

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Monday, 30 March 2015

Time: 10.00 am

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Monique Bonney, Prescott and Tony Winckless.

Quorum = 3

Pages

1. Apologies for Absence and Confirmation of Substitutes
2. Notification of Chairman and Outline of Procedure
3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B Report for the Licensing Sub-Committee to Decide

4. Application for a New Premises Licence under The Licensing Act 2003 1 - 34

To consider an application, to which a representation has been made, for a new Premises Licence application under the Licensing Act 2003 at The Golden Hope of 1 Park Road, Sittingbourne.

Issued on Wednesday 18 March 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Licensing Committee, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Swale Borough Council

Report to: Licensing Sub – Committee (Under the Licensing Act 2003)
Date: 30th March 2015
Report Author: Mohammad Bauluck - Licensing Officer
Subject: The Golden Hope of 1 Park road Sittingbourne Kent ME10 1DR

Purpose and summary of report:

To consider an application, to which a representation has been made, for a new Premises Licence application under the Licensing Act 2003 – application reference number SIT/SWALE/189/0623

Recommendations:

The Committee is asked to determine the application and decide whether to grant a licence. Members asked to consider the application on its merits.

Background papers: The Licensing Act 2003
DCMS Guidance Documents issued under Section 182 of the Licensing Act 2003 as amended.
Swale Borough Council Statement of Licensing Policy.

Contacts: Mohammad Bauluck at mohammadbauluck@swale.gov.uk
Telephone: 01795 417 567

The Licensing Act 2003 Act requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will general apply to promote the licensing objectives when making decision on applications made under the Act. The Policy will be available at the meeting for reference purposes.

Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination which gives rise to an appeal or judicial review. Should the need arise the Guidance will be available at the meeting for reference purposes.

The Licensing Authority must, under the Act refer any application for hearing to the Licensing Panel, if relevant representations are made by a responsible authority or other person. A copy of the Council's approved procedure for hearings of the Panel in relation to an application, along with a copy of the Hearings Regulations has been circulated to all parties prior to the meeting.

Report Title: The Golden Hope of 1 Park road Sittingbourne Kent ME10 1DR

Application for: A premises licence to be granted under the Licensing Act 2003.

Purpose of the report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 200, made by JD Wetherspoon plc, in respect of the premises The Golden Hope, 1 Park road Sittingbourne Kent ME10 1DR (Appendix A and B) in respect of which 1 (one) representation (Appendix C) has been received from an other person. The Police have made representations (Appendix D).

Issues to be decided

1. Members are asked to determine whether to (i) grant subject to conditions consistent with the Operating Schedule modified to such an extent as considered appropriate for the promotion of the licensing objectives and any mandatory condition, (ii) grant excluding any of the licensable activities applied for, (iii) grant refusing to specify a premises supervisor, or (iv) reject the application.

2. Background

The Licensing Act requires the Council as licensing authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- i) the prevention of crime and disorder;
- ii) the protection of public safety;
- iii) the prevention of public nuisance: and
- iv) the protection of children from harm

3. The Application

- a. On 4 February 2015 an application was received from Mr JD Wetherspoon plc for the grant of a premises licence under section 17 of the Licensing Act 2003 in respect of premises The Golden Hope at 1 Park road Sittingbourne ME10 1DR. The application is for provision of late night refreshment and supply of alcohol. The proposed hours of operation are:

Provision of Late night refreshment (Indoors)

Sunday – Wednesday 23:00 until 00:00

Thursday – Saturday 23:00 until 01:00

Sale of alcohol (Both on and off sales)

Sunday – Wednesday 09:00 until 00:00

Thursday – Saturday 09:00 until 01:00

An extra hour for the sale of alcohol for Christmas Eve, Boxing day, Maundy Thursday, Sundays preceding bank holiday Mondays and New Year's Eve.

Opening Hours

Sunday – Wednesday 07:00 until 00:30

Thursday – Saturday 07:00 until 01:30

An extra hour to the closing time for Christmas Eve, Boxing day, Maundy Thursday, Sundays preceding bank holiday Mondays, New Year's Eve and the morning BST.

- b. A copy of the application, which includes the operating schedule that details the steps the applicant intends to take to address the licensing objectives, is shown as Appendix A
- c. The application has been correctly advertised in the local press and a notice has been displayed for the whole of the consultation period.
- d. The proposed Designated Premises Supervisor is Deborah Hay.

Representations

Responsible authorities:

- Kent and Medway Fire & Rescue Service – No representations
- Kent County Council Trading Standards – No representations
- Kent County Council Social services Children & Families – No representations
- Planning Department – Swale Borough Council – No representations
- Environmental Pollution – Swale Borough Council – No representations
- Kent County Council Public Health – No representations.
- Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives – Representation is shown as Appendix D

Conditions proposed by the Police:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 30 days and handed to Police upon reasonable request.
 - c. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
 - d. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the

CCTV will be repaired before that time
(licensing.north.division@kent.pnn.police.uk)

2. All persons that sell or supply alcohol to customers must have licensing training.
 - a. All new front of house staff will complete the full JD Wetherspoon training programme.
 - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation through the JD Wetherspoon e-learning programme.
 - c. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority either electronically or hard copy.
 3. The License Holder will operate a system (s) for the recording of incidents and refusal of sale of alcohol at the premise. The system(s) will record the following;
 - a. Day, Date and Time of Refusal/Incident.
 - b. Nature of Refusal/Incident and reason.
 - c. Details of or description of the individual.
 - d. These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority upon reasonable request.
 4. When the premise is open between 21:00hrs and 01:30hrs on Friday and Saturday a minimum of 2 door supervisors must be present at the customer entrance/exit of the premise. AT all other times the DPS will risk assess the need for door supervisors but a minimum of 2 door supervisors will be employed if required.
- e. There has been 1 valid representation received from a resident. Their comments are shown as Appendix C.

Responsible Authority / Other person	Licensing Objective	Associated Documents	Appendix
Deborah and Darren Rousell	Public Nuisance Public Safety	Letter	C

4. Policy Considerations

The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

The following paragraphs of the Council's Statement of Licensing Policy apply to this application:

Sections 2.1 to 2.4 – These sections set out the Council's approach with regard to licensing and details other mechanisms to deal with potential problems.

Section 1.1 to 1.4 – These sections set out the four licensing objectives and identifies matters that may be relevant to the promotion of each licensing objective.

5. Determining the application – Options of the Panel

The Panel must, when reaching a decision on the outcome of the application, take into account the licensing objectives. Having had proper regard to the matters above the Panel may:

1. Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application; modified to such an extent as the Licensing sub-committee considers appropriate for the promotion of the licensing objectives and any relevant mandatory condition.
2. Exclude from the licence any of the licensable activities applied for.
3. Refuse to specify a person in the licence as premises supervisor.
4. Reject the application.

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under the Section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each

authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area”.

6. Implications Assessment

The decision should be made with regard to the Secretary of the State’s guidance and the Council’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.

7. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

8. Recommendations

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

9. List of Appendices

Appendix A – Application form
Appendix B – Plan of premises
Appendix C – Representation (Other Persons)
Appendix D – Representation from the Police.
Appendix E – Plan of area
Appendix F – Order of proceedings

10. Appeals

The applicant or any other person (objector) 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. Parties should be aware that they MAY incur an Adverse Cost Order should they bring an appeal.



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	JO/7343	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	JD
* Family name	Wetherspoon plc
* E-mail	jodell@jdwetherspoon.co.uk

Main telephone number	01923 477902	Include country code.
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Other telephone number	
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Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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* Registration number	1709784
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* Business name	JD Wetherspoon plc
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If your business is registered, use its registered name.

* VAT number	-	396331433
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Put "none" if you are not registered for VAT.

* Legal status	Public Limited Company
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Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Public Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Proposed two storey bar/restaurant with customer area, kitchen, cellar, office, male and female customer toilets and external customer area on the ground floor. Customer area and staff facilities are located on the first floor.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve - an additional hour

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve - an additional hour

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve/the morning BST - an additional hour

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. The premises licence holder will ensure that all staff at the premises have been trained in accordance with established JD Wetherspoon plc training procedures. Specifically the premises licence holder will ensure that all employees who work front of house are trained in their responsibilities to prevent alcohol being served to anybody who is under the legal age limit or to anyone who appears to be drunk or to anyone who is trying to purchase alcohol on their behalf.

b) The prevention of crime and disorder

1. The premises licence holder will ensure that there are sufficient staffing levels including manager to encourage

Continued from previous page...

responsible behaviour on the premises at all times.

2. CCTV shall be installed in the premises. Images will be retained for a minimum of 30 days and will be available to the police upon request. Members of the management team will be trained in the use of the system.

3. Non-alcoholic beverages including soft drinks, water, coffee and tea shall be available at all times, sale by retail of alcohol carried out at the premises.

c) Public safety

See conditions 1 to 3 Box B above.

d) The prevention of public nuisance

See conditions 1 to 3 Box B above.

e) The protection of children from harm

1. The premises licence holder will operate a "Challenge 21" Policy at all times.

2. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/swale/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="JO/7343"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Deborah & Darren Rousell

The Ypres Tavern, 22 West Street, Sittingbourne, Kent ME10 1AP

3rd March 2015

The Licensing Officer
Swale Borough Council
Swale House
Sittingbourne
Kent ME10 3HT

Dear Sir/Madam

Re: Licence Application by JD Wetherspoon

The Golden Hope (Former Court House)

We wish to object to the application made by JD Wetherspoons in respect of the Court House.

We live directly opposite the Court House, and whilst we are also a public house, The Ypres is also our home and we live above the pub.

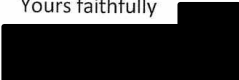
We believe the proposed licensing hours will have a direct effect on us and be detrimental to our sleep and personal lives as stated by the Councillor at the recent meeting and that we will be affected by noise and groups of people hanging around outside our home until 2am. This will be compounded by groups also leaving the Vineyard which already causes noise and disturbance to us until the early hours of the morning. We do not agree to the proposal that the new Wetherspoons open until midnight Sunday to Wednesday and 1am on Thursday evenings and think that a closing time of 11pm Sunday – Thursday is more acceptable.

In addition, over the last few weeks we have witnessed small groups of young people leaving the Vineyard and going round to the alleyway at the back of the Vineyard and taking drugs. This has been reported to the police and on one evening recently we witnessed this happening 5 times.

We are concerned about the frequency of anti social behaviour and fights that have previously occurred at the current Wetherspoons and that the amount of people at this end of town late at night will increase, we therefore think that the new Wetherspoons should have “door staff” as part of their licence (as do the Vineyard) to deal with any potential problems and possible police patrols be increased.

We look forward to hearing from you in due course.

Yours faithfully


Darren Rousell


Deborah Rousell



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Kent Police

Chief Officer of Police Representation in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent Nix
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Gill Angus 01634 792388 Clare Cossar 01634 792411 Chris Hill 01634 792276
Details of premises representation is about	
Name of Premises:	The Golden Hope
Address of premises:	1, Park Road Sittingbourne Kent ME10 1DR
Date application received by police	5 th February 2015
Date representation sent to Licensing Authority	13th March 2015 (amended)
<p>All representations must be made within 28 days of receipt of initial application</p> <p><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i></p>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? No

If yes complete the appropriate statement:

Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:

This application is for a new Weatherspoons. The location is at the end of the High Street and is in close proximity to other popular licensed premises. This will follow the standard Weatherspoons foot print providing food and drink. As it is a new premise there is no Crime and Disorder attributed to the particular premise, however the other licensed premises nearby have had several incidents of Crime and Disorder and the High Street area has also seen numerous incidents. This end of the High Street is more popular than the other end with night time economy revellers as many people start their evening at The Vineyard/Ypres Tavern and then migrate to Life nightclub. This new premise will ultimately attract a crowd once it opens and it is expected to be a very busy venue.

The Application is for the following:

Hours of Opening

Sunday – Wednesday 07:00 – 00:30
Thursday – Saturday 07:00 – 01:30

Late Night Refreshment

Sunday – Wednesday 23:00 - 00:00
Thursday –Saturday 23:00 – 01:00

Supply of Alcohol

Sunday – Wednesday 09:00 – 00:00
Thursday – Saturday 09:00 – 01:00

Non-standard Timings

Christmas Eve, Boxing Day, Maundy Thursday Sundays preceding a Bank Holiday Monday and New Years Eve an additional hour.

1) Prevention of Crime and Disorder

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this licence that seeks to effectively promote this objective and minimise the risk of it being undermined. The conditions need to be clear and precise.

2) Public Safety

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police. Licence holders have a responsibility to ensure the safety of those using their premises and this objective is concerned with the safety of persons using the premises rather than public health. Conditions imposed under public safety will also promote the crime and disorder objective.

3) Prevention of Public Nuisance

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community. This is more pronounced during the hours of the Night Time Economy. Those that engage in anti social behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance.

4) Protection of Children from harm

The protection of children from harm includes protection from moral, psychological and physical harm, therefore this is not just about protecting the children from the inherent harms of alcohol but includes exposure to strong language, and sexual harms which can include provocative behaviour by customers to sexually explicit material in magazines.

Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:

- 1) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 30 days and handed to Police upon reasonable request.
 - The premises licence holder must ensure at all times a DPS or trained member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
 - In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time (licensing.north.division@kent.pnn.police.uk)

- 2) All persons that sell or supply alcohol to customers must have licensing training.
 - All new front of house staff will complete the full JD Weatherspoon training programme.
 - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation through the JD Weatherspoon e-learning programme
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority either electronically or hard copy.

- 3) The License Holder will operate a system(s) for the recording of incidents and refusal of sale of alcohol at the premise. The system(s) will record the following;
 - a) Day, Date and Time of Refusal/Incident.
 - b) Nature of Refusal/Incident and reason.
 - c) Details of or description of the individual.
 - d) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority upon reasonable request.

- 4) When the premise is open between 21:00hrs and 01:30hrs on Friday and Saturday a minimum of 2 door supervisors must be present at the customer entrance/exit of the premise. At all other times the DPS will risk assess the need for door supervisors but a minimum of 2 door supervisors will be employed if required.

C. Gill

DC Gill Angus
PP. Ch. Supt Matthew Nix
North Division Area Commander

Date: 13th March 2015

Scale 1:750

The Golden Hope



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LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Swale Borough Council licensing officers
- Applicant (and any representative)
- Each responsible authority (and any representative)
- Other persons (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- The Chairman will ask the legal advisor or licensing officer to briefly outline the application and all representations regarding the application.

i) The Applicant

- Opening remarks by the applicant (or their representative).
- Evidence of the applicant and any witnesses.
- After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- Opening remarks by the officer representing the responsible authority (or their representative).
- Evidence of the responsible authority officer and any witnesses.
- After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Other Persons

- Opening remarks by the other person (or spokesperson/representative).
- Evidence of the other person and any witnesses.
- After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- If necessary, the spokesperson/representative may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- Each Responsible Authority**
- Each other person**
- The Applicant**

End of Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- The hearing is formally closed.