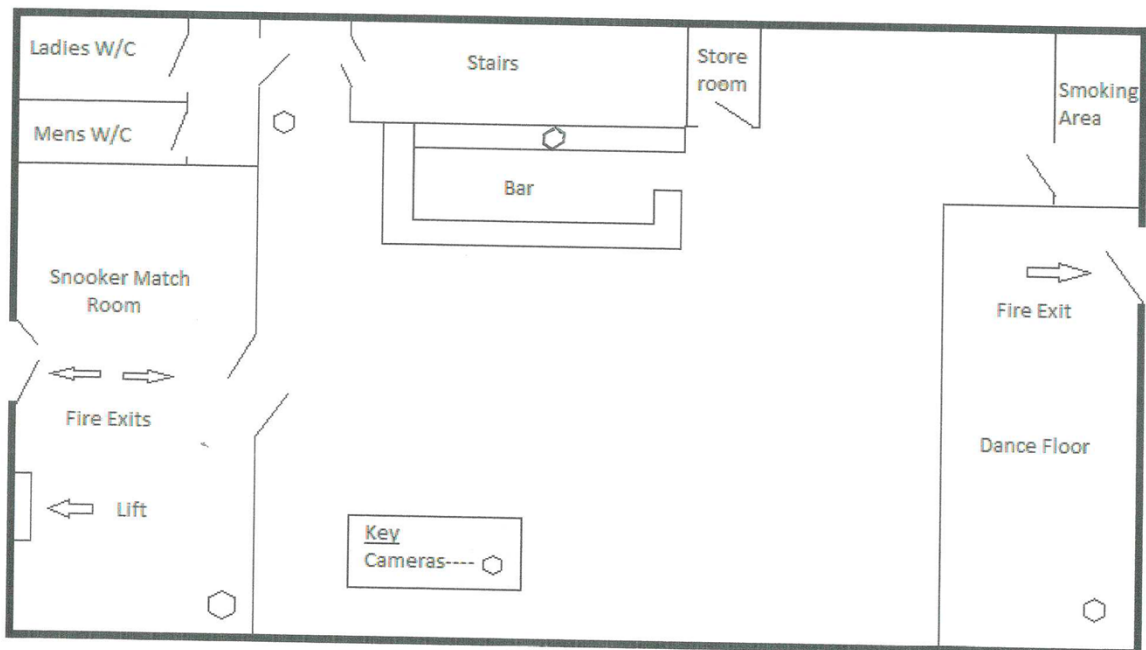
N/A

Annex 4 – Plans

1st Floor



2nd Floor



7-11 High Street Sittingbourne



ShareGIS printing

Scale: 1:700

Printed on: 13/5/2016 at 10:44 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2015

© Maidstone Borough Council

This page is intentionally left blank

Date 21 April 2016

Sittingbourne Snooker and Social
7-11 High Street
Sittingbourne
ME10 4AY

I have completed a short timeline of our activity with the DPS of Sittingbourne snooker club Mr Bradley Wright. This will give an idea of the steps Mr Wright has been taking to achieve compliance with the fire safety legislation.

On the 15th Jan 2016 a joint visit was completed with Police and local authority licensing. This was an opportunity for the fire service to complete a short audit and also set the safe occupancy figures within the premises. During the visit some areas of concern were raised with Bradley and a Schedule of work issued covering our concerns and also the occupancy figures were given to Licensing and Bradley.

The week of 14 March 2016 Fire Safety Inspector Joe Bowerman visited the snooker club and found that no action had yet been taken to rectify any of this issues that had been highlighted. Bradley explained to Joe that he had made contact with a company to carry out a fire risk assessment for him, and that this was scheduled to be completed that week. Bradley also explained that he wanted to have the fire risk assessment done first before carrying out any of the work in case anything else was highlighted to him through the risk assessment. This was confirmed to me via a phone call from Joe and I advised Joe to revisit soon and see how he is getting on.

On 23 March- Joe received an email from Bradley Wright informing him that the risk assessment had been completed that day and he was now waiting the copy to be written up and sent to him:

Afternoon,

The fire risk assessment was carried out last night and I have been advised it will be completed and sent over at the end of the week or latest beginning of next week due to Easter weekend.

So on that basis would you like to arrange a meeting towards the end of next week to come in and run through it with me to make sure your happy with everything?

Kind Regards

Bradley

23 or 24 March- Joe had a phone call from Bradley Wright asking if the repairs on the final exit doors on the first and second floors and the fire alarm are the most important issues to be rectified, as this was advised to him by his risk assessor. This was agreed by both parties that this should be actioned ASAP.

29th March- Joe received a phone call from Bradley stating that risk assessment had now arrived via email and a meeting was arranged for the 31st March.

31st March - visit completed with Joe and Bradley – Joe then emailed me a list of completed work. Email content attached for information:

Just got back from talking to Bradley at the snooker club, this is what has been done so far:

1. Fire Risk assessment has now been completed by an outside company, Bradley is working through the checklist of work to be done and the finished copy of the risk assessment is on its way.
2. Fire alarm is now fully working throughout the building
3. Emergency lighting and signage have been tested and logged
4. Manual call point that was broken has been repaired
5. Sounder and flashing beacons have now been fitted in both the first and second floor smoking areas, all linked the to fire alarm
6. Smoking area decking has now been replaced, all gaps to be filled and completed end of this week / next week.
7. Emergency lighting has now been fitted to the outside fire escape staircase, leading from the second floor function room.
8. Emergency lighting / signage now fitted to escape from rear of first floor snooker room.

Date 21 April 2016

9. 30mins fire protection plasterboard being fitted to escape route from first floor snooker room.
10. Push bar for fire exit door from first floor snooker room was being fitted during my visit. Bradley has stated this will also include a sounder to deter people from opening the door. The door after this that leads to the outside staircase will be fitted with a break glass lock, so that the fire exit is available 24/7 without needing to be unlocked by staff.
11. Bradley has assured me that the DJ set up will be linked to the fire alarm, so that the music shuts off and lights go on when the fire alarm is activated. This is due to be completed within the next 7-10 days.

He still has a way to go, but he is halfway through the work that's been identified. He has a plan of what's being done next, starting with the strips, seals and self closers on the fire doors. He has a query about the doors that lead up to the function room from the snooker room / dance floor, the ones at the top of the open staircase? He has asked if they have to be repaired as his risk assessment said they were not formerly part of the escape route... your thoughts?

Joseph Bowerman

8 April - Joe received a phone call from Bradley to say he had received a hard copy of the risk assessment. He then invited Joe Bowerman to visit the premises to view the risk assessment and look at further progress he had made. Joe then emailed me with the following update:

Bradley from Sittingbourne Snooker Club just rung me, he's had more work done:

1 – Hard copy of the FRA now arrived

2 – 7 x Emergency lighting has been installed, 2 of which are now above the bar

3 – Push bar now fitted to first floor exit door

4 – Fire resisting plasterboard now fitted to exit route

5 – Break glass lock and screamer alarm for door being fitted tomorrow

I am visiting on Thursday 14th at 15:00 and Bradley will be giving me a photo copy of his FRA.

Cheers,

Joseph Bowerman

14 April – Joe met Bradley at the snooker club. Bradley emailed Joe a copy of the fire risk assessment, which Joe then forwarded onto me. A full inspection of the work carried out so far was done by Joe, with Bradley asking advice on the risk assessment as the assessor had asked for eight heat detectors to be fitted on the first floor.

1 May follow up visit is booked in to see how the final repairs are going.

When I first attended the Snooker club it had a fair amount of work which was required to get it to an acceptable standard and improve the safety for the customers; however that said this was nothing out of the ordinary when visiting the older buildings in the area we cover. Bradley on the first visit seemed very keen to invest his time and money into the premises and get it where it needed to be although there was a slight delay in work starting it has progressed very quickly.

We as a service have adopted the better business for all approach of working with the business owners to achieve compliance. I think Bradley has been a prime example of what we are trying to achieve with this approach. He has rectified all the areas we have highlighted and even some that we would have given him more time than he has taken for the repairs to be achieved.

I hope this is helpful for the review on the license.

Kind regards

Date 21 April 2016

Dylan Collard

Fire Safety Manager

This page is intentionally left blank

Statement of witness:	Angela Seaward
Occupation of witness:	Senior Licensing Officer
Date:	12 th May 2016

This Statement, consisting of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed as the Senior Licensing Officer overseeing the licensing function for Swale Borough Council. As part of my role we are working closely with licensed premises carrying out compliance checks and as an Authority we support Better for Business to help promote safer night time economy. We work alongside premises in the Borough to help them grow and change the way in which regulation is delivered and received, therefore helping them comply with the Licensing Act 2003.

A meeting was arranged with the current DPS Mr Bradley Wright on 15th January at 9:30am following a conversation with Mr Bradley Wright and myself on the possibility of extending the licensable hours. It was suggested that a joint visit take place together with Kent Police and Kent Fire to get all the correct advice and guidance to support the club. I contacted PC Holroyd who was happy to discuss the matter with Mr Bradley Wright and advised that on the face of things they couldn't see a problem as there had been no reported issues. Mr Bradley Wright expressed his concerns, at the meeting, that he didn't wish to trade later than 01:30 as he felt that trading later would leave the premises at a high risk of having incidents and did not wish the club to go backwards as he has spent the last year improving the club and changing the clientele since he took over. It was left that Mr Bradley Wright would contact the Licensing Authority if he wished to extend the half hour on a Friday and Saturday Night. Kent fire concluded their inspection and advised Mr Bradley Wright of a schedule of Works.

21.01.16 Kent Fire sent through the occupancy levels for the premises which were set at 300, whilst works were carried out.

22.01.16 Mr Bradley Wright advised that he had received two quotations for a fire risk assessment and was awaiting another two to be done week commencing 25.01.16 leaving him with 4 quotes to choose from.

27.02.16 Op pilot was carried out by Kent Police inviting the Licensing Authority to attend. This was to attend a number of premises in Sittingbourne and Sheerness. When Sittingbourne Snooker Club was visited we noticed some conditions on the Premises Licence were not being complied with. This was for potential entry after midnight and door staff not in hi-vis as stated on the licence.

Signed: _____

03.03.16 A meeting was held with Mr Bradley Wright following the visit on 27.02.16. An action plan was discussed to be put in place to cover all the areas needing to be addressed in order to be compliant with the Premises Licence. It was agreed that we would set a 4 month action plan and that I would issue a letter to confirm. This time frame was set as there would be building works required and some areas also covered works that were being carried out by the Fire Risk Assessment. I emailed a copy of the letter on 4.3.16 at 13:27 as shown as appendix (i)

04.03.16 PC Holroyd and I were in the town visiting another licensed premise, which at the time was on an action plan. After our inspection we visited Sittingbourne Snooker Club as PC Holroyd wanted to empty the drugs box. Whilst PC Holroyd was inside with Mr Bradley Wright I witnessed a gentleman leaving the premises with a glass in his hand. There were no door men on the front entrance as they were positioned at the top of the stairs. We left the premises and walked up the High Street, a group of males walking behind us were loud and hostile. We continued up the high street back to the previously visited premises to alert the door staff this group were on their way up the town; however the group then turned around and proceeded back down the high street towards the snooker club. PC Holroyd called CCTV and they confirmed that a fight had broken out at the bottom of the high street. PC Holroyd and I went back towards the Snooker Club where we see another gentleman had been hit just outside of the Snooker Club. The same gentleman who I had witness leaving the club with a glass was also there, now with no shirt on and what appeared to be a punctured wound on his side. A member of the door staff from Sittingbourne Snooker Club was outside at this point and another gentleman was shouting at him that he will lose his badge. The victim was being treated by street officers and PC Holroyd had to call for back up as the gentlemen with no shirt was being hostile in the road because someone had attacked him and his friend. A patrol car then arrived and defused the situation, both PC Holroyd and myself left the scene and no one pressed any charges. On the face of things we were unsure if control of the club had been lost but no formal investigation was suggested at this point.

15.03.16 I took a call from PC Cossar who advised that PC Holroyd was now on leave and that she was thinking of putting in a review following me witnessing a glass leaving the premises. It was also suggested that as I had witnessed the glass leaving I should call a review however I advised that we hadn't investigated and asked if the Police had looked at the CCTV? PC Cossar said the Police were too busy to collect the CCTV so I offered to obtain it and suggested if I should obtain details of procedures that the premises has in order for them to determine if they wanted to put forward a review. This was agreed and a copy of the action plan was also sent to them as requested.

18.03.16 A meeting was held with Mr Bradley Wright, Mark Hawkins Director of Star Protection and myself. We went through all processes of the club relevant to the 4 licencing objectives and I obtained the CCTV I had requested from Mr Bradley Wright. I was writing up a report for Kent police when a Review Application was submitted by DC Gill Angus on 21.03.16, as I had not yet sent the information or CCTV over to PC Cossar I ask DC Angus if she wanted this information still, as she had submitted the review. This was agreed and sent over on 22.01.16 at 09:12 as shown in appendix (ii)

Signed:

22.03.16 I discussed the matter with DC Angus as she had not been involved with the case, there appeared to be some confusion over the GBH incident, I advised I would obtain the details for her and the CCTV was also issued to DC Angus. She requested that the review application be withdrawn pending a possible re-submission of another review or possibility of requesting a Minor Variation to tidy up the conditions, as she wanted to talk to the office and review the information I had. The information was emailed on 24.03.16 as show as appendix (iii)

29.3.16 DC Angus emailed me to advise they still want the review application to go ahead unchanged and to send to responsible authorities. I requested the back page to be re-signed and dated as this affect the time scales.

30.03.16 DC Angus emailed back to advise that based on the information provided she is now re-writing the application which was then resubmitted on 31.03.16.

Mr Bradley Wright has continued to work with the Licensing Authority and has effectively addressed all the outstanding issues. The action plan that was issued on 4.03.16 is almost complete and to date there is only 1 item on the list left to be done which is to box in the toilet cistern to have no flat surfaces in the toilets upstairs.

Signed:

Mr Bradley Wright


Please ask for: Licensing
☎ Direct Line: (01795) 417 534
E-mail: licensing@swale.gov.uk
Our Reference: SIT/SWALE/189/0004
Date: 4th March 2016

Dear Mr Wright

Ref: Compliance Check – Sittingbourne Snooker Ltd, 7-11 High Street, Sittingbourne, Kent, ME10 4PB.

Following my recent visit to the premises on 3rd March 2016, it has been agreed that a 4 month action plan be put in place to address the breaches of the licence detected when the pilot was carried out by the Police and Licensing Authority on Saturday 27th February 2016.

The following areas require your attention;

- Any rear access points to the premises will be alarmed and covered by CCTV
- All SIA door staff will wear reflective jackets or tabards and their registration card will be displayed in a reflective armband.
- All toilets on the premises will have the cistern boxed in with no horizontal surfaces in the toilet area.
- No entry will be allowed after midnight on a Friday and Saturday or if regulated entertainment is taking place on any other day. Any readmission will be by means of a clearly identifiable means i.e. stamp or similar to identify readmissions to SIA staff, police officers or other enforcement agency.

We will arrange to re-visit the premises in July to ensure compliance. If however the works are completed before this time, please contact the Licensing Department to arrange an inspection sooner.

Yours sincerely



Angela Seaward
Senior Licensing Officer



This page is intentionally left blank

Angela Seaward

From: Angela Seaward
Sent: 22 March 2016 09:12
To: Gill Angus
Subject: FW: Snooker Club

Hi Gill

As per our telephone conversation, I had a meeting last week with both Bradley Wright and the Door Manager Mark. Following discussions with Clare last week I obtained the CCTV from 27th February, 4th March and the following weekend 11th and 12th March.

With regards to the gentleman leaving the premises with a glass, you can clearly see that he approaches the door at the top of the stairs where the door staff are positioned, he signals that he is just popping down stairs and she nods her head. The glass is already concealed at this point so the door staff are unaware he is leaving with the glass. He walks down the first flight looks back to see who is looking and removes the glass from his pocket. Following this incident Bradley has restructured the door staff and re-positioned them so that 2 door staff are now at the front door eliminating the risk of glass wear leaving the premises. This has worked effectively as entry can be better managed than at the top of the stairs and any refusals can be dispersed quickly. Also on the back of this plastic are normally sold from 11pm however this has been brought forward to 10pm so that he can ensure all glass wear is removed from the premises by 11pm. This is done by final sweeps of the premises to collect any glasses or bottles.

Currently the snooker club has 3 door staff but from a recent risk assessment it has been identified from the numbers in the club that it requires 4 from 10pm so from this weekend coming 3 door staff will start at 8pm with the 4th starting at 10pm when the numbers increase. This is on a Friday and Saturday night as these are the only nights the club changed from a snooker club into the night club environment.

Door staff is increased to 8 on events, this number was suggested by Bradley as both floors of the premises are used and he has 2 door staff on each floor with 4 on the front door as these are ticked events. They ensure no one else is trying to get in and searching everyone as normal practice. The premises also opens till 3 on the events, Bradley has expressed his concerns with this time period between 1am-3am which is why he also has that number of door staff. Bradley has already advised both myself and Diane that he is unsure he would want to extend his hours on a permanent basis as this is when the club struggled before.

I have gone through the licensing objectives with both Bradley and Mark detailing what each one means and if they can tell me how they promote them. We talked about having training records for staff as a crime prevention measure. Bradley is putting two members of staff through the licensing course and has taken on board the need to keep staff regularly trained. The premises is a member of Swale Safe which holds benefits relating to the objectives of crime and disorder. This benefits the door team at the front door to actively control the high street as well as it can be called in if any issues are moving up the high street and to other premises. Also if anyone has been prosecuted it alerts Bradley so he can actively ensure that people are not entering the premises who have been banned or have restraining orders on them.

Bradley has adopted the best practise guide from the BBPA to promote a safer night time economy, this is in relation to drink promotions and ensuring control of the premises. Proof of age is requested at entry and it was discussed with Mark that everyone would be checked, my understanding is they have recorded quite a few refusals as a result but are promoting the objectives to do so. These are all elements that formulate the objective of prevention of crime and disorder.

With reference to public safety as this objective is around physical safety to persons attending the premises. We did a joint visit with Kent fire in January to assess the premises and give the occupancy levels as this objective talks about overcrowding. (This is something we are actively doing through out the borough in all premises following Kent fires new policy). They have given Bradley the list of works that are required and that is currently in place with

contractors. This objective also mentions use of door staff to protect physical safety, and there is first aiders on site. In the event of a incident process are in place to call an ambulance followed by police however if an ambulance is called it is automatically reported through as an assault. If an ambulance is refused the premises contacts family to have them collected.

I went over the other two objectives, public nuisance. Notices are displayed to leave quietly and bins re located outside the premises. Staff actively ensure the area around the premises is kept clear from rubbish. The authority have no complaints with regard to noise levels. Protection of children from harm is promoted by everyone being checked on the door for ID. As the premises has a different dynamic through the weekday, a procedure is in place that as of 8pm on Friday and Saturday night the premises does not allow under 18's. It was advised to Bradley to have signs to actively promote this objective as well. The premises also promotes challenge 25.

Happy to discuss

**Angela Seaward | Senior Licensing Officer: Licensing Department |
Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT**
Phone: 01795 417534
Email: angelaseaward@swale.gov.uk | Web: www.swale.gov.uk |

Angela Seaward

From: Angela Seaward
Sent: 24 March 2016 09:18
To: Gill Angus
Subject: Review - Sittingbourne Snooker Club

Hi Gill

Following our conversation yesterday I have notified Bradley Wright (DPS) that the current review that was served on 21.3.16 has been withdrawn but is on hold pending resubmission of a further review.

With regards to the GBH assault, I spoke with Bradley to confirm the details. The victim was the gentleman who was asked to leave and sober up earlier that night by the female door staff Emma Sutton. He later returned and was allowed back in by a male door member of staff Sam Oxley. Sam has since been removed as door staff as there were concerns of how he had been controlling the door. The incident happened in the smoking area in the back corner, the reason the camera is blocked (blind spot) is because when people stand by the door of the club it limits the view. An additional camera is being fitted on Friday 25.3.16 (before the weekend) so that if the other camera's view is blocked this one can cover the area. The victim was arguing with his girlfriend when he was confronted by the assailant who had said he shouldn't talk to her like that, this is when the victim smashes the glass down at the assailants feet and he retaliates by punching him in the face. This then resulted him losing his two front teeth.

With the regards to joint visit I had with Kent Fire in January, it was suggested to Bradley the works that would be require in order to meet fire regulations. A Fire risk assessment has been carried out on 22nd March by Pyrotech Fire Services. Bradley had been advised to wait until this assessment had been completed so that not to carry out any works that may be incorrect as it is the risk assessment that details what works are required. Any urgent works will be completed immediately, however there are no life threatening works found when the assessment was carried out.

On a further note Bradley has booked on 2 members of staff to do the Licensing Training Course which is booked for 6th April 2016. As we discussed we would see a Review as a final resort where a premises has failed to work with responsible authorities and has been unable to promote the licensing objectives despite intervention from authorised officers in a way of an action plan. We would also need to ensure that there is no other way to resolve the situation other than a review. The premises appears to be proactive in their approach to rectify anything outstanding, showing a willingness to take on board any suggestions on good working practice, also being keen to promote the licensing objectives.

Happy to discuss

Angela Seaward | Senior Licensing Officer: Licensing Department |
Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT
Phone: 01795 417534
Email: angelaseaward@swale.gov.uk | Web: www.swale.gov.uk |

This page is intentionally left blank

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

This page is intentionally left blank

**LICENSING AUTHORITY:
SWALE BOROUGH COUNCIL**

**Licensing Act 2003 Sub-Committee Hearing Procedure of
Applications for the Review of a Premises Licence or Club Premises
Certificate**

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Swale Borough Council licensing officers/managers
- The licence/certificate holder (and any representative)
- The applicant for review* (and any representative)
- Each responsible authority (and any representative)
- Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

* Not applicable following a closure order.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the licence/certificate holder and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- The Chairman will ask the Licensing Officer to briefly outline the application and all representations regarding the application.

i) The Applicant for Review

- Opening remarks by the applicant for review (or their representative).
- Evidence of the applicant for review and any witnesses.
- After each person has given evidence the person may be questioned by the licence/certificate holder, each responsible authority, interested party and sub-committee member.
- If necessary, the applicant for review (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- Opening remarks by the officer representing the responsible authority (or their representative).
- Evidence of the responsible authority officer and any witnesses.
- After each person has given evidence the person may be questioned by the applicant for review, the licence/certificate holder, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or their representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- Opening remarks by the interested party (or spokesperson/representative).
- Evidence of the interested party and any witnesses.

- After each person has given evidence the person may be questioned by the applicant for review, the licence/certificate holder, responsible authorities, each other interested party and sub-committee member.
- If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

iv) The Licence/Certificate Holder

- Opening remarks by the licence/certificate holder (or their representative).
- Evidence of the licence/certificate holder and any witnesses.
- After each person has given evidence the person may be questioned by the applicant for review, each responsible authority, interested party and sub-committee member.
- If necessary, the licence/certificate holder may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- The applicant for review**
- Each responsible authority**
- Each interested party**
- The licence/certificate holder**

End of Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations.
- The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant

representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.

- The Chairman shall ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. The decision of the sub-committee does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- The hearing is formally closed.

This page is intentionally left blank