



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: SIT/SWALE/189/0598

Applicant: Kent Police

Regarding **REVIEW OF THE PREMISES LICENCE – BEST ONE, 1-3 HIGH STREET, SITITNGBOURNE NOW TRADING AS SITTINGBOURNE FOOD AND WINE**

Date(s) of hearing: 14 April 2016

Date of determination: 14 April 2016

Committee Members: [Chairman]: Councillor Lesley Ingham
Councillor Bobbin
Councillor Anita Walker

Legal Advisor in attendance at hearing(s): Robin Harris

Senior Licensing Officer in attendance at hearing(s): Angela Seaward

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

-669-

A: Representations, evidence and submissions:

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

Applicant

- Name: Kent Police
- Legal or other representative: PC Geoff Rowley

Respondent

- Mr Onur John Ozkul

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

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

Section 51 which relates to the review of a premises licence;
Section 52 which relates to the determination of a premises licence;

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

Chapter 2 which relates to the licensing objectives
Chapter 10 which relates to conditions attached to licences;
Chapter 11 which relates to reviews.

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

Appendix 1 The Policies
Appendix 2 Reviews

C: Determination:

The Committee has decided to:

- grant the application for review in part subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:
 - (1) Only sales of 4 or more cans or bottles of beer, lager and cider shall be sold or supplied under any circumstances.
 - (2) All alcohol must be purchased from a registered bona fide wholesaler and invoices pertaining to the purchase of alcohol must be retained on the premises for a minimum of 2 years and made available to Police, local authority officers and HMRC officers on demand.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The applicant advised the Sub-Committee that there had been a seizure of non-duty paid alcohol from the premises on a previous occasion. This was a serious matter and the event should not pass without taking some action against the premises licence. However the applicant withdrew the allegation that the alcohol was counterfeit. The applicant for review confirmed that there would not be an objection to the transfer of the licence to the current licence holder and that further the applicant would not have objected to the grant of a new licence to the current licence holder. On that basis the Sub-Committee determined that it would not be appropriate to the licensing objectives to suspend or revoke the licence but that it would be appropriate to add the conditions applied for in the application for review.

■ **Public Safety**

Reasons (state in full):

No representations were made under this heading.

■ **Prevention of nuisance**

Reasons (state in full):

No representations were made under this heading.

■ **Protection of children from harm**

Reasons (state in full):

No representations were made under this heading.

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

PRINT NAME (CHAIRMAN): Councillor Lesley Ingham

Lesley Ingham

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

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Date: 14 April 2016