



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: FAV/SWALE/189/0642

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Applicant: Fabio Armenti

Regarding **PREMISE LICENCE**

Date(s) of hearing: Friday 9 October 2015

Date of determination: Friday 9 October 2015

Committee Members: [Chairman]: Councillor Lesley Ingham  
Councillor Paul Fleming  
Councillor Ghlin Whelan

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

Senior Licensing Officer in attendance at hearing(s): Angela Seaward

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: Fabio Armenti

**Responsible Authorities**

- a) Police – conditions agreed
- b) Environmental Health – conditions agreed
- c) Planning – advice given for information only

**Other Persons**

Witnesses and legal representatives in support of interested parties

- Mrs Ellie Metcalfe representing Mrs Janet Lee
- Mr Chris Oswald-Jones representing Mrs Gloria Nahrwold

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

- Mrs Gloria Nahrwold

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

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

Section 13 which relates to responsible authorities;  
Section 16-24 which relate to the grant of a premises licence;  
Sections 34 and 35 which relate to the variation of a premises licence;  
Section 51 which relates to the review 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  
Schedule 2 which relates to Late Night Refreshment  
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 the following provisions of its Statement of Licensing Policy:

Chapter 19 which relates to the 4 licensing objectives;  
Chapter 20 which relates to the prevention of crime and disorder;  
Chapter 21 which relates to public safety  
Chapter 22 which relates to the prevention of nuisance;  
Chapter 23 which relates to the prevention of children from harm;

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):

**C: Determination:**

**The Committee has decided to:**

- grant the application

**Reasons for determination:**

- **Prevention of Crime and Disorder**  
Reasons (state in full): Conditions were agreed with Kent Police
- **Public Safety**  
Reasons (state in full): No representations were made regarding this objective.
- **Prevention of nuisance**  
Reasons (state in full): The Sub-Committee read the representations made objecting to the application and heard live evidence from those parties at the hearing. Having considered all those representations, the Sub-Committee was satisfied that they could only be speculation at this point in time and reassured those people making representations that in the event of there being any issues under this licensing objective, the matter could be returned to the Sub-Committee for review.

■ **Protection of children from harm**

Reasons (state in full): No representations were made regarding this objective.

COUNCILLOR LESLEY INGHAM (CHAIRMAN):

Signed:



A copy of the original document is held on file

Date: 9 October 2015