

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 11 August 2015
Time: 10.00 am
Venue: Council Chamber - Swale House

Membership:

Councillors June Garrad, Lesley Ingham and Ghlin Whelan.

Quorum = 3

	Pages
1. Apologies for Absence and Confirmation of Substitutes	
2. Notification of Chairman and Outline of Procedure	
3. Declarations of Interest	
<p>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.</p> <p>The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:</p> <p>(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.</p> <p>(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.</p> <p>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.</p>	
4. Application for a New Off Licence under the Licensing Act 2003	1 - 56
<p>To consider an application for a new Off Licence at Hardy's Market, 87</p>	

Preston Street, Faversham.

Issued on Monday, 3 August 2015

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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: Tuesday 11th August 2015 at 10:00am
Report Author: Mohammad Bauluck - Licensing Officer
Subject: Hardy's Market of 87 Preston Street Faversham Kent ME13 8NU

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 FAV/SWALE/189/0633

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: Hardy's Market of 87 Preston Street Faversham Kent ME13 8NU

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 2003, made by Mr Hardy Aziz Kerim, in respect of the premises Hardy's Market, 87 Preston Street Faversham Kent ME13 8NU (Appendix A and B) in respect of which 1 (one) representation (Appendix C) from an other person and a petition has been received (Appendix E).

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 16th June 2015 an application was received from Mr Hardy Aziz Kerim for the grant of a premises licence under section 17 of the Licensing Act 2003 in respect of premises Hardy's Market at 87 Preston Street Faversham Kent ME13 8NU. The application is for off sales of alcohol. The proposed hours of operation are:

Sale of alcohol (off sales)

Monday – Sunday 06:30 until 00:00 (midnight)

Opening Hours

Monday – Sunday 06:30 until 00:00 (midnight)

- 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 Mr Hardy Aziz Kerim.

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.
 - Applicant has agreed to amend his operating schedule to include conditions requested by the Police – Appendix D
 - **Conditions agreed:**
 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, outside the premise, 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 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.
 - The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - 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.

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

Training must include:-

- Avoiding sales of alcohol or age restricted products to those under the age of 18.
 - recognising customers who appear drunk and refusing sale or supply of alcohol
 - knows the licensing objectives and have read and understood licence conditions
 - can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
 - Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon reasonable request either electronically or hard copy.
3. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.
 4. The License Holder will maintain auditable refusal/incident records. These records will detail 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) Each entry is to be checked and signed by the D.P.S on the day of the event.
 - e) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
 5. All purchases of alcohol must be made through an accredited wholesaler and the Premises

Licence Holders or Designated Premises Supervisor will be required to keep proof of purchases and retained in accordance with HMRC requirements.

6. On the Saturday and Sunday of the Hop Festival:
 - A. There will be no sale of alcohol in glass vessels from the premises; and
 - B. There will be no external advertisement of alcohol promotions at the premises.
- e. There has been 1 valid representation received from a business owner on Preston Street. His comments are shown at Appendix C. There is also a petition signed by 51 people submitted by the same business owner. Their comments are shown at Appendix E.

Responsible Authority / Other person	Licensing Objective	Associated Documents	Appendix
Vishal Joshi	Crime and Disorder Public Nuisance	Letter	C
Petition from Vishal Joshi	Crime and Disorder Public Nuisance	Letter	E

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

Part 6 - Appendix 1– 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 – Conditions correspondence
Appendix E – Petition
Appendix F – Plan of area
Appendix G – 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.

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[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Hardy Aziz Kerim

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

**Hardy's Market
87 Preston street**

Post town

Faversham

Postcode

ME13 8NU

Telephone number at premises (if any)

Non-domestic rateable value of premises

£10,250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	Mr
Surname Kerim			First names Hardy Aziz		
I am 18 years old or over				✓ Please tick yes	
Current postal address if different from premises address					
Post town	Canterbury			Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment	Please tick any that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for performing plays (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
Both	<input type="checkbox"/>							
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	06:30	00:00			
Tue	06:30	00:00			
Wed	06:30	00:00			
Thur	06:30	00:00			
Fri	06:30	00:00			
Sat	06:30	00:00			
Sun	06:30	00:00			

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

Name Hardy Aziz Kerim	
Address Canterbury Kent	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known) Canterbury city council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:30	00:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	06:30	00:00	
Wed	06:30	00:00	
Thur	06:30	00:00	
Fri	06:30	00:00	
Sat	06:30	00:00	
Sun	06:30	00:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises licence holder and DPS have carried out a risk assessment with consideration of the four licensing objectives.
All staff will be fully trained to understand their responsibilities with regard to the retail sale of alcohol. Records of staff training will be maintained and updated accordingly.

b) The prevention of crime and disorder

The premises has a 4 camera CCTV system which cover all areas inside of the store. Recordings will be held securely for 31 days and will be made available to the police for inspection upon request at any time. All incidents of crime and disorder will be logged and reported accordingly. The log book will be available for inspection at any time by a responsible authority.
A refusals register will be kept and maintained to records details of all refusals and will be made available to the police and licensing authority for inspection on request.
The premises licence holder will only purchase cigarettes and alcohol (or other stock) from bona fide warehouses and will be able to produce VAT invoices upon request by the police or other responsible authority.

c) Public safety

The premises will be maintained in a safe manner at all times.
All exits will be clear of hazards.

d) The prevention of public nuisance

All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

e) The protection of children from harm

The premises will promote a documented age verification scheme “challenge 25” with notices displayed to such effect.

The premises will operate a “No Id, No Sale” policy at all times and will only accept photographic ID such as a passport, driving licence or PASS card as acceptable forms of identification. Applications forms for the PASS cards will be available in store and actively promoted.

Staff will be trained in the understanding of this policy and staff training records will be maintained on site at all times.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).

If signing on behalf of the applicant, please state in what capacity.

Signature	Hardy Aziz Kerim
Date	16.06.2015
Capacity	Applicant

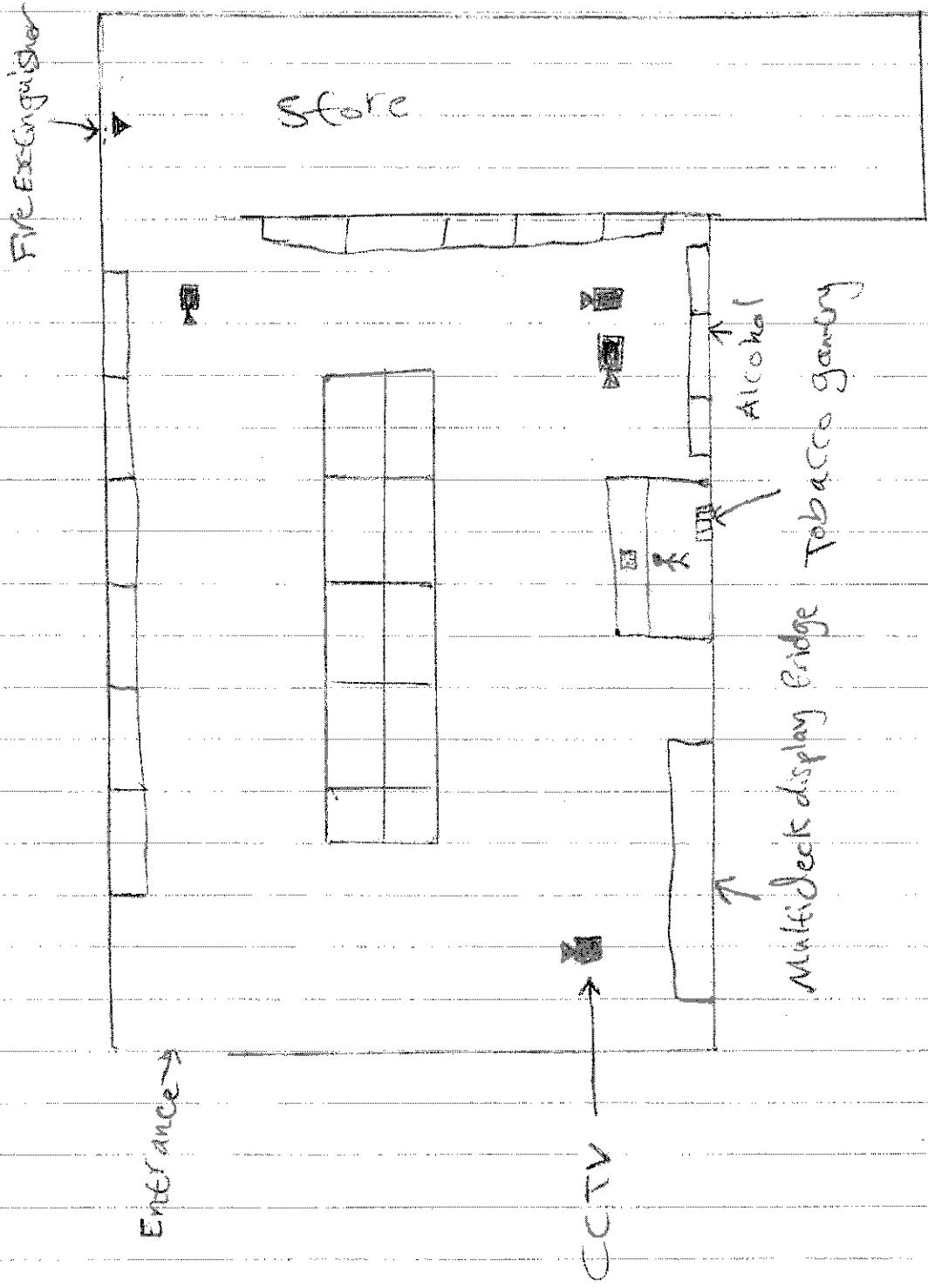
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



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From
Vishal Joshi
Preston Street,
Faversham, ME13

To Mohammad Bauluck
Licensing Department
Swale Borough Council

Ref: Petition to oppose the application for new off license at Hardy's market of 87 Preston Street, Faversham

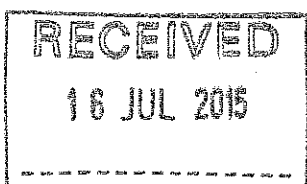
Dear Mr Bauluck,

Firstly let me thank you for replying back to my previous letter. I have taken an initiative to get a petition signed by the local residents to raise their voice against the above mentioned application.

Mr Bauluck I have attached the petition with signatures for your kind perusal. I was amazed to see how many people came forward to raise their voice to oppose this application. All of them who has signed the petition strongly believes the following issues the new preemies will cause

- A) More Crime and Disorder as the premises will be kept open till midnight (application made for 06.30 am - 12.00pm).
- B) More Public Nuisance as the premises will be selling alcohol to people coming out of pub late at night once the pubs are shut.
- C) Anti social behaviour in less than one mile radius of the above mentioned premises for the last 6 month is nearly 50, according to the report from the Kent police website. This new premises will only increase more of anti social behaviour and will also raise the question about the safety of the children once the anti social behaviour increases.

I have tried my best to raise my voice and was overwhelmed to see the support I received from the Faversham Community. I believe that having another off license is going to do no good to the community, leaving aside the fact that it will only increase the anti social behaviour. I have also attached the report from the Kent police for the last 6 month for anti social behaviour.



We have done our best to give you enough evidence to agree our points and refuse this application.

CC

To

**Mayor of Faversham
Ms Anita Walker**

To

**MP of Faversham
Helen Whatley**

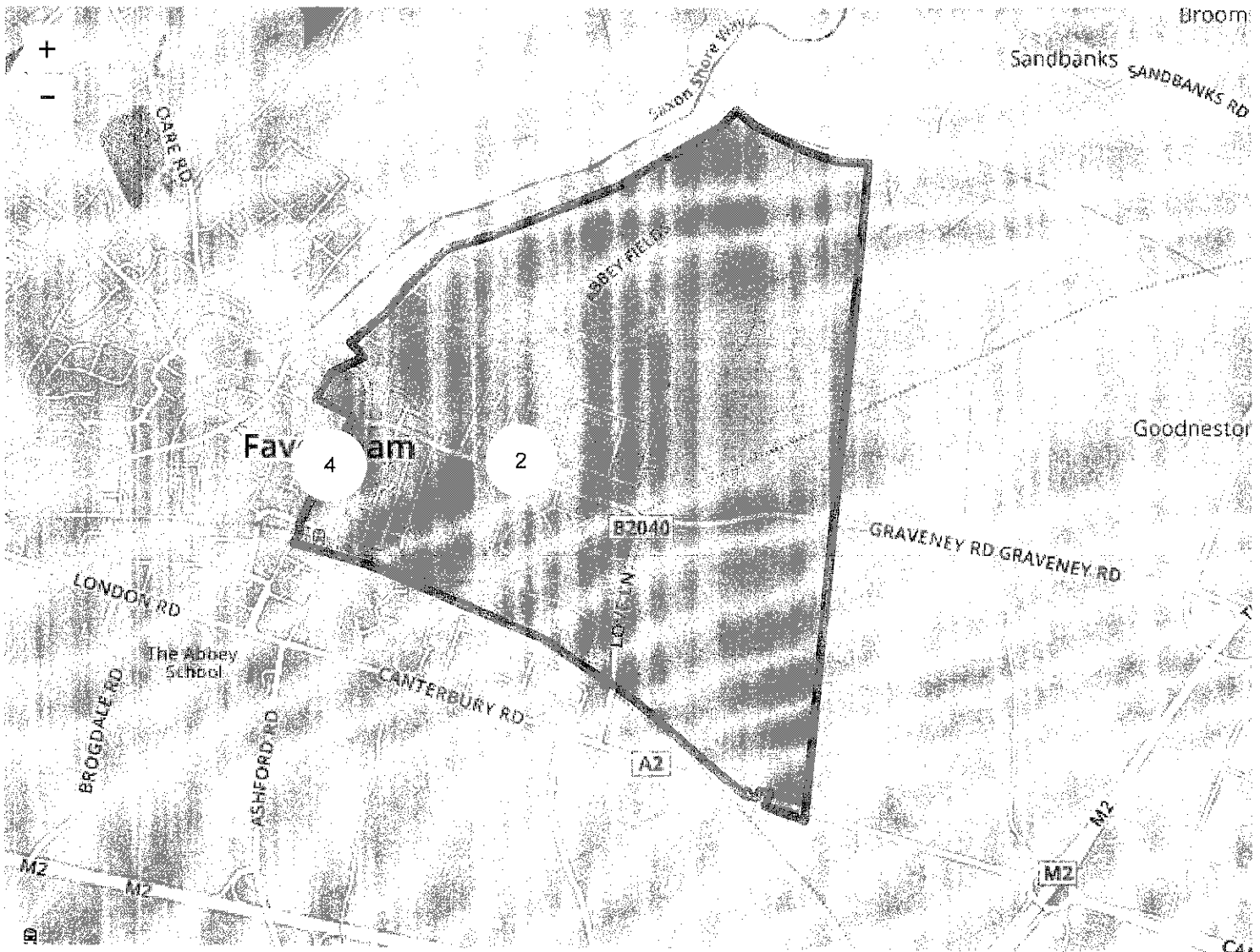
Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

Anti-social behaviour (6) ▼

reported in May 2015 ▼

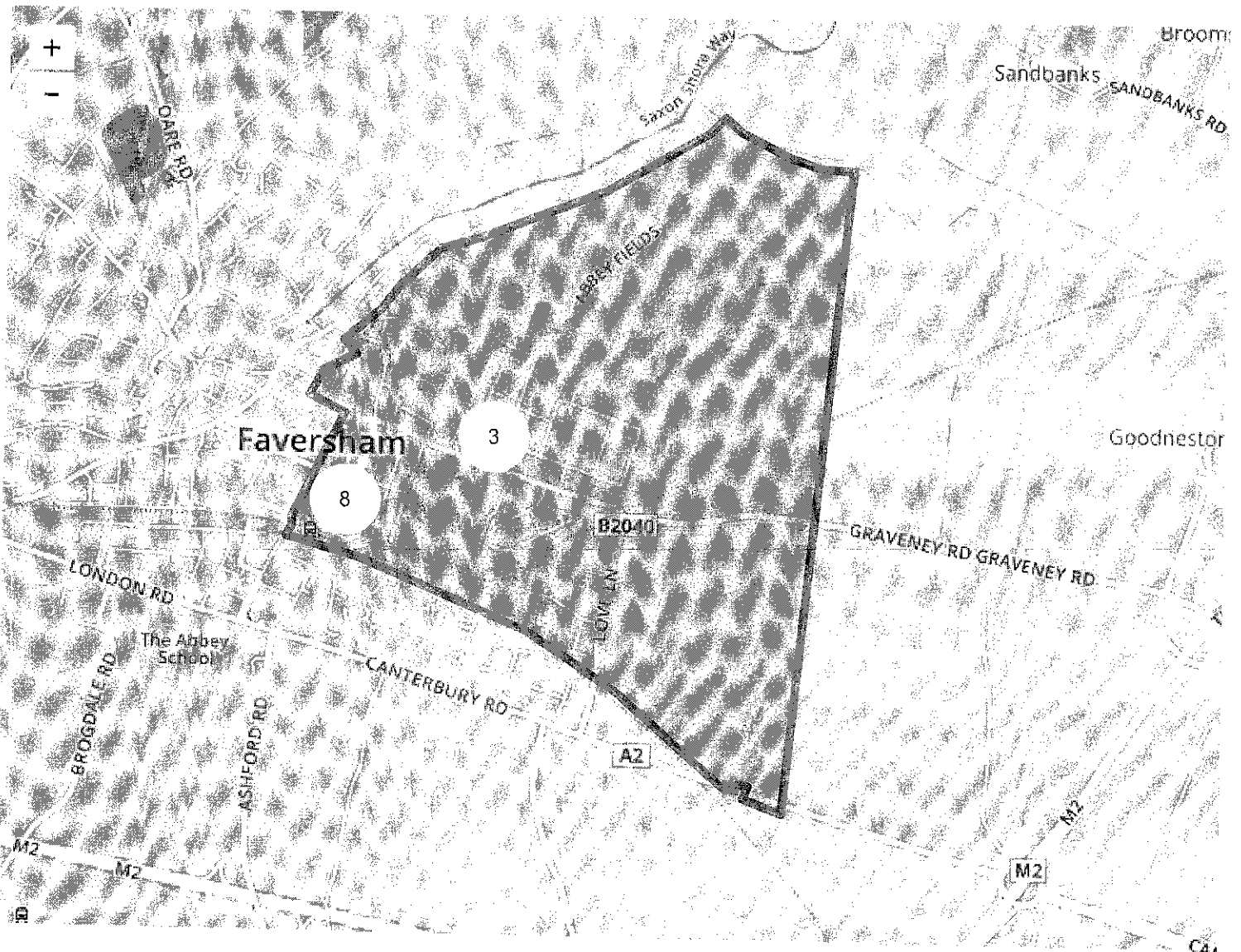


Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

- Anti-social behaviour (11) ▼
- reported in April 2015 ▼

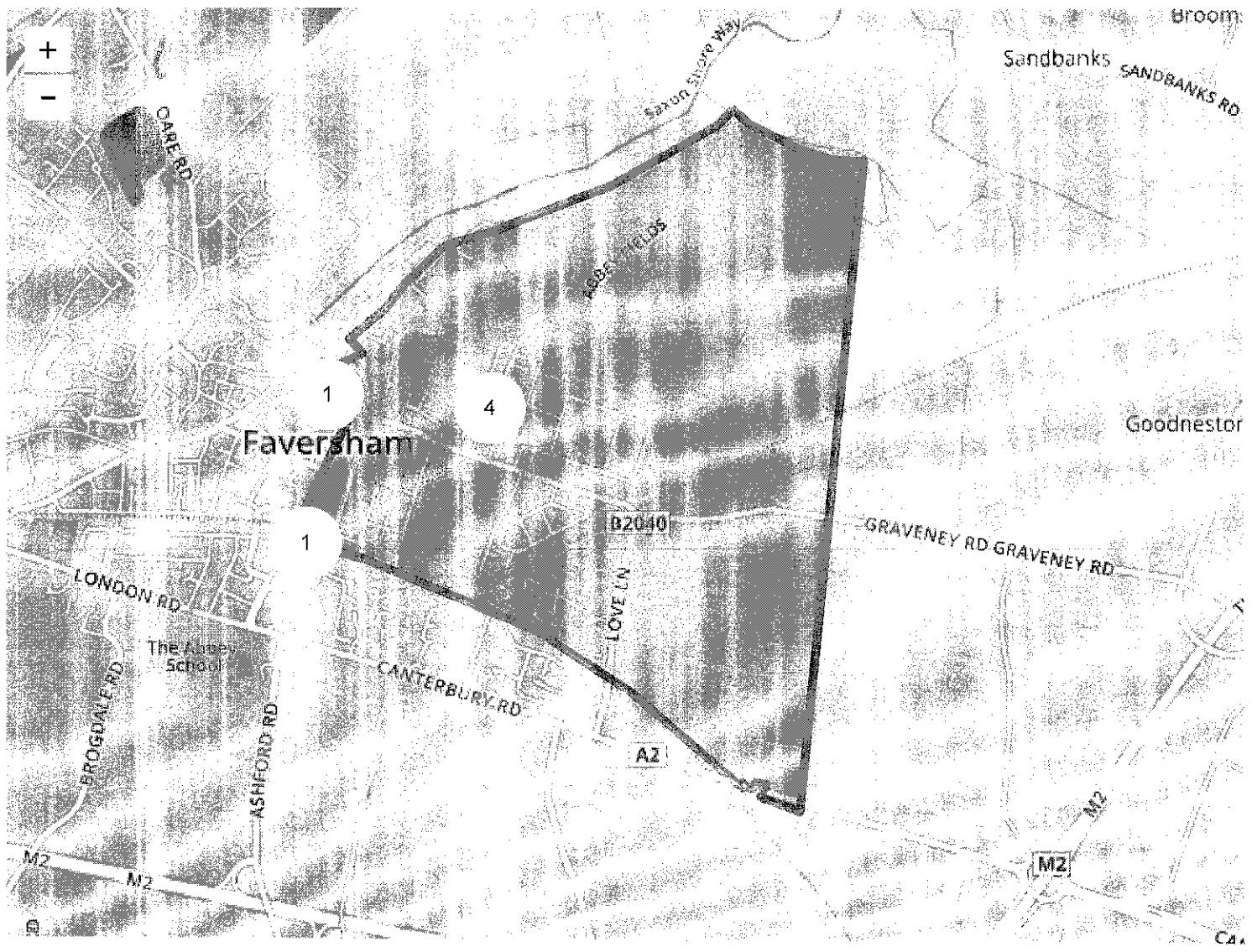


Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

- Anti-social behaviour (6) ▼
- reported in March 2015 ▼



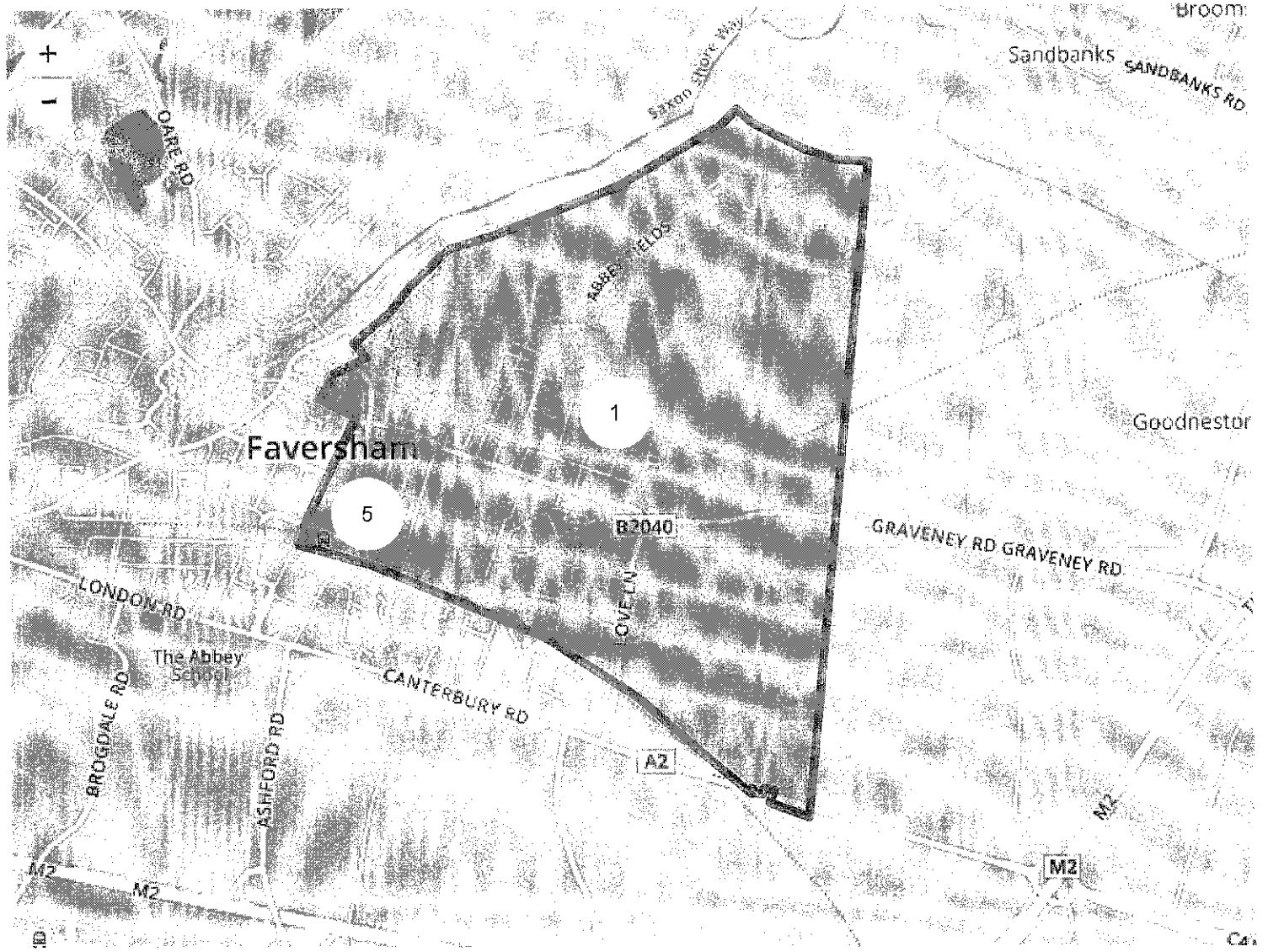
Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

Anti-social behaviour (6) ▼

reported in February 2015 ▼



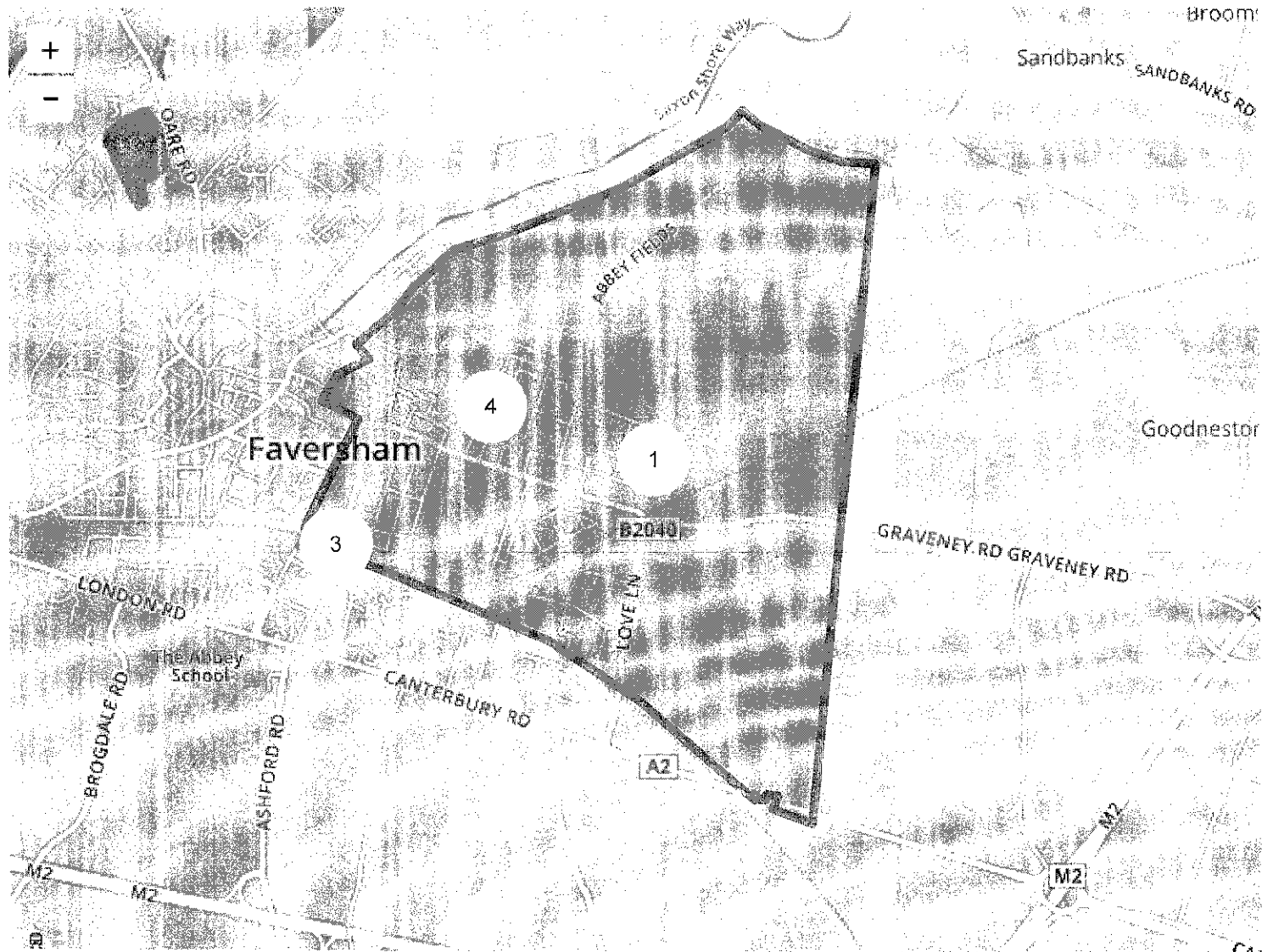
Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

Anti-social behaviour (8) ▼

reported in January 2015 ▼

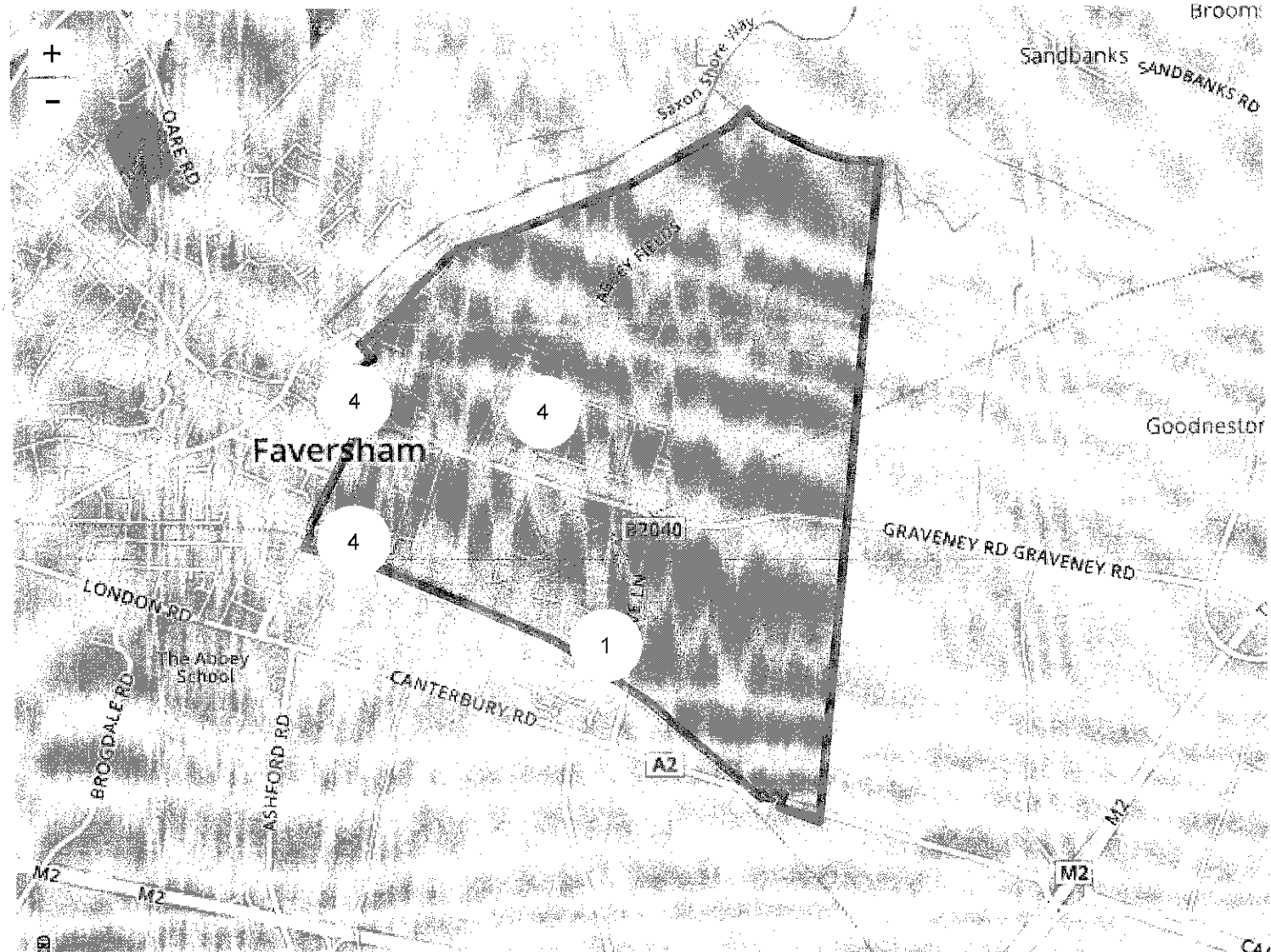


Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

Anti-social behaviour (13) ▼
reported in December 2014 ▼





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 FUTERS
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	[REDACTED]
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Gill Angus 01634 792388 Chris Hill 01634 792276 Clare Cossar 01634 792411
Details of premises representation is about	
Name of Premises:	Hardy's Markets
Address of premises:	89 Preston Street Faversham ME13 8NU
Date application received by police	19 th June 2015
Date representation sent to Licensing Authority	9 th July 2015
<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 premise at 87 Preston Street, Faversham. The location is a mixture of shops/businesses with residential premises above. As it is a new premise there is no information available to Kent Police in respect of this premise.

The application is for the premise to be open to the public and sell alcohol :
06:30 – 00:00 Sunday – Saturday

Kent Police are opposed to this application under the times stated and propose the following:

Premise open 06:00 - 00:00

Alcohol Sales 08:00 - 00:00

Kent Police are seeking appropriate and unambiguous conditions be attached to any authorisation as a result of this variation.

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. The applicant has outlined that staff will receive training and has outlined that CCTV will be installed and maintained and recording will be available all the time and the retained images will be in the CCTV recorder for a minimum of 31 days and access will be available to the police and local authority. In relation to safety we have requested that during the Hop Festival no glass vessels are sold from the premises to reduce the risk of bottles being used in disorder. The store can decant bottles into plastic containers, if so required.

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.

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 applicant states that they wish to promote this objective, by not selling alcohol to anyone who is or appears to be under the age of 18 and that proof of identity will be requested.

What they have not identified is the practice of proxy sales and how they will address and deal with this. This is a rising issue and needs to be closely monitored by the licence holder.

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, outside the premise, 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 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.
 - The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - 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.

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

Training must include:-

- Avoiding sales of alcohol or age restricted products to those under the age of 18.
 - recognising customers who appear drunk and refusing sale or supply of alcohol
 - knows the licensing objectives and have read and understood licence conditions
 - can produce licences/certificates/permits relevant to the premises in the absence of licence holder/DPS.
 - Refresher training should be repeated a minimum of every twelve months or earlier if required due to changes of legislation.
 - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon reasonable request either electronically or hard copy.
3. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.
 4. The License Holder will maintain auditable refusal/incident records. These records will detail 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) Each entry is to be checked and signed by the D.P.S on the day of the event.
 - e) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
5. All purchases of alcohol must be made through an accredited wholesaler and the Premises Licence Holders or Designated Premises Supervisor will be required to keep proof of purchases and retained in accordance with HMRC requirements.
6. On the Saturday and Sunday of the Hop Festival:
- A. There will be no sale of alcohol in glass vessels from the premises; and
 - B. There will be no external advertisement of alcohol promotions at the premises.



PC Clare Cossar
PP. Ch. Supt Adrian FUTERS
North Division Area Commander

Date: 9th July 2015

Email from Police to confirm acceptance of Police conditions

From: Clare Cossar PC 46012431 <[REDACTED]>
Sent: 10 July 2015 14:21
To: Licensing Resource (SBC)
Cc: Mohammad Bauluck; [REDACTED]
Subject: FW: Representations Hardys
Attachments: Representations Hardys.doc

Good afternoon

Please find attached the conditions agreed for Hardy's 87 Preston Street, Faversham. I formally withdraw my representations.

Thank you.

Clare

From: Hardy [mailto:[REDACTED]]
Sent: 10 July 2015 13:06
To: Clare Cossar PC 46012431
Subject: Re: Representations Hardys

Hello PC Clare

I have read the document regarding the sale of alcohol at 87 Preston Street, and I am agree to the terms and conditions you have mentioned.

Many thanks
Hardy

Sent from my iPhone

On 9 Jul 2015, at 09:54, Clare Cossar PC 46012431 <[REDACTED]> wrote:

Dear Sir

Please find attached the Police Representations in respect of the new premises licence of Hardy's Market, 87 Preston Street, Faversham. Can I ask that you and your client read through the proposed conditions and if you are in agreement, please advise me as soon as possible and I will formally withdraw my representations.

If you have any queries, please can you contact me.

Thank you

Clare

PC Clare Cossar
North Division Licensing Officer

[REDACTED]

This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate.

<Representations Hardys.doc>

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Email from Police to confirm the correction to the Opening Hours

From: Clare Cossar PC 46012431 [mailto: [REDACTED]]
Sent: 29 July 2015 13:01
To: 'Hardy'
Cc: Mohammad Bauluck
Subject: RE: Representations Hardys

Hello Hardy

Further to our telephone conversation. Please accept my apologies for the time error, which should read 06:30 am instead of 06:00am.

Please can you confirm as soon as possible that the opening time of 06:30 am is correct.

Thank you.

Clare

Email from applicant to confirm the correction to the Opening hours

From: Hardy [mailto: [REDACTED]]
Sent: 29 July 2015 15:50
To: Clare Cossar PC 46012431
Subject: Re: Representations Hardys

Hello

I confirm that the time of 6:30 is correct.

Regards
Hardy

Sent from my iPhone

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From
Vishal Joshi
Preston Street,
Faversham, ME13

Petition

I am Making a Petition to oppose the application for an off license at Hardy's Market of 87 Preston Street, Faversham, Kent Me13 8NU

I strongly believe that offering the above mentioned premises with off license will increase

- A) More Crime and Disorder as the premises will be kept open till midnight. (Application made for 06.30am – 12.00pm)
- B) More Public Nuisance as the premises will be selling alcohol to people coming out of pub late at night once the pubs are shut.
- C) Anti social behaviour in less than one mile radius of the above mentioned premises for the last 6 month is nearly 50, according to the report from the Kent police website. I have attached a copy of the last 6 month report for everyone to have a look. This new premises will only increase more of anti social behaviour and will also raise the question about the safety of the children once the anti social behaviour increases.

If you agree to any of the points I have mentioned above than feel free to sign and support the petition by mentioning whether you want another off license or you don't want one.

I appreciate all your help and together we will achieve the best for our community.

Name	Address	Reason for oppose	Sign and Date
Daniel Kitchingham	nakenade Avenue Fav Kent ME13	Too many offices	
John Hooper	Horsford Walk Faversham Kent ME13	Too many offices	
Nicola Hooper	" " "	" " "	
Pam Green	Cannon Gate ME13		
B. Chester	Bampfels Rd ME13	too many offices and will affect local trade	
K. Walsh	Parslow Malthouse Faversham ME13	ALREADY HAS ENOUGH SHOPS SERVICING AROUND	
S. Green	Finch Close FAVERSHAM KENT ME13	HAPPY WITH THE ONE WE GOT DON'T NEED ANY MORE	
M Deeprose	Newnham Lane eastling	L/L ?	

NAME	ADDRESS	REASON TO OPPOSE	SIGN AND DATE
PHEN BALDOGA	ST NICHOL 15, ROAD. FAVERSHAM KENT.	NOT NEEDED.	
Oliver Branson- Cole	Fostall Road Faversham	Saturation, Not needed, potential Asbo hotspot for Drunks	
De Benton - Taylor	Northdown Deddingham	Not Needed	
MALISSA DANE	ASHFORD RD,	NOT NEEDED	
Jarren Rickard.	mount view ME13	Why do we need two off licences within two days of each other	
Jack Terwin	kingmont Road ME13	We dont need it!!!	
Callum Day	Finch Close ME13	Not needed! Dont need two off licenses so close	
Aimee Dennison	Stone Street	Too many off licences / pubs street!!	
Peter Pritchard.	Salter's Lane	Need Page 47 in a different location	

NAME	ADDRESS	REASON TO OPPOSE	SIGN AND DATE
EDDIE SHARPE	ABBOTST FAVERSHAM	it will cause the Drunken People in and around Market Place x Drive family out of the town centre	
Baruch Johnson	Newton Lane FAVERSHAM	NOT Required already have on	
G Tjids	Gardens SUN	NOT Requi	
? PHIPPS	LOVE LAWE FAVERSHAM	NOT Required.	
S. Cole	Gold finch Close FAVERSHAM	Not Needed	
MRS. Wade	ST Nick ROAD FAV.	NOT Needed	
MRS S LEE	LARKSPID RD	NOT NEEDED	
C. TAYLOR	FINECOLE FAVERSHAM KENT.	NOT NEEDED	
L Cooper	The Ridge WAY Rougham	Page 48 NOT Needed	

NAME	ADDRESS	REASON TO OPPOSE	SIGN AND DATE
Sid Cooper	" " "	not needed	
Jean Cooper	" " "	Not needed	
Bernadene Zonaguel	Bob amour el	not Wanted!!	
USQ Bailey		NOT NEEDED	
LINDA COVELL	Lower B	Not needed. to much anti social behaviour already.	
ROBERT LOVELL	Lower RD	NO WAY DO WE NEED A GATHERING PLACE FOR DRUNKS	
icky Price	Cluny Rd foreston,	NOT NEEDED!	
Leone Thames	Gordon Square	Not needed	
Daly party	Lionveld Rd	Page 49 not needed	

NAME	ADDRESS	REASON TO OPPOSE	SIGN AND DATE
BOO FORTESCUE	SOUTH RD.	NOT NEEDED!	
Judy Jones	Market Place Faversham	right next to another shop selling exactly the same thing	
Sue Arthur	Newton Rd Faversham	Too close to other licensed premises, too disruptive - benches needed not drinks to sit on them!	
Jennie Watkins	Jacob Yard Preston St. Faversham	Not needed. Too much late night noise already!	
R. ALTON	Preston Street Faversham	NOT NEEDED!	
D. Cranwell	Abbey fields ME9	NOT NEEDED	
J. GARREY	St Marys Court church Rd ME13	Kanting we need!	
WILLIAM	Salvian garden	not needed	



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Making Swale a Better Place

**LICENSING AUTHORITY:
SWALE BOROUGH COUNCIL**

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

1. Introductions

The Chairman will request all those persons participating in the hearing to identify themselves or introduce them.

Members/Officers/Applicant and any representative/Responsible Authorities/any other persons (objectors)

2. Procedural Matters

The Chairman will:

- i) Confirm that all parties are aware of the sub-committee **hearing procedure** and that each party has a copy of the hearing procedure document.
- ii) Confirm that all sub-committee members have **pre-read all the papers** and any other documents contained in the report regarding the hearing.
- iii) Explain that the sub-committee will allow all parties to put their case fully and make full **submissions**, within a reasonable time frame. The procedure will be discussion led by the Sub-Committee and **questions** will usually be permitted.
- iv) 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). If this happens, the person may give the sub-committee in writing any information which the person would have been entitled to give orally.
- v) Enquire whether any draft **conditions** have been agreed between the applicant and any of the other parties for the sub-committee to consider.
- vi) Enquire whether any parties request to have **any witness** give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- vii) Invite the parties, where appropriate, to appoint a **spokesperson**.

3. The Hearing

- A) The Chairman will ask the legal advisor or licensing officer to briefly outline the application and all representations regarding the application.
- B)
 - i) Ask the **Applicant** (or their representative) to put forward their case opening remarks and evidence (including witnesses).
 - ii) **Allow** appropriate **questions** from any Responsible Authority and/or other person/members of the subcommittee
 - iii) Any points of clarification.
- C)
 - i) Ask **Responsible Authorities** (where applicable) to put forward their case. Opening remarks and evidence (including witnesses) by the officer representing the responsible authority (or their representative).
 - ii) Allow appropriate **questions** from:
the Applicant/other Responsible Authorities/other persons/member of the Sub-Committee.
 - iii) Any points of clarification.
- D)
 - i) Opening remarks and evidence by the **other person/s** (or spokesperson/representative).
 - ii) Allow appropriate **questions** from:
the Applicant, Responsible Authorities, each further other person and sub-committee members.
 - iii) Any points of clarification.
- E) **Closing Summary**

Responsible Authorities/Other Persons/The Applicant
- F) **End of Hearing**
 - i) The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
 - ii) The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
 - iii) 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.
 - iv) The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations to provide any advice required.

G) **The Decision**

The Chairman shall declare in public session:

- i) The sub-committee's **determination** and indicate that all parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination; and
- ii) that 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.
- iii) Formally close the meeting.

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