

## AGENDA

### LICENSING SUB-COMMITTEE MEETING

Date: Monday, 30 September 2019

Time: 10.00am

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

Membership:

Councillors Derek Carnell, Roger Clark and Carole Jackson.

Quorum = 3

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Pages

#### 1. Emergency Evacuation Procedure

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.

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.

The Chairman will inform the meeting that:

(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. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

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.

#### 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.
- (c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**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 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. Application for a new Premises Licence

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To consider a new premises licence for Island Fish Bar, 120-122 High Street, Sheerness.

#### **Issued on Monday, 16 September 2019**

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## Swale Borough Council

**Report to:** Licensing Sub – Committee (Under the Licensing Act 2003)

**Date:** 30<sup>th</sup> September 2019 – 10:00

**Report Author:** Christina Hills – Licensing Officer

**Subject:** Island Fish Bar, 120-122 High Street, Sheerness ME12 1UB

### **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 SHE/SWALE/189/0729

### **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: Christina Hills, Licensing Officer  
Email: [chrishills@swale.gov.uk](mailto:chrishills@swale.gov.uk)  
Telephone: 01795 417737

The Licensing Act 2003 Act 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 a 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:**

Application for: A Premises Licence to be granted under the Licensing Act 2003  
Island Fish Bar, 120-122 High Street, Sheerness, Kent ME12 1UB

**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 Merdan Yildirim in respect of premises at Island Fish Bar, 120-122 High Street, Sheerness, Kent ME12 1UB (Appendix A) in respect of which (2) representations have been received from members of the public (Appendix B).

**1. Issues to be decided**

Members are asked to determine whether to:

- (i) grant a licence 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 conditions,
- (ii) grant a licence but excluding any of the licensable activities applied for,
- (iii) grant a licence but refusing to specify a premises supervisor,
- (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;
- (iv) the protection of children from harm

**3. The Application**

- 3.1 On 7<sup>th</sup> August 2019 an application was made which was fully complete, from Merdan Yildirim for the grant of a Premises Licence under section 17 of the Licensing Act 2003 in respect of premises at Island Fish Bar, 120-122 High Street, Sheerness, Kent ME12 1UB. The proposed activities and hours are as follows:

**Late Night Refreshment**

Sunday to Thursday	23:00 – 00:00
Friday and Saturday	23:00 – 01:00

**Sale of Alcohol**

Sunday to Thursday	11:00 – 00:00
Friday and Saturday	11:00 – 01:00

The opening hours of the property are:

Sunday to Thursday	07:00 – 00:00
Friday and Saturday	07:00 – 01:00

- 3.2 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 at Appendix A.
- 3.3 The application has been correctly advertised in the local press on 21 August 2019. The consultation period ended on 4 September 2019. The required public notice was correctly displayed during the whole of the consultation period.
- 3.4 The proposed Designated Premises Supervisor is Merdan Yildirim although he has yet to obtain a Personal Licence under the Licensing Act 2003.

### 3.5 **Representations**

#### 3.6.1 Representations from responsible authorities:

- Kent and Medway Fire & Rescue Service – No representations
- Kent County Council Trading Standards – No representations
- Kent County Council Services Children and Families – No representations
- Kent County Council Public Health – No representations
- Environmental Health – Swale Borough Council – No representations
- Kent Police – Made representations and sought the attachment of the following conditions to assist in the promotion of the licensing objectives:

1. All person who sell or supply alcohol to customers must have licensing training  
Training should take place within six weeks of employment.  
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 Officers and authorised officers of Swale Council on demand either electronically or hard copy
2. 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, 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 discs/tapes shall be kept in a secure environment under the control of the DPS and other responsible named individual

An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failing's actions taken are to be recorded

In the event of a 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](mailto:licensing.north.division@kent.pnn.police.uk))

3. No outside area shall be used for consumption of alcohol after 21:00
4. All tables and chairs shall be removed from the outside area by 22:30 each day
5. The premises licence holder or designated premises supervisor must keep a refusal register. Staff to be trained to complete a refusal book/record immediately after the refusal 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 Refusal

Item Refused

Name or description of person refused sale

Reason for refusal

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

The register must be made available for Police, Police Licensing Officers and authorised officers from Swale Council on demand either electronically or hard copy

The applicant has agreed to the imposition of these conditions on any granted premises licence and Kent Police therefore withdrew their representation.

- 3.6.2 There have been (2) representation(s) from members of the public. These are shown at Appendix B.

Responsible Authority / Other person	Licensing Objective	Associated Documents	Appendix
Members of the Public	Public Nuisance Public Safety Crime and Disorder Protection of Children from Harm	(2) letters	B

#### 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 3.1 -3.4, 17.1-8, 17.20-23 – 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:

- (i) Grant the licence application as applied for;
- (ii) Modify the activities or conditions proposed or add any new conditions;
- (iii) Refuse to specify a person in the licence as designated premises supervisor
- (iv) Reject the whole or part of the application

- 5.1 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 and plan of premises

Appendix B – Representations (Members of Public) against the application

Appendix C - 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 21

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

ESI LICENCE MERDAN YILDIRIM

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

Merdan

\* Family name

Yildirim

**You must enter a valid e-mail address**

\* E-mail

licence@esi.london

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

### Agent Details

\* First name

\* Family name

### You must enter a valid e-mail address

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

### Agent Business

Is your business registered in the UK with Companies House?

☐ Yes

☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

☒ Yes

☐ No

Commercial register

The entity with which your business is registered, for example "Amsterdam Chamber of Commerce".

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Business Address**

Address for your business that appears on the commercial register.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21****INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

MERDAN

Family name

YILDIRIM

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

**You must enter a valid email address**

E-mail	<input type="text" value="licence@esi.london"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd mm yyyy"/>
* Nationality	<input type="text" value="British"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

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

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

Provide a general description of the premises

**Continued from previous page...**

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.

FISH AND CHIPS TAKEAWAY AND RESTAURANT (INCLUDING TABLES AND CHAIRS AT FRONT)

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

*Continued from previous page...*

Will you be providing recorded music?

☐ Yes ☒ No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

**Section 13 of 21**

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

See guidance on regulated entertainment

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

☐ Yes ☒ No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes ☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

*Continued from previous page...*

**SATURDAY**

Start  End

Start  End

**SUNDAY**

Start  End

Start  End

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

☐ Indoors ☐ Outdoors ☒ Both

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

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

State any seasonal variations

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

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

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

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes ☐ No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start 11:00

End 00:00

Start

End

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

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 00:00

Start

End

FRIDAY

Start 11:00

End 01:00

Start

End

SATURDAY

Start 11:00

End 01:00

Start 11:00

End 23:00

SUNDAY

Start 11:00

End 00:00

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.

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

**Continued from previous page...**

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

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

**Name**

First name

MERDAN

Family name

YILDIRIM

Date of birth

[REDACTED]

dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Personal Licence number  
(if known)

Will be provided in due course

Issuing licensing authority  
(if known)

LONDON BOROUGH OF REDBRIDGE

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent  
form (if known)

[REDACTED]

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Continued from previous page...

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

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

N/A

## Section 17 of 21

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start 07:00

End 00:00

Start

End

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

##### TUESDAY

Start 07:00

End 00:00

Start

End

##### WEDNESDAY

Start 07:00

End 00:00

Start

End

##### THURSDAY

Start 07:00

End 00:00

Start

End

##### FRIDAY

Start 07:00

End 01:00

Start

End

##### SATURDAY

Start 07:00

End 01:00

Start

End

##### SUNDAY

Start 07:00

End 00:00

Start

End

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

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

## Section 18 of 21

### 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.

- Applicant will obey by the current and existing health and safety and fire safety regulations.
- Permitted activities will only be practiced in the hours submitted.
- In question of alcohol, the DPS will be fully trained in the HABC Level 2 award for personal licence holders
- DPS and staff members are fully aware of the importance of the licensing objectives
- Alcohol will not be sold to any one who is drunk or acting in the same way.
- Alcohol will not be sold to anybody with the suspicion of buying for someone underage, this will be noted on the refusal book.

b) The prevention of crime and disorder

- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - All crimes reported to the venue
  - all ejections of patrons
  - any complaints received
  - any incidents of disorder
  - any visit by a relevant authority or emergency service

c) Public safety

- Health and Safety equipment will be used accordingly at all times where required.
- First Aid Kits on site will be regularly checked and maintained.
- All parts of the premises will be adequately illuminated and those routes to which any persons have access to and from will be at our best interest to stay clear.
- The applicant shall ensure the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

- The delivery of goods, food or drinks or any other materials for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents

*Continued from previous page...*

- Waste from premises will be kept securely in a designated area and the movement of bins and rubbish will be kept to a minimum at all times; helping to reduce the levels of noise produced by the premises
- A CCTV camera system is installed: a. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. b. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. c. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
- Take away alcohol will only be sold with a minimum food purchase of £10.00
- Alcohol sale for front forecourt will cease at 20:00 hours

e) The protection of children from harm

- The premises shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS Logo.
- A refusal register will be maintained at the premises and will be made available for inspection upon the request by an authorised Officer of the Police or the Local Authority.

#### **Section 19 of 21**

#### **NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

***Continued from previous page...***

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](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 you are required to pay a higher fee

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

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

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

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

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

Continued from previous page...

Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£) 190.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## 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)

Add another signatory

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

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

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

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



## Licensing Act 2003

### REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by other persons of the premises to be licenced as detailed below:

<b>Your name</b>	Matthew Brown
<b>Organisation name OR Name of body you represent</b>	Chairman, Sheerness Town Council
<b>Postal Address</b>	Masters House, Trinity Road, Sheerness, ME12 2PG
<b>Email address</b>	Sheerness-tc@outlook.com
<b>Daytime contact number</b>	

<b>Name of premises you are making a representation about</b>	Island Fish Bar,
<b>Address of premises you are making a representation about</b>	120-122 High Street, Sheerness, Kent. ME12 1UB



**Your representation must relate to one of the four licensing objectives (see note 4)**

Licensing Objective	Yes/No	<b>Please detail the evidence supporting your representation OR the reason for your representation. Please use a separate sheet of paper if necessary</b>
<b>Prevention of crime &amp; disorder</b>	YES	<p>We as a Town Council do not feel the Island Fish Bar is doing enough to prevent crime and disorder within its establishment and enabling them to sell alcohol is only going to make this matter worse.</p> <p>They have stated in their Application that they wish to sell alcohol from 11am – 1am Fridays and Saturdays with no mention of supplying qualified door staff or any other security measures to prevent unruly customers later in the evenings.</p> <p>There are no other establishments within Sheerness that have such a late Alcohol licence (apart from one nightclub) which has no residents nearby. We feel that granting this application would set a precedent for every similar café and takeaway in Sheerness to apply for a late alcohol licence, this would not be good for the residents who currently live in the high street and are already witness to many fights and unruly behaviour when the pubs kick out at 23:00hrs.</p> <p>We feel that this will attract the wrong sort of clientele especially when the pubs close and will become a regular spot for ever one looking for that extra drink before they head home. We fear it will become a centre of violence and uncontrollable behaviour with so many people gathering who are under the influence, and this is not an image we want for our beautiful seaside town.</p> <p>2 weeks ago a fight broke out at their premises between staff members and members of the public. This happened during the day where no Alcohol was available.</p> <p>This is a concern to us that the staff are not experienced enough to deal with certain situations should they arise especially if alcohol were to be present. .</p>



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		We feel that more needs to be done to prevent Crime and Disorder and making a log of events after they have happened is not going to prevent events happening or escalating in the future.
<b>Public Safety</b>	YES	As Above
<b>Prevention of public nuisance</b>	YES	We feel that allowing the premises to open and serve alcohol from 11am – midnight 5 days a week and from 11am – 1am Friday and Saturday is far too long and would have a major impact on the lives of the local residents within the highstreet.
<b>Protection of children from harm</b>	YES	<p>The premises has an outside seating area which leads straight onto the path of the busy High Street, where children are going to come in contact with customers leaving the premises and also customers who will be drinking outside in the seating area close to the public path.</p> <p>Sheerness does have an Alcohol Control Order in place and these premises are in the heart of that controlled area.</p> <p>We are concerned that as there is no definitive border in place between the public path and the premises that it will become very difficult to police, especially as they have applied to serve takeaway alcohol too.</p>

**SIGNED: Matt Brown**

**DATED: 03.09.2019**



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## NOTES:

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will still take into consideration any representations that you have made.
2. This form **MUST** be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises OR the date specified in the Public Notice in the newspaper.
3. Representations can only relate to the four licensing objectives:
  - i. Prevention of crime and disorder
  - ii. Public safety
  - iii. Prevention of public nuisance
  - iv. Protection of children from harm
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be made public.
5. Please note that the name and address (excluding house number) of any person that has submitted a representation will ordinarily be disclosed to the applicant and are a matter of public record. Swale Borough Council is unable to accept or take in to account any anonymous representations.
6. Please return this form, when completed, to:  
*Licensing Section*  
*Swale House*  
*East Street*  
*Sittingbourne*  
*Kent*  
*ME10 3HT*  
Or by Email to: [licensing@swale.gov.uk](mailto:licensing@swale.gov.uk)



## Licensing Act 2003

### REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by other persons of the premises to be licenced as detailed below:

<b>Your name</b>	Name redacted
<b>Organisation name OR Name of body you represent</b>	
<b>Postal Address</b>	The Broadway, Sheerness, ME12 1AF
<b>Email address</b>	Email redacted
<b>Daytime contact number</b>	Contact number redacted

<b>Name of premises you are making a representation about</b>	Island Fish Bar,
<b>Address of premises you are making a representation about</b>	120-122 High Street, Sheerness, Kent. ME12 1UB



Your representation must relate to one of the four licensing objectives (see note 4)

Licensing Objective	Yes/No	Please detail the evidence supporting your representation OR the reason for your representation. Please use a separate sheet of paper if necessary
Prevention of crime & disorder	Yes	With drunk people comes more noise on top of the noise we as residents already deal with, what with the other pubs in town. There are often fights outside my flat or at the town clock, shouting, people on drugs shouting profanity usually at nothing. Pleas don't add to that disruptive behaviour by allowing this to go through! I have a 1 year old who is petrified of the shouting and noises of people kicking bins.
Public Safety	Yes	As mentioned previously there are regular fights. If I had to walk to Tesco for nappies or Calpol urgently at night time I would not feel safe doing so! I have had older men say vulgur things to me, yes they have been under the influenc of alcohol and god knows what else.
Prevention of public nuisance	Yes	As above.
Protection of children from harm	Yes	Teenagers usually hang around come evening time, my issue is not with them it's with drunk people! Just last week a young girl was headbutted by a drunk person. We should be protecting people not putting more risk factors into the mix!



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**SIGNED:** Typed signature redacted

**DATED:** 02.09.2019

### NOTES:

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will still take into consideration any representations that you have made.
2. This form **MUST** be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises OR the date specified in the Public Notice in the newspaper.
3. Representations can only relate to the four licensing objectives:
  - i. Prevention of crime and disorder
  - ii. Public safety
  - iii. Prevention of public nuisance
  - iv. Protection of children from harm
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be made public.
5. Please note that the name and address (excluding house number) of any person that has submitted a representation will ordinarily be disclosed to the applicant and are a matter of public record. Swale Borough Council is unable to accept or take in to account any anonymous representations.
6. Please return this form, when completed, to:
 

*Licensing Section*  
*Swale House*  
*East Street*  
*Sittingbourne*



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Kent

ME10 3HT

Or by Email to: [licensing@swale.gov.uk](mailto:licensing@swale.gov.uk)



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INVESTORS  
IN PEOPLE





**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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