

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

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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.

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