



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL  
LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION  
SUMMARY REVIEW**

Applicant: Kent Police

Premises The Warden Bay, Jetty Road, Warden, Sheerness, Kent  
ME12 4NF.

Date(s) of hearing: 26 September 2022

Date of determination: 26 September 2022

Committee Members: Councillor Mike Whiting (Chair)  
Councillor Derek Carnell  
Councillor Tony Winckless

Legal Advisor in attendance: Helen Ward, Lawyer (Contentious), MKLS

Licensing Officer in attendance: Christina Hills

Democratic Services Officer in attendance: Jo Millard

This was the hearing of the full Review of Premises Licence following an application for a Summary Review; including review of the interim steps imposed at a hearing on 2 September 2022.

**A: Representations, evidence and submissions:**

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

**Applicant**

Name: Kent Police, PC Daniel Hunt and PC Ian Picketts

Legal or other representative: None

**Responsible Authorities**

None

**Other Persons**

Louise Peartree

**Premises Licence Holder**

Mr Christopher Prime

Legal or other representative: Mr Julian Overton

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

The Sub-Committee has taken into account specifically the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 53A to 53D

The Sub-Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapter 10 which relates to conditions attached to licences;  
Chapter 12 which relates to Summary reviews.

The Sub-Committee has taken into account the relevant provisions of Section 53A-C Licensing Act 2003 Summary Review Guidance

The Sub-Committee has taken into account its Statement of Licensing Policy, in particular:

Section 14, relating to reviews  
Section 16, relating to hearings  
Section 17, relating to conditions

The Sub-Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

**C: Determination:**

***Review (s.53C Licensing Act 2003)***

**The Sub-Committee has decided:**

To add the conditions which have been agreed between the premises licence holder and the police, save for the amendments below. The full list of imposed conditions is set out in part E of this Decision.

- Condition 2 – replace “Medway” for “Swale”
- Condition 3 – The first sentence to read “The Designated Premises Supervisor will undertake a risk assessment in respect of the provision of door supervisors for any event and where deemed appropriate a minimum of 2 door supervisors will be employed from the start of the event until the premises closes” .....[the condition continues]
- Condition 5 – the words “and weapons” be removed from the first sentence of the condition

**Reasons for determination, considering each of the licensing objectives in turn:**

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee considered the evidence that has been served in the Summary Review application, along with submissions made by both the Police and the Premises Licence Holder at the hearing. They also considered the comments made by the interested party who had made a representation, along with the additional evidence served by the Police.

The Sub Committee recognised that this was a standalone incident and the premises had a long history without other concerns being raised by the responsible

authorities. They welcomed the partnership working of the premises licence holder and the police in drafting conditions that the parties accepted would be appropriate to deal with the concerns that were made out in the summary review.

The Sub Committee were particularly concerned about the information provided by the Police in relation to the CCTV evidence, which was not available at the hearing. They noted that the investigation was ongoing but were nonetheless concerned by the allegations made in the additional evidence provided by the police relating to the behaviour of the premises licence holder. They recognised the premises licence holder's submissions about the circumstances of that behaviour. They accepted the police concerns about ongoing management of the premises. However, the police made it clear that they were satisfied that the conditions agreed with the premises licence holder were the only steps that they were seeking, as they thought these would be appropriate to address the issues.

The Sub Committee, in accordance with the Policy and section 11 of the s.182 Guidance, gave serious consideration to revocation of the premises licence, in particular given the concerns raised by the police regarding management. However, they felt that in the circumstances this was not an appropriate step, as the police had requested a lesser solution by the imposition of conditions and the investigation was still ongoing. The Sub Committee recognised however that should a further, related review application be brought, revocation would be a likely and foreseeable outcome.

The Sub Committee endorsed the conditions agreed, save for modifications as described to make the conditions clear and enforceable. The removal of the words "and weapons" from proposed condition 5 was to reflect that fact that weapons played no part in the summary review proceedings, nor had there been submissions made about weapons and a drugs policy may not be the appropriate place for a policy regarding weapons.

■ **Public Safety**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Prevention of public nuisance**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

## **Determination:**

### ***Interim Steps (s.53D Licensing Act 2003)***

#### **The Sub-Committee has decided:**

The decision in respect of the interim steps is to retain the condition that was imposed at the interim steps hearing on 2 September, as set out at paragraph 2.4.2 of page 7 of the agenda.

#### **Reasons for determination, considering each of the licensing objectives in turn:**

##### ■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub Committee considered the interim steps that had been imposed at the hearing on 2 September and agreed that these interim steps should remain for the same reasons as set out in that decision. A new DPS has been appointed and on that basis the only interim step to remain is the condition as set out in the decision.

##### ■ **Public Safety**

Reasons (state in full):

There were no representations relating to this licensing objective.

##### ■ **Prevention of public nuisance**

Reasons (state in full):

There were no representations relating to this licensing objective.

##### ■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

## **D: Appeal**

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

An appeal has to be commenced by the giving of a notice of appeal by the appellant to the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. In respect of the interim steps determination, the Court must hear the appeal within 28 days, beginning with the day on which the appeal is lodged.

## E: Full List of Imposed Conditions

1. All staff working at the premises to have received training in Conflict Management in order to identify the key components present in confrontational behaviour and use skills to effectively manage that behaviour. Training is to be provided by a professional external company. Staff are to receive training within 6 weeks of employment.
2. All persons who sell or supply alcohol to customers must have licensing training.
  1. Training must take place within six weeks of employment.
  2. Any new employees will be supervised until the training has taken place.
  3. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
  4. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
  5. Records must be made available for inspection by police, police licensing officer and authorised officers from Swale Council on reasonable request either electronically or in hard copy.
3. The Designated Premises Supervisor will undertake a risk assessment in respect of the provision of door supervisors for any event and where deemed appropriate a minimum of 2 door supervisors will be employed from the start of the event until the premises closes. Kent Police are to be notified in writing to [licensing.north.division@kent.police.uk](mailto:licensing.north.division@kent.police.uk) a minimum of 10 days prior to any planned event whereby door supervisors are to be employed.
4. In the event that an incident of violence occurs, or appears to have occurred on the premises it will be responsibility of management to immediately ensure that the police (and where appropriate, the Ambulance Service) are called without delay and the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police.
5. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs. Staff will be provided with training on the policy, including drugs awareness. Information regarding drugs awareness shall be displayed at the premises.

*MICHAEL WHITING*

PRINT NAME (CHAIRMAN):

Signed [Chairman]:

A copy of the original document is held on file

Date: *26/6/2022*