



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: FAV/SWALE/189/0686

Applicant: Mrs Nicola Frances White

Regarding **NEW PREMISE LICENCE**

Date(s) of hearing: 30 November 2017

Date of determination: 30 November 2017

Committee Members: [Chairman]: Councillor Cameron Beart
Councillor Tina Booth
Councillor Paul Fleming

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

Licensing Officer in attendance at hearing(s): Mohammad Bauluck

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

A: Representations, evidence and submissions:

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

Applicant

- Name: Mrs Nicola Frances White
- Legal or other representative: Mr J White

Responsible Authorities

Police

(Agreed conditions)

Other Persons

Witnesses and legal representatives in support of interested parties

-

Representations considered in the absence of a party to the hearing:

- Not applicable

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 13 which relates to responsible authorities;
Section 16-24 which relate to the grant of a premises licence;
Schedule 1 which relates to Regulated Entertainment

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 8 & 9 which relates to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;

The 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):

Not applicable.

**C: Determination:
The Committee has decided to:**

Preliminary matter

The Sub-Committee determined to hear the matter today rather than to defer the matter to allow further advertisement and public notice. The Sub-Committee was satisfied that there had been substantial compliance with the requirements of the regulations and considered that no party was prejudiced by the error.

**D: Determination:
The Committee has decided to:**

- grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:

Conditions as listed in Appendix D of the report.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had full regard to the representations made regarding this licensing objective by other persons, but noted that the Police had agreed conditions with the Premises.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee noted the representations made in writing and at the Sub-Committee today. The Sub-Committee were of the view that some of the representations under the licensing objective were wider than matters that could fall to be considered by the Panel and were satisfied that the operating schedule combined with the agreed conditions are sufficient to meet this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had full regard to the representations made regarding this licensing objective by other persons, but noted that Environmental Health had not made a representation. The Sub-Committee were also re-assured by the representations made by the Applicant at the Hearing regarding this licensing objective. The Sub-Committee also noted that this is a new application and that issues identified with other premises cannot be considered in relation to this one.

■ **Protection of children from harm**

Reasons (state in full):

There were no relevant representations made under this licensing objective.

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 Cameron Beart

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

Date: 30 November 2017