



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: FAV/SWALE/189/0726

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Applicant: Julia Berry

Regarding **NEW PREMISES LICENCE**

Date(s) of hearing: 15 July 2019

Date of determination: 15 July 2019

Committee Members: [Chairman]: Councillor Roger Clark  
Councillor Derek Carnell  
Councillor Paul Stephen

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

Licensing Officer in attendance at hearing(s): Mo 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: Julia Berry
- Legal or other representative: Tom Berry

**Responsible Authorities**

**(b) Other Persons**

Witnesses and legal representatives in support of other persons

Christopher Hodgson

**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;

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:

That the premises be limited to holding no more than ten licensed events in any calendar year.

### **Reasons for determination:**

#### ■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee noted that there was no representation from Kent Police and were satisfied that the measures identified in the applicant's operating schedule were sufficient to meet this licensing objective.

#### ■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that the measures identified in the applicant's operating schedule were sufficient to meet this licensing objective.

#### ■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the representations made by other persons in respect of this licensing objective relating to noise nuisance from music from the premises impacting on nearby residential properties. The Sub-Committee noted that there was no representation from the Environmental Health Team.

The Sub-Committee heard from the applicant that they also reside on the premises with other family members and so they have a personal interest in ensuring that noise from the premises does not cause a nuisance.

In response to a question, the applicant confirmed that they were willing to offer a condition limiting the number of licenced events to ten in any calendar year and stated that this was likely to be more than they would ever need.

In response to a further question the applicant confirmed that it would not be practical to attempt to hold the events indoors on the premises.

The objector stated that he was not against the application in principle, but continued to have concerns about the frequency of events held outdoors.

In response to a question, the objector indicated that he was willing to work with the applicant in order to try and find a reasonable compromise.

Taking into account all of the above, the Sub-Committee determined that the necessary, appropriate and proportionate steps to promote this Licencing Objective would be to apply a condition to the licence in the terms offered by the applicant limiting the number of licenced events to ten per calendar year.

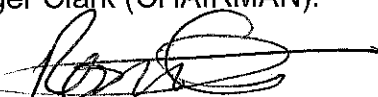
■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee were satisfied that the measures identified in the applicant's operating schedule were sufficient to meet this licensing objective.

Cllr Roger Clark (CHAIRMAN):

Signed:



A copy of the original document is held on file

Date: 15 July 2019