

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 10 May 2016

Time: 10.00 am

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

Membership:

Councillors Paul Fleming, Prescott and Ghlin Whelan.

Quorum = 3

	Pages
1. Fire Evacuation Procedure	
<p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> <p>Any officers present at the meeting will aid with the evacuation.</p> <p>It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.</p>	
2. Apologies for Absence and Confirmation of Substitutes	
3. Notification of Chairman and Outline of Procedure	

4. Declarations of Interest

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

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

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

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

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

Part B Report for the Licensing Sub-Committee to decide

5. Review of premises licence under the Licensing Act 2003

1 - 25

To review the premises licence at Austin News 4U, Invicta Road, Sheerness.

Issued on Monday, 25 April 2016

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 this Committee, please visit www.swale.gov.uk

Director of Corporate Services, 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: 10th May 2016 at 10:00am
Report Author: Angela Seaward – Senior Licensing Officer
Subject: Austin News 4U – 176 Invicta Road, Sheerness, Kent, ME12 2AG

Purpose and summary of report:

To consider an application, to which a representation has been made, for a variation of an existing Premises Licence application under the Licensing Act 2003 – application reference number SHE/SWALE/189/0392

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
Home Office 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
Telephone: 01795 417534

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: Austin News 4U, 176 Invicta Road, Sheerness, Kent, ME12 2AG

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 Variation of a Premises Licence under the Licensing Act 2003, made by Jaswinder Sidu, in respect of the premises Austin News 4U (Appendix A and B) in respect of which one(1) representation (Appendix C) has been received from an other person.

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 3rd March 2016 an application was received from Jaswinder Sidu for the variation of a premises licence under section 34 of the Licensing Act 2003 in respect of premises Austin News 4U at 176 Invicta Road, Sheerness, Kent, ME12 2AG. The application is for:

- (1) An extension of Licensable hours to 06:30 – 23:00 Monday to Saturday and 08:30 – 21:00 on Sundays
- (2) Change of layout to premises

The current opening hours are:

06:30 – 22:00 Monday to Friday, 07:30 – 22:00 Saturdays and 08:30 – 21:00 on Sunday

The current hours for licensable activities are:

08:30 – 22:00 Monday to Saturday and 10:00 – 21:00 on Sundays

- 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 Designated Premises Supervisor is Mrs Jaswinder Sidu

Representations

Responsible authorities:

- Kent and Medway Fire & Rescue Service – No representations
 - Kent County Council Trading Standards – No representations
 - Kent County Council Social services Children & Families – No representations
 - Planning Department – Swale Borough Council – No representations
 - Environmental Pollution – Swale Borough Council – No representations
 - Kent County Council Public Health – No representations.
 - Kent Police – Agreed Conditions
1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
 - 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 on demand.
 - The recording equipment and any discs/tapes 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 immediately (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.
 - Refresher training should be repeated a minimum of every six 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 on demand either electronically or hard copy.
 3. The premises licence holder or designated premises supervisor must keep an incident register.

Staff to be trained to complete an incident book/records immediately after the incident but no later than the end of their shift.

The register must be kept on the premises and will detail

- Day, date and time of incident
- Nature of incident
- Resolution

Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

- e. There has been one valid representation received from an other person. Their comments are shown as **Appendix C**.

Other person	Licensing Objective	Associated Documents	Appendix
Mr B Targar	Crime and Disorder Public Nuisance Protection of children from harm	Letter	C

4. Policy Considerations

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

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

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

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

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

5. Determining the application – Options of the Panel

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

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

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under the Section 17 of the Crime and Disorder Act 1989 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 – Plan of area
- Appendix E – Order of proceedings

10. Appeals

The applicant or any other person (objector) may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates' Court. Parties should be aware that they MAY incur an Adverse Cost Order should they bring an appeal.



* required information

Section 1 of 17

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Austin News 4U	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name	JASWINDER
* Family name	SIDHU
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	[REDACTED]

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

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

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

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number	05325071
* Business name	AUSTIN NEWS 4U LIMITED
* VAT number	GB 853377307
* Legal status	Private Limited Company

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

2,600

Section 3 of 17

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

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.

TYPE OF PREMISES : OFF LICENCE / CONVIENENCE STORE
GENERAL SITUATION : ON RESIDENTIAL ROAD, OFF HIGH STREET
LAYOUT : COUNTER HAS BEEN MOVED 90 DEGREES

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to
vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to
vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if
this application to vary is successful?

Yes

No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

Continued from previous page...

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

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

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ADULT ENTERTAINMENT

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

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

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 07:30

End 23:00

Start

End

SUNDAY

Start 08:30

End 22:00

Start

End

State any seasonal variations.

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

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

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

Continued from previous page...

TRAINED STAFF TO ASK FOR ID
TRAINED STAFF TO REMAIN AWARE AS POSSIBLE OF ANY UNDER AGE YOUTHS SEEKING ADULTS TO PURCHASE ALCOHOL ON THEIR BEHALF
INSTALLED 16 CHANEL HD CCTV INDOOR AND OUTDOOR
INSTALLED BLIND DOORS ON TOBACCO DISPLAY CASE
REFUSAL BOOK IN PLACE
DISPLAYED CHALLENGE 25 STICKERS THROUGHOUT THE SHOP
ADT MONITORED ALARM SYSTEM
INSTALLED TWO PANICK BUTTONS

b) The prevention of crime and disorder

INSTALLED 16 CHANEL HD CCTV INDOOR AND OUTDOOR
REFUSAL BOOK IN PLACE
DISPLAYED CHALLENGE 25 STICKERS THROUGHOUT THE SHOP
ADT MONITORED ALARM SYSTEM
INSTALLED TWO PANICK BUTTONS

c) Public safety

TRAINED STAFF TO ASK FOR ID
TRAINED STAFF TO REMAIN AWARE AS POSSIBLE OF ANY UNDER AGE YOUTHS SEEKING ADULTS TO PURCHASE ALCOHOL ON THEIR BEHALF
INSTALLED 16 CHANEL HD CCTV INDOOR AND OUTDOOR
INSTALLED BLIND DOORS ON TOBACCO DISPLAY CASE
REFUSAL BOOK IN PLACE
DISPLAYED CHALLENGE 25 STICKERS THROUGHOUT THE SHOP
ADT MONITORED ALARM SYSTEM
INSTALLED TWO PANICK BUTTONS

d) The prevention of public nuisance

TRAINED STAFF TO ASK FOR ID
TRAINED STAFF TO REMAIN AWARE AS POSSIBLE OF ANY UNDER AGE YOUTHS SEEKING ADULTS TO PURCHASE ALCOHOL ON THEIR BEHALF
INSTALLED 16 CHANEL HD CCTV INDOOR AND OUTDOOR
INSTALLED BLIND DOORS ON TOBACCO DISPLAY CASE
REFUSAL BOOK IN PLACE
DISPLAYED CHALLENGE 25 STICKERS THROUGHOUT THE SHOP
ADT MONITORED ALARM SYSTEM
INSTALLED TWO PANICK BUTTONS

e) The protection of children from harm

TRAINED STAFF TO ASK FOR ID
TRAINED STAFF TO REMAIN AWARE AS POSSIBLE OF ANY UNDER AGE YOUTHS SEEKING ADULTS TO PURCHASE ALCOHOL ON THEIR BEHALF
INSTALLED 16 CHANEL HD CCTV INDOOR AND OUTDOOR
INSTALLED BLIND DOORS ON TOBACCO DISPLAY CASE
REFUSAL BOOK IN PLACE
DISPLAYED CHALLENGE 25 STICKERS THROUGHOUT THE SHOP
ADT MONITORED ALARM SYSTEM
INSTALLED TWO PANICK BUTTONS

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

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

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

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

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

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

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

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

* Fee amount (£)

DECLARATION

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

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

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

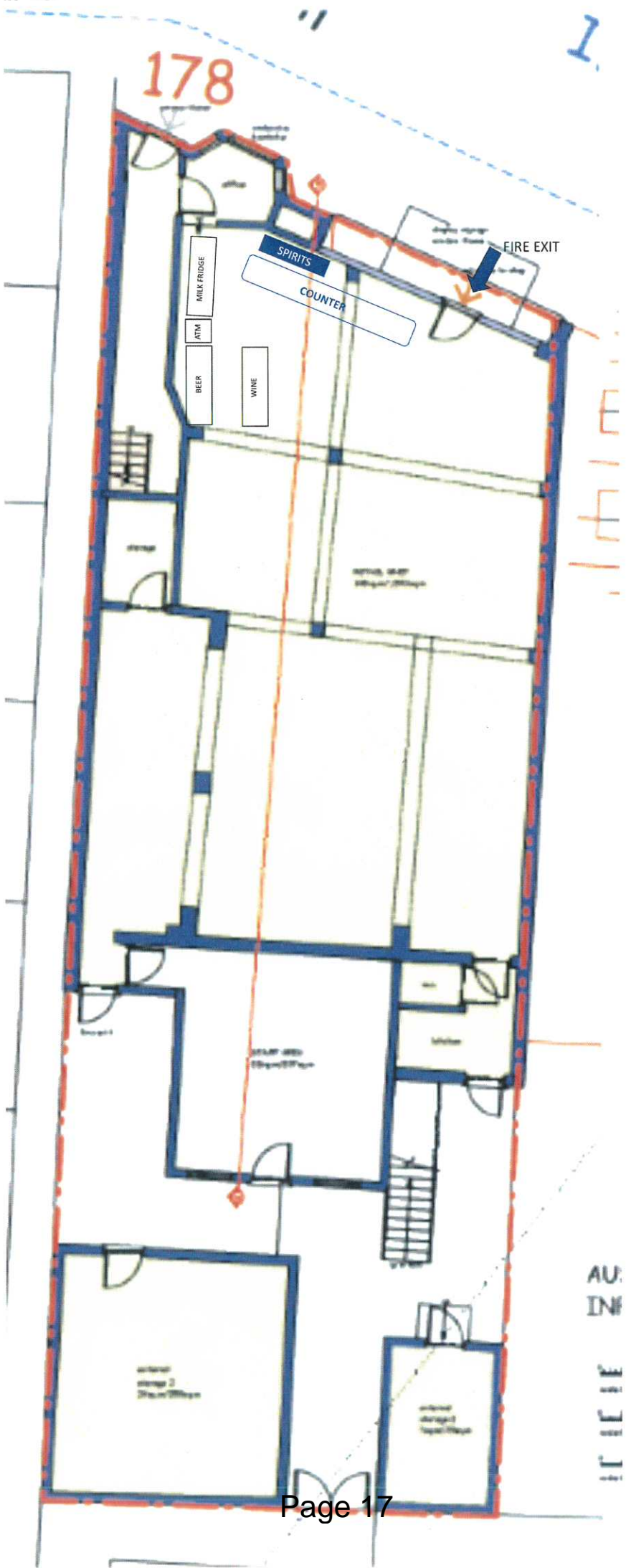
* Full name

* Capacity

* Date / /
dd mm yyyy

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B Targar
Galway Rd
Sheerness
Kent
ME122QL
01795
27.03.16

Ref Application for License Variation
Mrs Jaswinder Sidu Austins News 4U Ltd
176 Invicta Rd , Sheerness , Kent, ME12 2AG

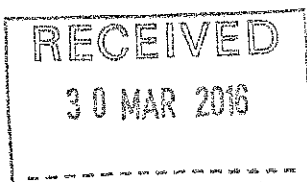
Dear Sir or Madam

I wish to raise objection to the planned extension to licensing hours for the shop Austins New 4U.

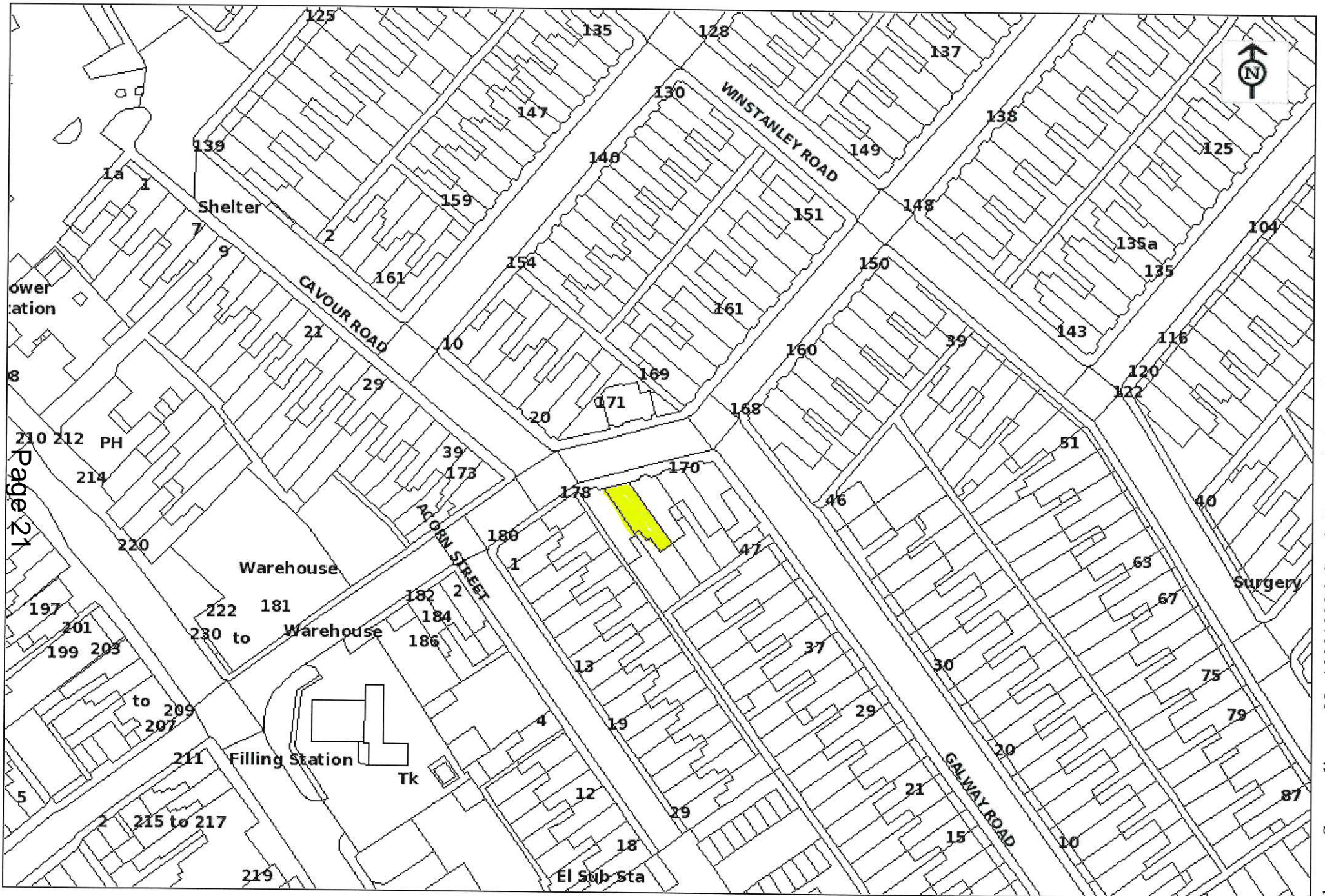
I live quite close and in the vicinity of the shop are four alleys of which one runs down the side of my house. We have long had problems with people drinking down the alleys, ASB and more disgustingly urinating and defecating.

Firstly I feel that allowing the shop to sell alcohol at 6.30am in the morning will make our problems at lot worse and secondly the shop is well used by children in the morning going to school up to about 8.30am I feel it would be irresponsible to have alcohol on sale and available with so many children using the shop. I know they are underage and should not be served but they do find ways round this and to have it on offer for them is not in any ones best interest. The current licensing hours are more than sufficient for the area the shop is situated in and therefore I see no good reason for them to be extended.

Kind Regards
B Targar



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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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