



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: SIT/SWALE/189/0698

Applicant: Iwade Barn Trust

Regarding **PREMISE LICENCE**

Date(s) of hearing: 28 June 2018

Date of determination: 28 June 2018

Committee Members: [Chairman]: Councillor Tony Winckless
Councillor Mike Dendor
Councillor Peter Marchington

Legal Advisor in attendance at hearing(s): Robin Harris

Licensing Officer in attendance at hearing(s): Mohammad Bauluck

This was an application for:

- ☐ Variation ☒ Grant
☐ Provisional Statement ☐ Review ☐ Other

for a

- ☒ Premises Licence ☐ Club Premises Certificate ☐ Personal Licence
☐ Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Iwade Barn Trust
- Legal or other representative: Mr James Hunt

Responsible Authorities

Other Persons

Mr Walsom
Mr John Macoy
Mr Dean Atfield

Witnesses and legal representatives in support of interested parties

- n/a

Representations considered in the absence of a party to the hearing:

- n/a

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Swale Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 16-24 which relate to the grant of a premises licence;
Section 136 which relates to unauthorised licensable activities;
Section 177 which relates to dancing and live music in small premises;
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 8 & 9 which relates to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;
The Committee has taken into account its Statement of Licensing Policy:

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

n/a

C: Determination:

The Committee has decided to:

- grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:

- 1) All doors and windows closed at 9pm
- 2) A Trustee, or a Personal Licence Holder appointed by the Trust to act as their representative will be present at any licensed event.

Reasons for determination:

- **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to the representations regarding this licensing objective, but noted that there was no representation from Kent Police and were satisfied that the license as applied for was sufficient to meet this objective.

- **Public Safety**

Reasons (state in full):

The Sub-Committee were of the view that there were no valid representations in respect of this licensing objective and were satisfied that the operating schedule was sufficient to meet this licensing objective.

- **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the written representations and everything that was said during the Committee hearing. The Sub-Committee noted that there was

no representation from Environmental Health and that concerns were being raised about matters that were outside the scope of the licensing regime. The Sub-Committee were of the view that granting a licence would place more controls on the venue than currently exist, including the ability to restrict the hours for live and recorded music on a review.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee was satisfied that the applicant's operating schedule was sufficient to meet this licensing objective.

Recommendations

The Sub-Committee recommends that the applicant creates a designated smoking area as far away from residential properties as possible as this will provide better control of smokers and any impact from smoking.

Parties aggrieved by a decision of the Licensing Sub-Committee have 21 days to appeal the decision by way of complaints to the Magistrates Court.

PRINT NAME (CHAIRMAN): Councillor Tony Winckless

Signed [Chairman]: A copy of the original document is held on file

Date: 28 June 2018