



## AGENDA

### LICENSING SUB-COMMITTEE MEETING

Date: Monday, 25 April 2022

Time: 10.00 am

Venue: Council Chamber - Swale House, East Street, Sittingbourne, Kent, ME10 3HT\*

Membership:

Councillors Derek Carnell, Carole Jackson and Mike Whiting.

Quorum = 3

---

Pages

#### Information for the Public

\*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting:

#### Privacy Statement

**Swale Borough Council (SBC) is committed to protecting the privacy and security of your personal information. As data controller we ensure that processing is carried out in accordance with the Data Protection Act 2018 and the General Data Protection Regulations. In calling to join the meeting you will be asked to provide a 'username' which will be visible to those Members and Officers in attendance at the meeting and will not be shared further. No other identifying information will be made available through your joining to the meeting. In joining the meeting you are providing the Council with your consent to process your 'username' for the duration of the meeting. Your 'username' will not be retained after the meeting is finished. Please note you may use a pseudonym as your username however please be aware use of any inappropriate language will not be tolerated.**

**If you have any concerns or questions about how we look after your personal information or your rights as an individual under the Regulations, please contact the Data Protection Officer by email at [dataprotectionofficer@swale.gov.uk](mailto:dataprotectionofficer@swale.gov.uk) or by calling 01795 417114.**

#### Recording Notice

Please note: this meeting may be recorded, and the recording may be added to the website.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the meeting and speaking at Committee you are consenting to being recorded and to the possible use of those sound recordings for training purposes.

If you have any queries regarding this please contact Democratic Services.

#### 1. Emergency 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. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; 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 Interests (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 meeting 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 Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

- |    |   |         |
|----|---|---------|
| 5. | Review of a premises Licence under the Licensing Act 2003 | 5 - 48  |
| 6. | Exclusion of Press and Public                             | 49 - 58 |

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

## **Issued on Friday, 8 April 2022**

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 this Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

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

<b>Licensing Sub-Committee Meeting</b>	
<b>Meeting Date</b>	25th April 2022
<b>Report Title</b>	Consideration of an application for the review of a premises licence under the Licensing Act 2003
<b>Premises</b>	Life Nightclub, 76-78A High Street, Sittingbourne, Kent ME10 4PB
<b>Lead Officer</b>	Christina Hills, Licensing Officer
<b>Key Decision</b>	No
<b>Classification</b>	<b>Closed</b>
<b>Recommendations</b>	1. Members are requested to determine the application on its merits and decide whether to take such steps as Members consider appropriate for the promotion of the licensing objectives

## **1 Purpose of Report and Executive Summary**

- 1.1 The report advises Members of an application for the review of a premises licence granted under the Licensing Act 2003 made by PC 11044 Daniel Hunt on behalf of Kent Police in respect of Life Nightclub, 76-78A High Street, Sittingbourne, Kent ME10 4PB.

## **2 Background**

- 2.1 The Licensing Sub-Committee is asked to determine an application for the review of a premises licence under section 51 of the Licensing Act 2003.
- 2.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
  - the protection of public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 2.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies that will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council first adopted its Statement of Licensing Policy in 2004 and it has been regularly reviewed in line with legislative requirements ever since. The latest policy was adopted on 1st April 2021. The policy will be available at the meeting for

reference purposes and is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/statement-of-licensing-policy>

- 2.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the guidance, it will need to give full reason for any departure from it. This would be a key consideration for the courts should departure from the guidance result in a determination which might lead to an appeal or judicial review. The Guidance will be available at the meeting for reference purposes.
- 2.5 A copy of the council's approved procedure for hearing of the Licensing Sub-Committee in relation to an application, along with a copy of the Hearings Regulations has been circulated to all parties prior to the meeting.
- 2.6 The Licensing Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence and the protection of private and family life.

### **3 The current Licence**

- 3.1 The current premises licence for Life Nightclub, 76-78A High Street, Sittingbourne, Kent ME10 4PB was granted to become effective on 24<sup>th</sup> November 2005. The premises licence holder is Dr Haydn Pugh and the Designated Premises Supervisor is Mr Kevin Pearton.
- 3.2 The licence allows for: Sale of Alcohol, Films, Live Music, Recorded Music, Performance of Dance, Anything of a similar description and Late Night Refreshment.
- 3.3 Following a change of address of the premises licence holder an amended premises licence was issued on 9<sup>th</sup> March 2022 and is attached as **APPENDIX I**.

### **4 The Review Application**

- 4.1 An application for a review of the premises licence was received on 7<sup>th</sup> March 2022 from PC 11044 Daniel Hunt on behalf of Kent Police.
- 4.2 It is a requirement of the Licensing Act 2003, that the licensing authority advertise the review application, inviting representations from any responsible authority or interested party. The application has been correctly advertised with notices

posted at the premises, on the council website and the council offices for the required period of 28 days.

- 4.3 The grounds for the review are in order to promote the licensing objectives of: The prevention of crime and disorder, the protection of public safety, the prevention of public nuisance and the protection of children from harm and follows multiple recent incidents at the premises which have identified premises failings and raised concerns. Also, a breach of a premises licence conditions. The review application is attached as **APPENDIX II**.
- 4.4 As the review application relates to ongoing police investigations the police submitted two review applications. One is suitable for the public domain and is included in Part A of the Agenda. The other application is for the information of the members of the Licensing Sub-Committee, the applicant and licence holder and his representatives only and is included in Part B of the Agenda as **APPENDIX III**.
- 4.5 As part of the review application the Police have stated that they believe that the addition of further premises licence conditions would go some way to alleviating concerns and would allow the premises to better promote the licensing objectives. Therefore, Kent Police ask Members to consider at a minimum, the imposition of the following conditions:
- a) All SIA door supervisors must wear Body worn video cameras which both record visual pictures and audio. Recordings from the body worn video cameras will be maintained for at least 31 days and made available for inspection when required by the Police or local authority. Body worn video cameras will be in record mode for the duration of the shift. Footage from body worn cameras will be made available to police upon request.
  - b) SIA registered door supervisors shall be deployed from the premises as and when the various areas within the premises close to assist with external dispersal at closing time. Door staff shall wear hi-visibility vests when deployed to assist with external dispersal at closing time.
  - c) A written dispersal policy shall be prepared by the licence holder in consultation with the police and licensing authority. The dispersal policy can be amended from time to time by the licence holder in agreement with the Police and Licensing Authority. The premises shall operate in accordance with the dispersal policy.
  - d) All customers must be searched as a condition of entry (save for private functions with the written permission of the police, such permission to be sought by the licence holder at least 14 days before the function). Premises must employ a minimum of 1 male and 1 female door supervisor to assist with same gender searching.
  - e) All customers must provide proof of identification (including name, photograph, and date of birth) to be scanned by an electronic identification

scanning system as a condition of entry. (If the scanning system malfunctions the identification documents must be photographed until the system is repaired, this period being no longer than 72 hours).

- f) The venue will actively participate in the any local Pub watch or equivalent scheme, such as Swale Safe. Any radios provided through such a scheme will be monitored by a responsible member of staff.

## 5 Representations

5.1 At any stage during the 28-day consultation period a responsible authority, a Councillor or an interested party may make representations provided that the grounds are relevant to the licensing objectives and are not deemed vexatious, frivolous or repetitive.

5.2 Representations from responsible authorities:

Kent & Medway Fire & Rescue Service	No representations
KCC Trading Standards	No representations
KCC Public Health	No representations
Swale BC Environmental Health Protection	Have made a representation as shown below at 5.3

5.3 Swale BC Environmental Health Protection have made a representation which is based on the licensing objectives of “prevention of public nuisance” and is in support of Kent police licensing’s review application. Their comments are shown as **APPENDIX IV**.

5.4 Members will note that there were complaints received in 2021 relating to noise nuisance which were substantiated by way of specialist noise recordings and out of hours officers witnessing loud music at the premises in the early hours of the morning. Members may therefore wish to consider whether the current licensable hours of the premises licence are appropriate.

5.5 Representations from Interested Parties:

There have been no representations received from Interested Parties



## 6 Minor Variation Application

- 6.1 Following the service of the review application by Kent Police Licensing Officers on the premises licence holder and DPS a meeting was arranged between them along with their legal representative where the proposed additional conditions to the premises were discussed. As a result of this meeting a Minor Variation application under the Licensing Act 2003 was submitted on 30 March 2022. The application is shown as **APPENDIX V**.
- 6.2 Minor Variations are a simplified process where amendments to an existing premises licence that do not adversely affect the four licensing objections can be proposed. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to responsible authorities. However, they must display a white notice at the premises for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority. It is confirmed that the notice has been correctly displayed.
- 6.3 In considering the application the licensing authority need only consult with those responsible authorities whose views are needed to be taken into account when considering the application. As the proposed new conditions relate only to the crime and disorder objective only the police were consulted in this case.
- 6.4 Any responsible authority consulted, and other persons have 10 working days in which to submit representations. The Council must determine the application within 15 working days, or the application is deemed refused.
- 6.5 In the case of this application the proposed additional conditions are:
- a) All SIA door supervisors must wear body worn video cameras which both record visual pictures and audio. Recordings from the body worn video cameras will be maintained for at least 31 days and made available for inspection when required by the police or local authority. Body worn cameras will be made available to police upon request.
  - b) Door staff shall wear hi-visibility armbands when deployed to assist with external dispersal at closing time.
  - c) A written dispersal policy shall be prepared by the licence holder in consultation with the police and local authority. The dispersal policy can be amended from time to time in agreement with the police and licensing authority. The premises shall operate in accordance with the dispersal policy. This will incorporate a clause requiring door staff to monitor the outside area for a radius of 40 yards from the premises.

- d) All customers must be searched as a condition of entry (save for private functions with the written permission of the police, such permission to be sought by the licence holder at least 14 days before the function).
- e) All customers who appear to be under 25 must provide identification (including name, photograph, and date of birth).
- f) The venue will actively participate in any local Pubwatch or equivalent scheme, such as Swale Safe. Any radios provided through such a scheme will be monitored by a responsible member of staff. This condition will not apply if the scheme does not operate effectively.

6.6 The end of the consultation for this application is 13 April 2022. Kent Police licensing team have raised no objections. At the time of writing this report it is not possible to confirm whether relevant objections will be received or whether an amended premises licence containing these amended conditions can be granted. This will be confirmed to Members of the Licensing Sub-Committee when they meet.

## **7 Determining the application – Options of the Licensing sub-Committee**

7.1 Members must, having regard to the application and any relevant representations, take such steps mentioned below as they consider appropriate for the promotion of the licensing objectives. The steps are:

- To take no action;
- To issue a warning or caution;
- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the licence

7.2 Relevant sections of the Guidance issued under section 182 of the Licensing Act 2003 that Members should take into account are:

Chapter 2 Licensing Objectives  
Chapter 10 Conditions attached to Premises Licences and Club Premises Certificates  
Chapter 11 Reviews

7.3 Members should also take into account relevant policy statements as contained in the Swale BC Statement of Licensing Policy 2021 – 2026 including specifically

section 14: Review of Premises Licence or Club Premises Certificates. This is attached as **APPENDIX VI**.

## 8 Implications

Issue	Implications
Corporate Plan	There are links to Priority 3 – Tackling deprivation and creating equal opportunities for everyone. Point 3.4 states “Ensure that the council plays a proactive role in reducing crime and anti-social behaviour including through the modernisation of CCTV provision.
Financial, Resource and Property	There are no direct financial requirements at this time. There is the possibility of a challenge by way of an appeal.
Legal, Statutory and Procurement	<p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine this application with a view to promoting the four licensing objectives.</p> <p>In making its decision, the Licensing Sub-Committee is also obliged to have regards to the S182 Guidance that accompanies the Licensing Act 2003 and the council’s Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee must also have proper regard to the Human Rights Act 1998 in respect to the rights of an individual when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found.</p>
Crime and Disorder	<p>Section 17 of the Crime and Disorder Act requires local authorities to consider the crime and disorder implications of their decisions and it is the Licensing Authority’s responsibility to co-operate in the reduction of crime and disorder in the Borough.</p> <p>Section 17 of the Crime and Disorder Act 1998 states:  “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can reasonably can to prevent crime and disorder in its area”.</p>
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents

Safeguarding of Children, Young People and Vulnerable Adults	The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications.
Risk Management and Health and Safety	Departure from the Guidance and Statement of Licensing Policy could lead to an increased risk of appeal. Similarly, if any decision made is not evidence based and proportionate
Equality and Diversity	No implications
Privacy and Data Protection	Normal privacy and data protection rules apply

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current premises licence – ref SIT/SWALE/189/0333
- Appendix II: Review Application for the public
- Appendix III: Review Application for the Licensing Sub-Committee (Restricted)
- Appendix IV: Representation from Environmental Protection Team Leader
- Appendix V: Minor Variation application
- Appendix VI: Extract of Swale BC Statement of Licensing Policy 2021 - 2026

## 8 Background Papers

Licensing Act 2003

Home Office Guidance issued under s.182 of the Licensing Act 2003 (as amended)

Swale BC Statement of Licensing Policy 2021 - 2026



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

**Premises licence number**

SIT/SWALE/189/0333

**Part 1 – Premises details**

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

Life  
76/78A High Street

**Post town** | Sittingbourne, Kent

**Post code** | ME10 4PB

**Telephone number** | 01795 599 766

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Films  
Live Music  
Recorded Music  
Performance of dance  
Anything of a similar description  
Late night refreshment  
Sale of alcohol

**The times the licence authorises the carrying out of licensable activities  
Films , Indoor Sporting Events, Live Music, Recorded Music, Anything of a similar  
description (Indoors)**

Monday – Saturday 10:00 until 03:00  
Sunday 12:00 until 00:30  
Bank Holiday Sundays 12:00 until 03:00  
New Year's Eve 10:00 until 24:00 New Year's day

**Late Night Refreshment (Indoors)**

Monday – Saturday 23:00 until 03:30  
Sunday 23:00 until 00:30  
Bank Holiday Sundays 12:00 until 03:00  
New Year's Eve 10:00 until 24:00 New Year's day

**Sale of alcohol (Both off and on sales)**

Monday – Saturday 10:00 until 03:00  
Sunday 12:00 until 00:30  
Bank Holiday Sundays 12:00 until 03:00  
New Year's Eve 10:00 until 24:00 New Year's day

**The opening hours of the premises**

Monday – Saturday 10:00 until 04:00  
Sunday 12:00 until 01:00  
Bank Holiday Sundays 12:00 until 03:00  
New Year's Eve 10:00 until 24:00 New Year's day

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

Both on and off sales

**Part 2**

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

Mr Haydn Pugh  
White Maes  
451 Battle Road  
St. Leonards-on-Sea  
East Sussex  
TN37 7BB

Tel No: 07941 259171  
Email: haydn.pugh@hotmail.co.uk

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

N/A

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

Mr Kevin George Pearton  
25 St Dunstons Drive  
Gravesend  
Kent  
DA12 4BH

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

Issuing Authority: Gravesham Borough Council  
Personal Licence No: GM PER 0506 0404

## **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 licenses 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) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)
- (b) Outbreaks of disorder
- (c) Damage

### **Condition 3**

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by:-

- (a) The British Board of Film classification (BBFC), where the film has been classified by that Board or
- (b) The Licensing Authority where no classification certificate has been granted by the BBFC, or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) applies to the film in question and the admission of children must be in accordance with any recommendation made by the Licensing Authority.

### **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**

Signage shall be displayed requesting customers to leave premises quietly.

### **Condition 2**

No children shall be on the premises after 20:00

## **Conditions agreed – Minor Variation dated 15.06.2012**

### **Condition 1**

- (a) CCTV to be fitted to a standard agreed to by the police that complies with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office, with all public areas, including all access and egress points covered. This is also to include any smoking area, exit doors, alleyways or any other areas used for the ejection of customers.
- (b) The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
- (c) CCTV shall be operational at all times that members of the public are on the premises.
- (d) Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
- (e) The Police or Local Authority will have access to these images at any reasonable time and in any case within 48 hours of the request for the image being made.
- (f) The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image within 48 hours on the initial request being made by either the Police or Local authority.
- (g) Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.

### **Condition 2**

- (a) Door supervisors will be employed at the premises from 2100 hours (or time of opening if later) until close of trading.
- (b) A sufficient number of door staff will be employed at the premises to provide sufficient safety and security for the capacity. The recommended number is 1: 100 customers.
- (c) All Security staff are to wear identifiable clothing and clearly display on the arm SIA identity.
- (d) The premises will produce and abide by a manual of guidance in respect of the security staff, which shall ensure that all public areas of the venue are patrolled on a regular basis. This is to include the toilet areas.

- (e) Records shall be kept of all staff (including Security staff) employed at the premises for each day of business. This is to include their name and hours of employment.

**Condition 3**

Only Toughened or Polycarbonate glasses will be used at the premises.

**Condition 4**

- (a) The premises will complete and agree with the Police a drugs policy. This will cover incidents such as drugs finds and seizures.
- (b) Access will be given at all reasonable times to the Police in order for swabs to be taken for the Ion Track Drug Testing machine.
- (c) Police will be permitted to use the Ion Track Drug Testing machine as a condition of entry at all reasonable times during trading hours.

**Condition 5**

The premises will maintain an incident book to record details for occurrences "out of the ordinary". This will include any occasion where persons are injured or arrested and should be considered by the premises as their original note.

**Condition 6**

A continuous and accurate record will be maintained of the number of patrons within the premises. These records are to be available on request.

**Condition 7**

Adequate and appropriate first aid equipment and materials will be available on the premises.

**Condition 8**

The premises and its staff shall be responsible for the control and conduct of any queue formed outside the premises of customers waiting to enter.

**Condition 9**

- (a) The Premises will undertake the "Challenge 25" scheme.
- (b) All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" scheme and such training will be auditable
- (c) Notices to advise customers that "Challenge 25" is in force will be displayed prominently in all areas.
- (d) The only proof of age that will be accepted will be a passport, a photographic driving licence or an accredited "PASS" marked proof of age card.

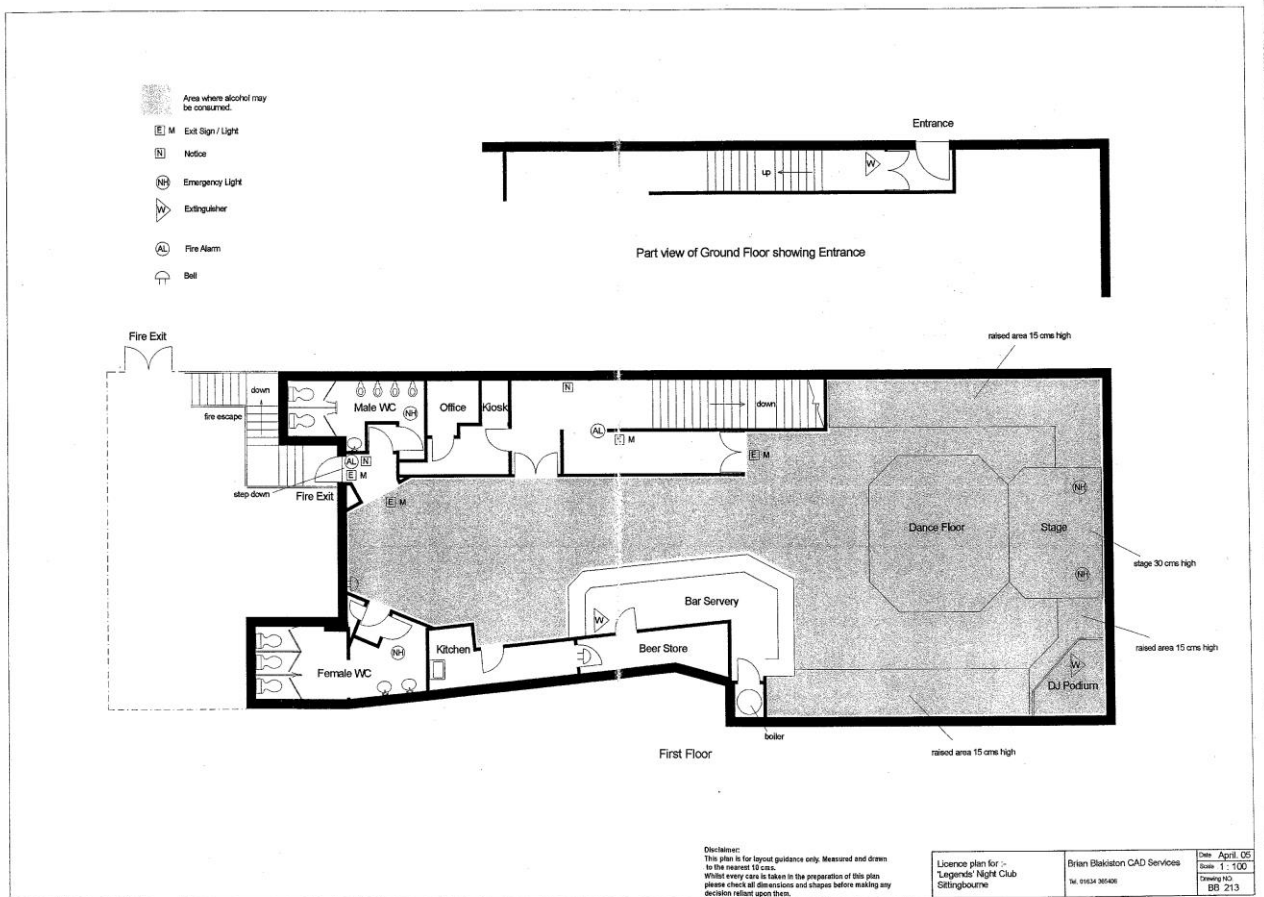
**Condition 10**

When under 18's nights are held at the premises, no alcohol will be on sale to any person.

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

N/A

Annex 4 – Plans







This page is intentionally left blank

**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 HUNT 11044

**Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
<b>Life (Nightclub)</b> <b>76/78A High Street</b> <b>Sittingbourne</b> <b>Kent</b> <b>ME104PB</b>	
<b>Post town</b> Sittingbourne	<b>Post code (if known)</b> ME10 4PB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Haydn Pugh

<b>Number of premises licence or club premises certificate (if known)</b>
SIT/SWALE/189/0333

**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)**

**(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)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  <b>PC HUNT 11044 Medway Police Station Purser Way Gillingham Kent ME71NE</b>
Telephone number (if any) <b>01634 792388</b>
E-mail address (optional) <b>11044@kent.police.uk</b>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                   |
|---|-----------------------------------|
| 1) the prevention of crime and disorder | <b>x</b> <input type="checkbox"/> |
| 2) public safety                        | <b>x</b> <input type="checkbox"/> |
| 3) the prevention of public nuisance    | <b>x</b> <input type="checkbox"/> |
| 4) the protection of children from harm | <b>x</b> <input type="checkbox"/> |

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

Kent Police submit this application to review Life nightclub in order to promote the licensing objectives of the prevention of crime and disorder, public safety, public nuisance and the protection of children from harm.

This review is following multiple recent incidents at the premises which have identified premises failings and raised concerns.

Kent Police will also evidence breach of premises licence condition.



**Please provide as much information as possible to support the application**

(please read guidance note 2)

This premises have been granted a premises licence by Swale Borough Council and is authorised to conduct the following licensable activity:

Sale of alcohol (on and off sale), late night refreshment, films, live music, recorded music and the performance of dance.

The premises open's at weekends and operates as a nightclub. The premises are located above a retail unit on High Street Sittingbourne and is surrounded by a mix of retail units and businesses that are commonly associated with town centre locations, as well as residential properties and apartments.

The premises licence holder is Haydn Pugh and the designated premises supervisor is Kevin Pearton.

This review is in relation to a number of incidents in recent weeks that have identified premises failings and raised police concerns. A summary of incidents is as follows:

Saturday 11<sup>th</sup> September 2021

Approximately 01:00 a customer in the outside smoking area was struck on the head with a bottle resulting in injuries consistent with a grievous bodily harm assault.

Sunday 12<sup>th</sup> December 2021

Approximately 03:18 Swale Council CCTV observed a group of young males exiting the premises. Two of these males have been identified as being just 16 years old.

Friday 24<sup>th</sup> December 2021

Approximately 01:30 it is alleged that a customer was assaulted by a member of door staff. The investigation into this matter is ongoing.

Saturday 1<sup>st</sup> January 2022

Approximately 03:33 Swale Council CCTV reported a large fight and disturbance outside the premises. At one stage it was estimated up to 40 persons were fighting. Kent Police are investigating an offence of violent disorder. The investigation into this matter is ongoing.

Sunday 16<sup>th</sup> January 2022

Approximately 02:55 it is alleged that door staff assaulted a customer outside of the premises. The investigation into this matter is ongoing.

Kent Police will provide evidence of breach of premise licence condition

Kent Police licensing have very much engaged in a stepped approach with the premises prior to submitting this application for review.

Kent Police believe the above matters evidence a failure of the premises to promote the licensing objectives.

Kent Police believe that the addition of further premise licence conditions would go some way to alleviating concerns and would allow the premises to better promote the licensing objectives. At a minimum Kent Police seek the following conditions:

- All SIA door supervisors must wear Body worn video cameras which both record visual pictures and audio. Recordings from the body worn video cameras will be maintained for at least 31 days and made available for inspection when required by the Police or local authority. Body worn video cameras will be in record mode for the duration of the shift. Footage from body worn cameras will be made available to police upon request.

- SIA registered door supervisors shall be deployed from the premises as and when the various areas within the premises close to assist with external dispersal at closing time. Door staff shall wear hi-visibility vests when deployed to assist with external dispersal at closing time.
- A written dispersal policy shall be prepared by the licence holder in consultation with the police and licensing authority. The dispersal policy can be amended from time to time by the licence holder in agreement with the Police and Licensing Authority. The premises shall operate in accordance with the dispersal policy.
- All customers must be searched as a condition of entry (save for private functions with the written permission of the police, such permission to be sought by the licence holder at least 14 days before the function). Premises must employ a minimum of 1 male and 1 female door supervisor to assist with same gender searching.
- All customers must provide proof of identification (including name, photograph, and date of birth) to be scanned by an electronic identification scanning system as a condition of entry. (If the scanning system malfunctions the identification documents must be photographed until the system is repaired, this period being no longer than 72 hours).
- The venue will actively participate in the any local Pub watch or equivalent scheme, such as Swale Safe. Any radios provided through such a scheme will be monitored by a responsible member of staff.



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

- 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      PC HUNT 11044  
.....

Date            07/03/2022  
.....

Capacity        Police constable – licensing officer  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e mail address your e mail address (optional)</b>	

**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.

**Chris Hills**

---

**From:** Julie Oates  
**Sent:** 24 March 2022 15:54  
**To:** Licensing (SBC)  
**Cc:** licensing.north.division@kent.pnn.police.uk; Sharon Honey  
**Subject:** RE: Life Nightclub, 77/78A High Street, Sittingbourne

**Categories:** Jo

With regards to Life Nightclub, I can confirm that the Environmental Protection team received a number of complaints about loud music from the premises and anti-social behaviour from customers out on the street during the summer of 2021. Anti-social behaviour on the street falls outside of our remit, and the complainants were advised to contact the police regarding this issue.

Our investigations into noise nuisance did give rise to concerns that the volume of music emanating from the premises was too loud, particularly late at night/early hours of the morning. Evidence was gathered by way of recordings on our specialist noise recording equipment (02:00 to 03:10 on Saturday 4<sup>th</sup> September and 00:10 to 03:00 on Sunday 5<sup>th</sup> September). In addition, an out of hours officer personally witnessing loud music on Saturday 21<sup>st</sup> August 2021. Unfortunately, our main complainant withdrew their complaint and did not want us to use any evidence gathered on their premises for fear of repercussions from staff at Life and its customers. Without the use of this evidence or the principle complainant, we were unable to progress the matter further. However, a meeting did take place on 28<sup>th</sup> September 2021 with Police Licensing Officers, an SBC Licensing Officer, a member of the Environmental Protection team and Mr Pearton of Life to discuss the concerns.

I support the Review being called by the Police. In terms of the licensing objective of 'the prevention of public nuisance', our evidence indicates that this objective is not being complied with. This area of Sittingbourne has changed since the Premises License was first granted and there are now a number of residential flats in the vicinity, with potentially more being introduced by way of the derogation in planning which allows for the conversion of offices to residential.

I agree with the additional conditions put forward by Kent Police in an attempt to alleviate the issues. The Licensing Committee may also wish to consider the late-night opening hours of the premises. Currently, the premises is licensed to open until 04:00 Monday to Saturday as 00:30 on Sundays with additional later opening on Banks Holiday Sundays until 03:00. With an increase in residential premises in the vicinity, these hours are excessive and are likely to be contributing to the issues outlined by the Police.

Please feel free to contact me should you wish to discuss the matter further.

Kind regards

Julie

**Julie Oates**  
**Mid-Kent Environmental Protection Team Leader**

T: 01622 602490

E: [Julie.Oates@MidKent.gov.uk](mailto:Julie.Oates@MidKent.gov.uk)



**From:** Licensing (SBC) <Licensing@swale.gov.uk>

**Sent:** 08 March 2022 12:16

**To:** Planning Area Team - Sitt & Sheppey (SBC) <AreaTeam-Sitt@swale.gov.uk>; EH Admin <EHAdmin@MidKent.gov.uk>; Julie Oates <Julie.Oates@MidKent.gov.uk>; 'Canterbury Building Safety' <BuildingSafety.Canterbury@kent.fire-uk.org>; 'trading.standards@kent.gov.uk' <trading.standards@kent.gov.uk>; 'phbusinesssupport@kent.gov.uk' <phbusinesssupport@kent.gov.uk>

**Cc:** Licensing (SBC) <Licensing@swale.gov.uk>

**Subject:** Life Nightclub, 77/78A High Street, Sittingbourne

Good morning

Kent Police have submitted an application for a review of a premises licence granted under the Licensing Act 2003 in respect of Life nightclub, 76/78A High Street, Sittingbourne on the grounds of all of 4 of the licensing objections i.e:

Prevention of crime and disorder  
Protection of public safety  
Prevention of public nuisance  
Protection of children from harm

This review follows multiple recent incidents at the premises which have identified premises failings and raised concerns. Also, a breach of the premises licence conditions.

I attach a copy of the application for your information. Please note that there are ongoing police investigations which mean that only members of the Licensing Sub-Committee can have full knowledge as to the incidents but you have been provided with a redacted copy which gives an overarching view of the incidents.

There is a statutory period of 28 days which ends on 5 April 2022 and I would be grateful for any comments you may wish to make by then.

Best regards

Chris

**Yours sincerely**

*Christina Hills*

**Christina Hills**

**Licensing Officer**

Tel: 01795 417286 | Email: [chrishills@swale.gov.uk](mailto:chrishills@swale.gov.uk) | Website: [www.swale.gov.uk](http://www.swale.gov.uk)

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

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify [postmaster@swale.gov.uk](mailto:postmaster@swale.gov.uk)

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Haydn Pugh

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

**Part 1 – Premises details**

Postal address of premises (or, if none, ordnance survey map reference, or description) Life, 76/78A, High Street,	
Post town Sittingbourne	Postcode ME10 4PB

**Telephone number at premises (if any)**

01795 599766

**Premises licence number/club premises certificate number**

SIT/SWALE/189/0333

**Brief description of premises (Please see Guidance Note 2)**  
Nightclub

**Part 2 – Applicant Details**

I am/we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Contact phone number in working hours (if any)

07941 259171

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS White Maes 451, Battle Road	
Post town St Leonards on Sea	Postcode TN37 7BB
Please provide email address if you would prefer us to contact you by email (optional) Via solicitor – st@stephentomaslaw.co.uk	

**Part 3 – Proposed variation(s)**

Please tick

Do you want the proposed variation to have effect as soon as possible?  Yes  No

DDMMYYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3)  Yes  No

**Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):**

<p><b>Details of proposed variation(s) (Please see Guidance Note 4)</b></p> <p>1.All SIA door supervisors must wear Body worn video cameras which both <i>record</i> visual pictures and audio. Recordings from the body worn video cameras will be maintained for at least 31 days and made available for inspection when required by the Police or local authority Body worn video cameras will be in record mode for the duration of the shift. Footage from body worn cameras will be made available to police upon request.</p> <p>2.Door staff shall wear hi-visibility armband when deployed to assist with external dispersal at closing time.</p> <p>3.A written dispersal policy shall be prepared by the licence holder in consultation with the police and licensing authority. The dispersal policy can be amended from time to time by the licence holder in agreement with the Police and Licensing Authority. The premises shall operate in accordance with the dispersal policy. This will incorporate a clause requiring door staff to monitor the outside area for a radius of 40 yards from the premises.</p>
---

4. All customers must be searched as a condition of entry (save for private functions with the written permission of the police, such permission to be sought by the licence holder at least 14 days before the function).
5. All customers who appear to be under 25 must provide proof of identification (including name, photograph, and date of birth)
6. The venue will actively participate in the any local Pub watch or equivalent scheme, such as Swale Safe. Any radios provided through such a scheme will be monitored by a responsible member of staff. This condition will not apply if the scheme does not operate effectively.

**Details of proposed variation(s) (Continued)**

**Part 4 – Operating Schedule**

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

**Provision of regulated entertainment (please read guidance note 5)**

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music

- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

**Provision of late night refreshment**

**Supply of alcohol**

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/  
club premises certificate

I have included a copy of the plan  
(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

**Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.**

**Any further information to support your application. (See Guidance Note 6)**

**CHECKLIST:**

Please tick to indicate agreement

- I have made or enclose payment of the fee.



- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures and Contact Details**  
(See Guidance Note 7)

**Premises Licence:** Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	<i>Stephen Thomas</i>
Date	30/03/2022
Capacity	Solicitor for the Applicant

**Where the premises licence is jointly held, signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (See Guidance Note 9). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Where the premises are a club**

I (insert full name)  
authority to bind the club.

make this application on behalf of the club and have

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 10) Stephen Thomas, 8, Grassmere, Leybourne	
Post town West Malling	Postcode ME19 5QP
Telephone number (if any) 07774 612651	If you would prefer us to correspond with you by email your email address (optional) st@stephenthomaslaw.co.uk

### Notes for Guidance

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. **Description of premises:** For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. **Give full details of all the proposed variation(s).** Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much

information as you can about this. (However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.) Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** details of any changes to hours when the premises or club is open to the public.

5. In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

6. **Further information:** You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives

7. Signatures: The application form must be signed.

8. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

9. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

10. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

**EXTRACT FROM SWALE BC STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003 – 2021 - 2026**

**14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

- 14.1 The Licensing Authority acknowledges that at any stage following the grant of a premises licence matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is:
- relevant to one or more off the licensing objectives and
  - not frivolous, vexatious or repetitious.
- 14.6 In every review case an evidential basis for the allegations made will need to be submitted to the Council as the Licensing Authority.
- 14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings as appropriate.
- 14.9 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

- 14.10 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that that a revocation of the licence will be considered.



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank