



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

**NOTICE OF DETERMINATION
REVIEW**

Applicant: PC Hunt on behalf of Kent Police

Premises Life (Nightclub), 76/78A High Street, Sittingbourne Kent
ME10 4PB

Date(s) of hearing: 6 June 2022

Date of determination: 6 June 2022

Committee Members: [Chairman]: Councillor Derek Carnell (Chair)
Councillor Carole Jackson
Councillor Mike Whiting

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

Licensing Officer in attendance: Christina Hills

This was an application for:

Review

of a

Premises Licence

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 Andre Smuts

Legal or other representative: None

Responsible Authorities

Environmental Health, Kevin Michael Tucker, Environmental Health Officer

Other Persons

None

Premises Licence Holder

Dr Hadyn Pugh

Legal or other representative: Mr Stephen Thomas

Witness: Kevin Pearton (DPS)

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 51

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 11 which relates to reviews.

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:

The Sub-Committee has decided:

- To issue the premises with warning that they must continue to work with the Police to ensure promotion of the licensing objectives. In particular, they should take steps to update the dispersal policy so that it reflects the terms of the premises licence and ensure there is a procedure to report matters to the police where appropriate.

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 was presented including detailed discussions about the evidence and the CCTV. The Sub-Committee were concerned that the incidents had occurred but welcomed the measures that the premises had taken to address these including the dispersal policy, the new conditions added by way of minor variation and the change to the door team. The Committee also welcomed the new CCTV system that had been put in place to include coverage of the smoking area.

The Sub-Committee considered the conditions requested in the original Review application and those that were now applied to the premises licence following the minor variation. The Sub Committee were satisfied that the conditions added by way of minor variation were appropriate and proportionate to address the licensing objectives and no further conditions were required.

■ **Public Safety**

Reasons (state in full):

There were no representations relating to this licensing objective.

■ **Prevention of public nuisance**

Reasons (state in full):

The Sub-Committee considered the evidence put forward by the Environmental Health Officer however they were not satisfied that the evidence was substantiated and did not consider that any further steps were required to ensure the prevention of public nuisance.

■ **Protection of children from harm**

Reasons (state in full):

The Sub Committee considered the evidence of underage persons on the premises and the measures that had been put in place including staff training and checking of customer ID and are satisfied that no further steps are required to ensure the protection of children from harm.

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 justices' chief executive for 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.

PRINT NAME (CHAIRMAN): Derek Carnell

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

Date: 10.06.2022