

# AGENDA

## LICENSING SUB-COMMITTEE MEETING

Date: Friday, 9 October 2015

Time: 10.00 am

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

Membership:

Councillors Paul Fleming, Lesley Ingham and Ghlin Whelan

Quorum = 3

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|  | 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.

|  |        |
|--|--------|
| 4. Application for a New Premises Licence under the Licensing Act 2003 | 1 - 36 |
|--|--------|

To consider an application for a new premises licence at 1 Gatefield Lane, Faversham ME13 8NX.

**Issued on Monday 28 September 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 Act 2003 Committee, please visit [www.swale.gov.uk](http://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:** 9<sup>th</sup> October 2015

**Report Author:** Angela Seaward – Senior Licensing Officer

**Subject:** 1 Gatefield Lane, Faversham, Kent, ME13 8NX

### **Purpose and summary of report:**

To consider an application, to which representations have been made, for a new Premises Licence application under the Licensing Act 2003 – application reference number FAV/SWALE/189/0642

### **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: Angela Seaward at [angelaseaward@swale.gov.uk](mailto:angelaseaward@swale.gov.uk)  
Telephone: 01795 417534

The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally 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: 1 Gatefield Lane, Faversham, Kent, ME13 8NX**

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 Fabio Armenti, in respect of the premises 1 Gatefield Lane, Faversham, Kent, ME13 8NX (Appendix A and B) in respect of which two (2) representations (Appendix C) has been received from an other person. Planning have made an advisory note (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 19<sup>th</sup> August 2015 an application was received from Fabio Armenti for the grant of a premises licence under section 17 of the Licensing Act 2003 in respect of premises 1 Gatefield Lane, Faversham, Kent, ME13 8NX The application is for the provision of sale of alcohol and recorded music. The proposed hours of operation are:

**Supply of Alcohol – on & off sales**

Monday – Saturday 10:00 – 22:00

Sunday 11:00 – 15:00

**Recorded Music – indoors only**

Monday – Saturday 10:00 – 22:00

Sunday 11:00 – 15:00

**Opening Hours**

Monday – Saturday 10:00 – 22:00

Sunday 11:00 – 15:00

- 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 Fabio Armenti

## **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 – Advisory Note,
  1. Premises does not have A4 usage which is required for planning permission to be a drinking establishment, as shown in Appendix D
- Environmental Pollution – Swale Borough Council –representation made, conditions agreed
  1. To keep windows and doors closed
  2. To keep volume of background music to a reasonable level
- Kent County Council Public Health – No representations.
- Kent Police – Representation made, 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.
  2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
  3. 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 28days and handed to Police upon reasonable request.
  4. 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.
  5. 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](mailto:licensing.north.division@kent.pnn.police.uk))

There have been two valid representations received from Mrs Gloria Nahrwold and Mrs Ellie Metcalfe. Their comments are shown as Appendix C.

| Responsible Authority / Other person            | Licensing Objective | Associated Documents | Appendix |
|---|---------------------|----------------------|----------|
| 1. Mrs Gloria Nahrwold<br>2. Mrs Ellie Metcalfe | Public Nuisance     | email                | 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 3.4 – 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 1989 to consider the crime and

disorder implications of their decisions and the Licensing Authority's responsibility to cooperate 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 Planning Department.  
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.

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**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 FABIO ARMENTI  
*(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 |                  |                         |                 |
| <u>1, GATEFIELD LANE</u>   |                  |                         |                 |
| Post town  | <u>FAVERSHAM</u> | Postcode                | <u>ME13 8NX</u> |
| Telephone number at premises (if any)  |                  | <u>N/A</u>              |                 |
| Non-domestic rateable value of premises  |                  | <u>£ 1.800 (BAND A)</u> |                 |

**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 ( ~~limited liability partnership~~ )  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

**RECEIVED**  
18 AUG 2015  
online

**PAID**  
19 AUG 2015  
£100.00 CHQ


- 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 checked="" type="checkbox"/>                    | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/>  | Ms <input type="checkbox"/>                         | Other Title (for example, Rev) |  |
| Surname <b>ARMENTI</b>                                    |                              | First names <b>FABIO</b>   |   |                                |  |
| I am 18 years old or over                                 |                              |  | <input checked="" type="checkbox"/> Please tick yes |                                |  |
| Current postal address if different from premises address |                              | <b>5 TWYMAN'S MILL<br/>WEST STREET</b>   |   |                                |  |
| Post town   | <b>FAVERSHAM</b>             |  | Postcode  | <b>ME13 7RU</b>                |  |
| Daytime contact telephone number                          |                              |  | <b>07986263061</b>                                  |                                |  |
| 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  

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| 1 | 5 | 1 | 0 | 2 | 0 | 1 | 5 |
|---|---|---|---|---|---|---|---|

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

DD MM YYYY  

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| - | - | - | - | - | - | - | - |
|---|---|---|---|---|---|---|---|

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

WINE SHOP FOR THE SUPPLY OF ALCOHOL ON AND OFF THE PREMISES.  
 WINE TASTING MEASURES (75ML) SERVED WITH SMALL PLATTERS OF CHEESE AND CURED MEATS.

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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<br>Standard days and timings<br>(please read guidance note 6) |       |        | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)   | Indoors  | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day   | Start | Finish |  | Outdoors | <input type="checkbox"/> |
|   |       |        |  | Both     | <input type="checkbox"/> |
| Mon   |       |        | <u>Please give further details here</u> (please read guidance note 3)  |          |                          |
| Tue   |       |        |  |          |                          |
| Wed   |       |        | <u>State any seasonal variations for performing plays</u> (please read guidance note 4)  |          |                          |
| Thur  |       |        |  |          |                          |
| Fri   |       |        | <u>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</u> (please read guidance note 5) |          |                          |
| Sat   |       |        |  |          |                          |
| Sun   |       |        |  |          |                          |

**B**

|  |       |        |   |  |                                   |
|--|-------|--------|---|--|-----------------------------------|
| <b>Films</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  |  | Indoors <input type="checkbox"/>  |
|  |       |        |   |  | Outdoors <input type="checkbox"/> |
|  |       |        |   |  | Both <input type="checkbox"/>     |
| Day  | Start | Finish | <b>Please give further details here</b> (please read guidance note 3)   |  |                                   |
| Mon  |       |        |   |  |                                   |
|  |       |        | <b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)  |  |                                   |
| Tue  |       |        |   |  |                                   |
|  |       |        | <b>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</b> (please read guidance note 5) |  |                                   |
| Wed  |       |        |   |  |                                   |
|  |       |        |   |  |                                   |
| Thur   |       |        |   |  |                                   |
|  |       |        |   |  |                                   |
| Fri  |       |        |   |  |                                   |
|  |       |        |   |  |                                   |
| Sat  |       |        |   |  |                                   |
|  |       |        |   |  |                                   |
| Sun  |       |        |   |  |                                   |

C

|   |       |        |   |
|---|-------|--------|---|
| <b>Indoor sporting events</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b><u>Please give further details</u></b> (please read guidance note 3)   |
| Day   | Start | Finish |   |
| Mon   |       |        |   |
|   |       |        |   |
| Tue   |       |        | <b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)  |
| Wed   |       |        |   |
| Thur  |       |        | <b><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></b> (please read guidance note 5) |
| Fri   |       |        |   |
| Sat   |       |        |   |
| Sun   |       |        |   |
|   |       |        |   |

D

| Boxing or wrestling entertainments<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick<br>(please read guidance note 2)  | Indoors  | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| Day  | Start | Finish |   | Outdoors | <input type="checkbox"/> |
| Mon  |       |        | <b>Please give further details here</b> (please read guidance note 3)   | Both     | <input type="checkbox"/> |
| Tue  |       |        |   |          |                          |
| Wed  |       |        | <b>State any seasonal variations for boxing or wrestling entertainment</b><br>(please read guidance note 4)   |          |                          |
| Thur   |       |        |   |          |                          |
| Fri  |       |        | <b>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</b> (please read guidance note 5) |          |                          |
| Sat  |       |        |   |          |                          |
| Sun  |       |        |   |          |                          |



E

|   |       |        |   |                          |
|---|-------|--------|---|--------------------------|
| <b>Live music</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  |                          |
|   |       |        | Indoors   | <input type="checkbox"/> |
|   |       |        | Outdoors  | <input type="checkbox"/> |
| Day   | Start | Finish | Both  | <input type="checkbox"/> |
| Mon   |       |        | <u>Please give further details here</u> (please read guidance note 3)   |                          |
| Tue   |       |        |   |                          |
| Wed   |       |        | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)  |                          |
| Thur  |       |        |   |                          |
| Fri   |       |        | <u>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</u> (please read guidance note 5) |                          |
| Sat   |       |        |   |                          |
| Sun   |       |        |   |                          |

**F**

| Recorded music<br>Standard days and timings<br>(please read guidance note 6) |       |        | Will the playing of recorded music take place<br><u>indoors or outdoors or both – please tick</u> (please read guidance note 2)  | Indoors  | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| Day  | Start | Finish |  | Outdoors | <input type="checkbox"/>            |
| Mon  | 10:00 | 22:00  | Please give further details here (please read guidance note 3)<br><br>CD PLAYER / PC<br>WITH SMALL SPEAKERS  | Both     | <input type="checkbox"/>            |
| Tue  | 10:00 | 22:00  |  |          |                                     |
| Wed  | 10:00 | 22:00  | State any seasonal variations for the playing of recorded music (please read guidance note 4)  |          |                                     |
| Thur   | 10:00 | 22:00  |  |          |                                     |
| Fri  | 10:00 | 22:00  | 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) |          |                                     |
| Sat  | 10:00 | 22:00  |  |          |                                     |
| Sun  | 11:00 | 15:00  |  |          |                                     |
|  |       |        |  |          |                                     |

J

|  |       |        |  |                  |                                     |
|--|-------|--------|--|------------------|-------------------------------------|
| <b>Supply of alcohol</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)   | On the premises  | <input type="checkbox"/>            |
|  |       |        |  | Off the premises | <input type="checkbox"/>            |
|  |       |        |  | Both             | <input checked="" type="checkbox"/> |
| Day  | Start | Finish | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)<br><br>N/A  |                  |                                     |
| Mon  | 10:00 | 22:00  |  |                  |                                     |
| Tue  | 10:00 | 22:00  |  |                  |                                     |
| Wed  | 10:00 | 22:00  |  |                  |                                     |
| Thur   | 10:00 | 22:00  |  |                  |                                     |
| Fri  | 10:00 | 22:00  |  |                  |                                     |
| Sat  | 10:00 | 22:00  |  |                  |                                     |
|  |       |        | <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br><br>N/A |                  |                                     |
| Sun  | 11:00 | 15:00  |  |                  |                                     |
|  |       |        |  |                  |                                     |

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

|  |   |
|--|---|
| Name                                   | FABIO ARMENTI                               |
| Address                                | 5 TWYMAN'S MILL<br>WEST STREET<br>FAVERSLAM |
| Postcode                               | ME 13 7RU                                   |
| Personal licence number (if known)     | SWALE-PL-1651                               |
| Issuing licensing authority (if known) | SWALE BOROUGH COUNCIL                       |

I

|   |       |        |  |  |          |                          |
|---|-------|--------|--|--|----------|--------------------------|
| <b>Late night refreshment</b><br>Standard days and timings<br>(please read guidance note 6) |       |        | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)  |  | Indoors  | <input type="checkbox"/> |
|   |       |        |  |  | Outdoors | <input type="checkbox"/> |
| Day   | Start | Finish |  |  | Both     | <input type="checkbox"/> |
| Mon   |       |        | <u>Please give further details here</u> (please read guidance note 3)  |  |          |                          |
|   |       |        |  |  |          |                          |
| Tue   |       |        | <u>State any seasonal variations for the provision of late night refreshment</u><br>(please read guidance note 4)  |  |          |                          |
|   |       |        |  |  |          |                          |
| Wed   |       |        | <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) |  |          |                          |
|   |       |        |  |  |          |                          |
| Thur  |       |        |  |  |          |                          |
|   |       |        |  |  |          |                          |
| Fri   |       |        |  |  |          |                          |
|   |       |        |  |  |          |                          |
| Sat   |       |        |  |  |          |                          |
|   |       |        |  |  |          |                          |
| Sun   |       |        |  |  |          |                          |
|   |       |        |  |  |          |                          |

**H**

|   |       |        |  |          |                          |
|---|-------|--------|--|----------|--------------------------|
| <p>Anything of a similar description to that falling within (e), (f) or (g)<br/>Standard days and timings<br/>(please read guidance note 6)</p> |       |        | <p>Please give a description of the type of entertainment you will be providing</p>  |          |                          |
| Day   | Start | Finish | <p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>   | Indoors  | <input type="checkbox"/> |
| Mon   |       |        |  | Outdoors | <input type="checkbox"/> |
|   |       |        |  | Both     | <input type="checkbox"/> |
| Tue   |       |        | <p><u>Please give further details here</u> (please read guidance note 3)</p>   |          |                          |
| Wed   |       |        |  |          |                          |
| Thur  |       |        | <p><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)</p>  |          |                          |
| Fri   |       |        |  |          |                          |
| Sat   |       |        | <p><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)</p> |          |                          |
| Sun   |       |        |  |          |                          |

**G**

|  |              |               |  |  |          |                          |
|--|--------------|---------------|--|--|----------|--------------------------|
| <b>Performances of dance</b><br>Standard days and timings<br>(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"/> |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <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   |              |               |  |  |          |                          |
|  |              |               |  |  |          |                          |
| Fri  |              |               | <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) |  |          |                          |
| Sat  |              |               |  |  |          |                          |
|  |              |               |  |  |          |                          |
| Sun  |              |               |  |  |          |                          |
|  |              |               |  |  |          |                          |

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).

N/A

L

| Hours premises are open to the public<br>Standard days and timings<br>(please read guidance note 6) |       |        | State any seasonal variations (please read guidance note 4) |
|---|-------|--------|---|
| Day   | Start | Finish |   |
| Mon   | 10:00 | 22:00  | N/A   |
| Tue   | 10:00 | 22:00  |   |
| Wed   | 10:00 | 22:00  |   |
| Thur  | 10:00 | 22:00  |   |
| Fri   | 10:00 | 22:00  |   |
| Sat   | 10:00 | 22:00  |   |
| Sun   | 11:00 | 15:00  |   |

**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** (please read guidance note 5)

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)

- 1) GIVE FRIENDLY EFFICIENT SERVICE
- 2) HAVING A GOOD RELATIONSHIP WITH THE POLICE AND LOCAL AUTHORITIES
- 3) JOIN RETAIL WATCH AND NEIGHBOURHOOD WATCH.

b) The prevention of crime and disorder

CCTV SYSTEM ON & OFF PREMISES

c) Public safety

EXTERNAL LIGHTING

d) The prevention of public nuisance

- 1) DEVELOPING GOOD RELATIONSHIP WITH CLIENTS, CUSTOMERS
- 2) WALKING AROUND THE PREMISES AND BEING VIGILANT

e) The protection of children from harm



- 1) AGE VERIFICATION POLICY
- 2) ADOPT CHALLENGE 25 POLICY
- 3) TIME RESTRICTION AT 18:00 FOR CHILDREN OR UNDERAGE

**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 | [REDACTED] |
| Date      | 18/08/2015 |
| Capacity  | APPLICANT  |

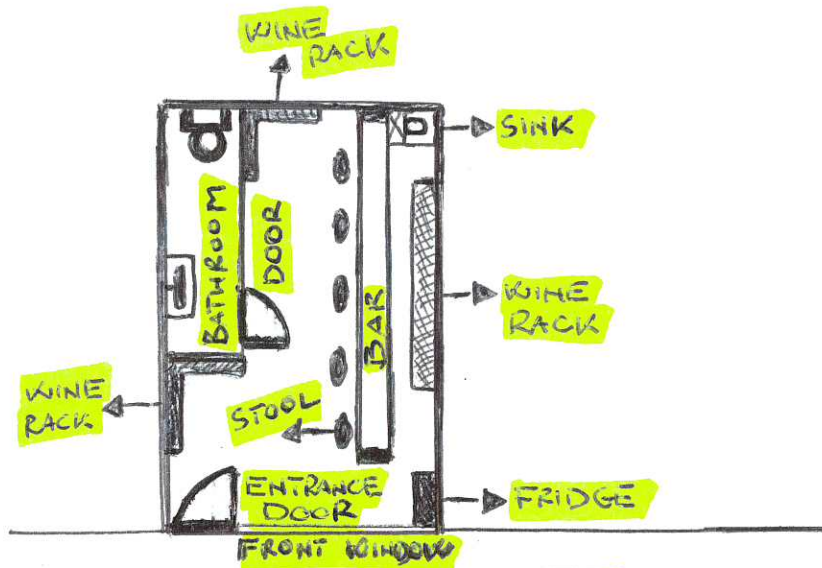
For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

|   |             |          |           |
|---|-------------|----------|-----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) |             |          |           |
| MR FABIO ARMENTI<br>5 TWYMANS MILL<br>WEST STREET   |             |          |           |
| Post town   | FAVERSLAM   | Postcode | ME 13 7RU |
| Telephone number (if any)   | 07986263061 |          |           |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional)   |             |          |           |
| [REDACTED]  |             |          |           |

**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 [REDACTED] 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.



1, GATEFIELD LANE

SCALE 1:100

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Objection Mrs Metcalfe

From: [REDACTED]  
Sent: 12 September 2015 11:50  
To: Licensing Resource (SBC)  
Cc: [REDACTED]  
Subject: Objection to new license application, 1 Gatefield Lane, Faversham

12th September 2015

To whom it may concern,

I am writing to raise concerns, on behalf of my mother Mrs Lee, who has very recently (as of 8th September) become resident at [REDACTED] Gatefield Lane, Faversham. It has come to my attention that there are plans to turn the property immediately adjacent (No 1) into a wine shop, open each day except Sunday 10am to 10pm. In addition, the plan is for the property to function as a sort of bar with background music in the evenings. Although I understand the plan is for the music to be 'background' I am concerned as the walls between the properties are very thin and not sound-proofed. Indeed the present occupant of No 1 has already told my mother that she can hear her radio through the wall, which is at a very low volume indeed, so it seems very likely indeed that the sounds of a lot of people drinking and talking, as well as even low volume music will be easily audible next door to No 1. I assume there has been no sound-checking done, as Nos 2-3 have been empty for some time. This is a concern to me as my mother is elderly (81 years old), does not go out in the evenings, and so will be hoping to be quietly watching TV when the bar next door is in operation. The design of her property means that the space where she will be in the evenings is literally on the other side of the wall from what would be the bar, so there is no protection offered from noise whatsoever. I would be very grateful if you could take this into account when considering the license application.

Yours faithfully,  
Mrs Ellie Metcalfe [REDACTED], Oare House, Water Lane Off West Street, Faversham ME13 [REDACTED]

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Planning Objection Appendix D

From: Andrew Spiers  
Sent: 14 September 2015 15:39  
To: Angela Seaward  
Subject: Licensing Application - 1 Gatefield Lane, Faversham

Dear Angela,

Thank you for consulting us in this matter.  
I believe that this property is at present used as a retro ladies fashion shop (named A la Mode?). As such, its use would not fall into Use Class A4, which includes pubs, wine bars and other drinking establishments. I can find no planning history referring to any changes of use for the property, so must surmise that the property does not enjoy A4 use permission. As such, we must register objection to the present licensing application.

Happy to discuss.

Kind regards,

Andrew

Andrew Spiers, MA | Planning Officer | Planning Services  
Swale Borough Council | Swale House | East Street | Sittingbourne | Kent ME10  
3HT | Tel: 01795  
417461 | Fax: 01795 417417 | Email: andrewspiers@swale.gov.uk | www.swale.gov.uk

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1 Gatefield Lane



Scale 1:500

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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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