



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No:

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Applicant: Zaan (UK) Ltd

Regarding **PREMISE LICENCE - Domino's, 1 – 2, The Limes,  
Preston Street, Faversham, ME13 8PQ**

Date of hearing: 20 November 2015

Date of determination: 20 November 2015

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

Legal Advisor in attendance at hearing(s): Mrs J Bolas

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: Zaan (UK) Ltd
- Other representative: Mr Ertan Kara – Operations Director
- Witness: Mr Babar Mumtaz – Director

**Other Persons**

- Mr Michael Kent

**Witness in support of interested parties**

- Mrs Weston

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

- Mrs J Phillips
- Mrs Jayne Kent
- Dr J Hogan
- Miss Alison Baxter
- Robert L Stanley
- Mr Ciro Ferraro
- Jennifer Shepherd
- Miss SD Maun
- Mr Simon Weston
- Mr PJ Cumberland
- William Dickenson
- Victoria Dickenson
- Miss Jennifer Wong

**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 16-18 and 23-24 which relate to the grant of a premises licence;  
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:

1.3 Relationship between licensing and planning

3.2 Operating Schedule

Appendix 1 which relates to the 4 licensing objectives and criteria/considerations on:-

1.1 the prevention of crime and disorder;

1.2 public safety;

1.3 the prevention of nuisance;

1.4 the prevention of children from harm;

Appendix 6 Noise and Conditions

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:

N/A

Paragraphs and reasons (state in full):

**C: Determination:**

**The Committee has decided to:**

- grant the application on the terms applied for with conditions consistent with the operating schedule as amended by addition of conditions at page 55 of the agenda as agreed with Police.

**Reasons for determination:**

Members of the Sub-Committee carefully considered the evidence before them at the hearing and in representations on the agenda.

Granting the licence for indoor, late night refreshment on conditions consistent with the operating schedule is considered appropriate and proportionate to the evidence before them related to the promotion of all licensing objectives.

Members carefully balanced the business operation of the applicant and situation of the residents in the area. They took account of the fact that there was no continued objection from Police or any from Environmental Health. The conditions in place are

considered to meet concerns on promotion of the crime and disorder objective by preventing gathering of customers after 00.00.

In terms of public nuisance, Members were aware that trading after an initial issue has been until 23.00 and there is no factual evidence of level deliveries or use of motor cycles that may occur after 23.00 or the effect upon residential use of such deliveries. While there is a legitimate fear that there may be an issue, the Sub-Committee must consider real likelihood and evidence and do not believe rejection of the application would be an appropriate step to promote the licensing objectives at this time.

Members were aware of planning conditions recently imposed but these are part of a separate regime and any operation outside those conditions would be subject to planning enforcement unless application is made to vary those conditions and that would be subject to consultation.

There was not considered to be evidence relating to public safety or protection of children that required conditions. Health matters are not part of a licensing objective.

Informatives: The Sub-Committee are not able to consider or condition matters not relevant to the promotion of the licensing objectives and related to licensable activity at the premises to which the application relates. Where matters of concern relate to planning matters or any other legislation they should be reported to the appropriate body.

If issues should arise during the operation of the licence, which are related to the licensable activity at the premises and the promotion of the licensing objectives application may be made for a review of the premises licence, in accordance with the Licensing Act 2003.

PRINT NAME (CHAIRMAN): COUNCILLOR LESLEY INGHAM

Signed [Chairman]:

A copy of the original document is held on file

Date: 20 November 2015