

# LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Thursday 29 April 2021

Time: 12.00 pm

Venue: Remote Meeting: The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

Membership:

Councillors Brindle, Mrs Robertson, Springett and Joy (Substitute Member)

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## **AGENDA**

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of the Chairman
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Application for a premise licence under the Licensing Act 2003 for Tap 17, 17 High Street, Headcorn, Kent, TN27 9NH 1 - 41

## **ALTERNATIVE FORMATS**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services** on [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) or **01622 602899**.

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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**Issued on Wednesday 21 April 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

# Agenda Item 7

**Agenda Item No:** 1 - Summary of Report

**Licence Reference** 21/00337/LAPRE

**Report To:** LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)

**Date:** 19<sup>th</sup> APRIL 2021

**Report Title:** TAP 17, 17 HIGH STREET, HEADCORN, KENT, TN27 9NH

**Report Author:** Lorraine Neale

- Summary:**
1. The Applicant – Mrs Kelli Newman
  2. Type of authorisation applied for: A premises licence under the Licensing Act 2003.
  3. Proposed Licensable Activities and hours:

E	Live music (Indoors)	Mon – Thurs Fri & Sat Sun	12:00 – 21:00 12:00 – 22:00 12:00 – 16:00
F	Recorded music (Indoors)	Mon – Thurs Fri & Sat Sun	12:00 – 21:00 12:00 – 22:00 12:00 – 16:00
M	Supply of Alcohol (On and Off Sales)	Mon – Thurs Fri & Sat Sun	12:00 – 21:00 12:00 – 22:00 12:00 – 16:00
O	Opening Hours	Mon – Thurs Fri & Sat Sun	12:00 – 21:00 12:00 – 22:00 12:00 – 16:00

Please note there is no requirement for the applicant to include Live/Recorded Music on their application as they would be exempt under the Live Music Act 2012 as it stipulates that a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

**Affected Wards:** HEADCORN

**Recommendations:** The Committee is asked to determine the application and decide whether to grant the premises licence.

**Policy Overview:** The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

**Financial Implications:** Costs associated with processing the application are taken from licensing fee income.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**other persons**” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

**LEGAL:** Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

**Background Papers:** Licensing Act 2003  
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended  
Maidstone Borough Council Statement of Licensing Policy

**Contacts:** Mrs Lorraine Neale at: [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) – tel: 01622 602528

## Agenda Item No. 1

**Report Title: TAP 17, 17 HIGH STREET, HEADCORN, KENT, TN27 9NH**

**Application:** For a premises licence under the Licensing Act 2003.  
(Appendix 1).

### Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003 (Appendix 1), made by Mrs Kelli Newman, in respect of the premises Tap 17, 17 High Street, Headcorn, Kent, TN27 9NH (Appendix 2 ) in respect of which 1 objection has been received from other parties (Appendix 5).

### Issue to be Decided

Members are asked to determine whether to:

- 1) grant as applied for
  - 2) grant with conditions
  - 3) exclude any licensable activity
  - 4) reject the DPS
  - 5) or reject the application.
- 2 The relevant sections are Part 3 S16 -24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
- The prevention of crime and disorder.
  - Public Safety
  - The prevention of public nuisance; and
  - The protection of children from harm
3. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.
4. There was one representation received from a responsible authority which was the Police, who requested that the applicant amend the operating schedule to include certain conditions, the applicant agreed, and the objection was withdrawn, (Appendix 3 & 4).
5. There is 1 representation from other parties (Appendix 5).
6. The table below illustrates the relevant representation which has been received

<b>Responsible Authority/Other Party</b>	<b>Licensing Objective</b>	<b>Associated Documents</b>	<b>Appendix</b>
Headcorn Parish Council	Public Safety Public Nuisance	e-mail	5

There appear to be concerns that the granting of a licence for these premises will cause excessive noise nuisance to be generated, which will affect nearby dwellings. Littering, increased parking and customers smoking will also be detrimental factors to nearby residents and the public in general.

It is suggested that the premises are not suitable for a business of the nature intended because of the perceived cramped conditions inside the building. The belief is that overcrowding will occur both inside the building and on the narrow pavement at the front of the property. This could cause an increase to anti-social behaviour in the vicinity of the premises and ultimately put the general public and customers at risk.

The applicant has responded to the points raised by Headcorn Parish Council and those comments are attached at Appendix 6.

- 7. Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.**
- 8. The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

**a) General – all four licensing objectives:**

In addition to the licensing objectives and always acting with due diligence, we see the below as our responsibilities as taking on the serious responsibility of serving alcohol to the public.

**b) The prevention of crime and disorder:**

Earlier closing times means restricted hours of drinking.  
Not serving any person we believe to be drunk and disorderly.  
Age limit posters to be put up in premises and caution to be taken when serving anybody. making sure I.D. is asked for whenever any doubt.  
We have an anti-drug policy.

**c) Public Safety:**

Again, being aware of our customers state at all times. Making sure drunk and disorderly behaviour is not created from our ignorance.  
All bottles, cans and glasses will be removed as soon as empty to remove hazards. No opened bottles or glasses to be taken off the premises. Violence will not be tolerated.  
Police will be contacted to report if necessary.

**d) The prevention of public nuisance:**

Advising customers to be respectful of neighbours etc when leaving the premises.  
Doors and windows will be kept closed when regulated entertainment is taking place.  
Staff will clear any litter outside the premises daily to a distance of 3 metres.  
Noise levels will be checked and regulated to make sure no noise nuisance.

**e) The Protection of children from harm:**

Advising parents to be responsible for their children at all times, if we feel the child is unsupervised then dealing with the responsible adult in an appropriate way.  
A clear policy to outline if children are on the premises with a responsible adult the expectations, including supervision. Removing empty glasses to minimise opportunities for children to access left over alcohol.

- 9. Relevant sections of The Guidance issued under section 182 of The Licensing Act 2003;**

## **Chapters 8 & 9 Premises Licences & Determining Applications**

**Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.**

**Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:**

### **17.16 Public Safety**

#### **17.19. Prevention of Public Nuisance**

##### **17.16 CONDITIONS TO PROMOTE PUBLIC SAFETY.**

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

##### **17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.**

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base

- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

## 10 Options

Legal options open to members -

1. Grant the licence subject to conditions as are consistent with the operating schedule accompanying the application.
2. Grant the licence with modified conditions
3. Exclude a licensable activity
4. Refuse to specify the DPS
5. REJECT the whole or part of the application

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under 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 1988 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 it reasonably can prevent, crime and disorder in its area".

## 11. Implications Assessment

The decision should be made with regard to the Secretary of 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.

## 12. 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 Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

## 13. Conclusion

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

## 14. List of Appendices

Appendix 1	Application Form
Appendix 2	Plan of Premises
Appendix 3	Representations – Police
Appendix 4	Applicants agreement & Police withdrawal of reps
Appendix 5	Other parties representation.
Appendix 6	Applicants response to concerns raised by other parties
Appendix 7	Plan of area
Appendix 8	Human Rights Articles
Appendix 9	Order of Proceedings

## 15. 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 Costs Order should they bring an appeal.**

Contact: Email:	<b>Senior Licensing Officer</b> <a href="mailto:lornaineneale@maidstone.gov.uk">lornaineneale@maidstone.gov.uk</a>
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Licensing Authority: *The Licensing Partnership*

Licensing Partnership  
 P.O. Box 182  
 Sevenoaks  
 Kent TN13 1GP

Ref:

**Application for a Premises Licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes found at bottom of Page 4 of this form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I / We  apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description

17 High Street  
 Headcorn  
 Kent

Post town

ashford

Post code

TN27 9NH

Telephone number of premises (if any)

07736553661

Non-domestic rateable value of premises

£ 5400

If the premises is under construction please check here

If the premises hasn't been assigned a rateable value yet, please check here

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

*Please make selection with an "x"*

- a) An individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
  - i as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) A recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

*Please make selection with an "x"*

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

**Title**

Mrs

**Surname**

Newman

**First names**

Kelli

**Are you 18 years or older?**  Yes  
 No

**Date of Birth** [Redacted]

**Nationality** [Redacted]

**Current postal address if different from premises address**

[Redacted]

**Post Town** [Redacted]

**Postcode** [Redacted]

**Daytime contact telephone number** [Redacted]

**Email address (optional)** [Redacted]

**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

**Title**

**Surname**

**First names**

**Date of Birth  
(you must be 18  
years old or over)**

**Nationality**

**Current postal  
address  
if different from  
premises address**

**Postcode**

**Post Town**

**Daytime contact telephone number**

**Email address  
(optional)**

**(B) OTHER APPLICANTS** *You do not have to fill in this section.*

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.**

**Name**

**Address**

**Registered number (where applicable)**

**Description of applicant (for example, partnership, company, unincorporated association etc.)**

**Telephone number (if any)**

**E-mail address (optional)**

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

01/05/2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

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

**General description of premises (please read guidance note 1)**

Entering the premises from the High Street in Headcorn, you pass through 2 doors to come into an area of 24 square metres. This leads onto a small area which will have 2 separate toilets. a doorway to the left from this area leads into a small garden area 3 square metres.

Plan for the premises is to open as a 'micropub'. We will be selling alcohol to the public as well as providing a small food menu for customers. We will use the garden to give an outside area for smoking, also tables and chairs for garden drinking and eating. All inside and outside areas documented in the plan will be available for customers to utilise.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

*Please check all relevant boxes*

**Provision of regulated entertainment (please read guidance note 2)**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both - please make selection with an "x"</b> (please read guidance note 3).	Indoors	X	
Day	Start	Finish		Outdoors		
Mon	12:00	21:00	<b>Please give further details here</b> (please read guidance note 4)	Both		
Tue	12:00	21:00				
Wed	12:00	21:00		<b>State any seasonal variations for performance of live music</b> (please read guidance note 5)		
Thur	12:00	21:00				
Fri	12:00	22:00		<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12:00	22:00				
Sun	12:00	16:00				

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both - please make selection with an "x"</b> (please read guidance note 3).	Indoors	X	
Day	Start	Finish		Outdoors		
Mon	12:00	21:00	<b>Please give further details here</b> (please read guidance note 4)	Both		
Tue	12:00	21:00				
Wed	12:00	21:00		<b>State any seasonal variations for playing recorded music</b> (please read guidance note 5)		
Thur	12:00	21:00				
Fri	12:00	22:00		<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12:00	22:00				
Sun	12:00	16:00				

**M**

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption please make selection with an "X" (please read guidance note 8)	On the premises
Day	Start	Finish		Off the premises
Mon	12:00	21:00		<input checked="" type="checkbox"/>
Tue	12:00	21:00	State any proposed seasonal variations for the supply of alcohol (please read guidance note 5)	<input checked="" type="checkbox"/>
Wed	12:00	21:00		
Thur	12:00	21:00		
Fri	12:00	22:00		
Sat	12:00	22:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun	12:00	16:00		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor. (Please see declaration about the entitlement to work in the checklist at the end of the form):

Title	Mrs
Surname	Newman
First Name(s)	Kelli
Date of Birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	Personal Licence 21/00229/LAPER
Issuing licensing authority (if known)	Maidstone Borough Council

Please print the 'Consent of individual to being specified as premises supervisor' form (shown on pages 19 and 20), and have the person specified above sign and confirm the details given.

## N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

none

## O

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	21:00	<p><u>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	12:00	21:00	
Wed	12:00	21:00	
Thur	12:00	21:00	
Fri	12:00	22:00	
Sat	12:00	22:00	
Sun	12:00	16:00	

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)**

In addition to the licensing objectives and always acting with due diligence, we see the below as our responsibilities as taking on the serious responsibility of serving alcohol to the public.

**b) The prevention of crime and disorder**

Earlier closing times means restricted hours of drinking.

Not serving any person we believe to be drunk and disorderly.

Age limit posters to be put up in premises and caution to be taken when serving anybody. Making sure I.D. is asked for whenever any doubt.

We have an anti-drugs policy

**c) Public safety**

Again, being aware of our customers state at all times. Making sure drunk and disorderly behaviour is not created from our ignorance.

All bottles, cans, glasses will be removed as soon as empty to remove hazards.

No opened bottles or glasses to be taken off the premises.

Violence will not be tolerated, Police will be contacted to report if necessary.

**d) The prevention of public nuisance**

Advising customers to be respectful of neighbours etc when leaving the premises.

Doors and windows will be kept closed when regulated entertainment takes place.

Staff will clear any litter outside of premises daily to a distance of 3 metres.

Noise levels will be checked and regulated to make sure no noise nuisance.

**e) The protection of children from harm**

Advising parents to be responsible for their children at all times, if we feel the child is unsupervised then dealing with the responsible adult in an appropriate way.

A clear policy to outline if children are on premises with a responsible adult the expectations. Including supervision, ~~responsibilities~~

Removing empty glasses to minimise opportunities for children to access left over alcohol.

Please make selection with an "x"

I have enclosed the plan of the premises

I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable

I understand that I must now advertise my application

I understand that if I do not comply with the above requirements my application will be rejected

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships.] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

**Part 5 - Declaration (please read guidance note 11)**

**Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If confirming on behalf of the applicant please state in what capacity.**

• [Applicable to all individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

• The DPS named in this application form is entitled to work in the UK, (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Confirmation

Name  Date

Capacity

**Please print the 'Consent of individual to being specified as premises supervisor form (shown on pages 19 and 20), and have the person specified above sign and confirm the details given.**

**For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13) If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name  Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)**

Name

Address

Post Town

Postcode

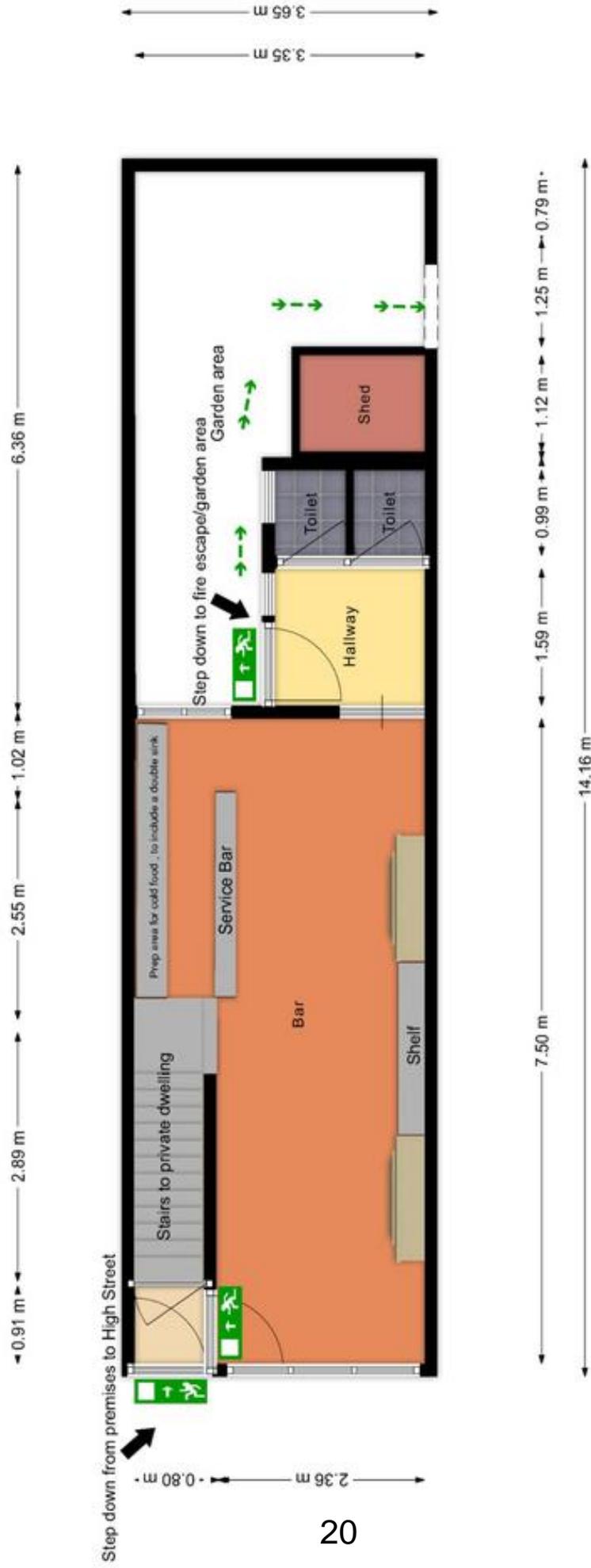
Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

**Use this page if there is any other information that you think we should know about.  
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.**

**Notes for Guidance are available online**

Tap 17, 17 High Street, Headcorn, Floor plan for application number 2121/00337/LAPRE





**Kent  
Police**

**Chief Officer of Police Representation** in relation to an application for **grant** of premises licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

<b>Details of person making representation</b>	
Name of Chief Officer of Police	Chief Inspector Gary WOODWARD
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone ME15 6NF
E-mail address	11187@kent.police.uk
Telephone Number:	

<b>Details of premises representation is about</b>	
Name of Premises:	TAP 17
Address of premises:	High Street, Headcorn, Kent, TN27 9NH
Date application received by police	02/03/2021
Date representation sent to Licensing Authority	11/03/2021 <i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i>

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows

*Please use separate sheets where necessary*

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

Kent Police make these representations in respect of a new licence application for "TAP 17" which is going to be located 17, High Street, Headcorn, Kent TN27 9NH

The application is for a ground floor property with access to a rear garden and toilets.

The premises is situated within the main High Street of Headcorn.

The requested hours of operation, sale of alcohol and live/recorded music for the premises will be Monday to Thursday 12:00hrs to 21:00hrs, Friday and Saturday 12:00hrs to 22:00hrs and Sunday 12:00hrs to 16:00hrs. There is no provision of late night refreshment for this application

Kent Police understand that the applicant intends the premises to be used as a Micropub that will supply a range of beverages, prepared on site for customers along with alcohol from local producers.

The premises will provide customers the opportunity to sit at the venue utilising both inside and outside.

This licence needs to be robust enough to cover all possibilities in promoting the licensing objectives.

Kent Police believe the venue may undermine the licensing objectives in the following ways:

It needs to be understood that this Premises Licence will potentially allow people to drink alcohol from 12:00hrs to 21:00/22:00hrs, some of them may become involved in acts of crime and/or disorder.

If persons are involved in disorder this will have a significant impact on the local community which has a lot of elderly and young families as it is a rural location.

Therefore steps need to be taken to control the noise coming from the premises as well as controlling the noise of customers leaving the premises. It is obvious when customers leave the premise there is potential their actions may impact on local residents living directly in the vicinity and when you add in the fact that they have been drinking for some time, the problem will be magnified.

There could be significant impact on traffic when customers leave as the premises leads straight onto the A274 which is a busy road at certain times of the day. When you add in the fact that they have been drinking for some time, the problem will be magnified.

As with any Premises Licensed for the sale of alcohol there is a likelihood that children may be exposed to the sale and consumption, measures must be in place to ensure that they are protected from such exposure.

Kent Police does not feel that the operating schedule provides sufficient information to allay the concerns that this application gives rise to. Kent Police believes that should the premises licence be granted as applied for then strong conditions and management controls will be necessary to ensure that the licensing objectives are upheld at all times.

*Please use separate sheets where necessary*

**Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary*

Kent Police seeks the attachment of the following conditions to any premises licence granted under this application:

1. 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.
  - a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
  - b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
  - c. 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 upon reasonable request.
2. All persons that sell or supply alcohol to customers must have licensing training.
  - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.

- b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
  - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
  - d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
3. A refusal recording register will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
  - a. Time of refusal
  - b. Item refused
  - c. Name of description of the person refused
  - d. Reason for Refusal
  - e. Name of staff member making the refusal.
4. The refusal register will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
5. A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.
6. The premises will undertake the "Challenge 25" Scheme which will be advertised within the premises by way of sufficient posters to make the public aware.
7. Only Home Office approved ID of proof of age will be accepted by staff. This will include photographic driving licence, a passport or a 'PASS' marked proof of age card.
8. Alcohol sold for consumption off the premises will only be supplied in sealed containers. No persons will be permitted to remove alcohol from the licensed area in open containers.

**Print name: James WILLIAMS**

**Force Number: 11187**

*Pp Chief Officer of Police for the Police Area in which the licensed premises are situated.*

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

**From:** James Williams PC 46011187 [REDACTED]  
**Sent:** 17 March 2021 20:57  
**To:** Lorraine Neale <lorraineneale@maidstone.gov.uk>; Kelli Tumbridge [REDACTED]; Licensing <licencing@sevenoaks.gov.uk>; Louise Davis <louisedavis@maidstone.gov.uk>; Licensing West Division Kent <west.division.licensing@kent.police.uk>  
**Cc:** Andrew Stringer PS 46009887 [REDACTED]  
**Subject:** FW: EXTERNAL - Re: TAP 17

**EXTERNAL EMAIL:** Do not click links or open attachments unless you recognize the sender and know the content is safe.

All concerned,

Kent Police are willing to withdraw their representation in relation to this application subject to the conditions forming part of the new licence.  
Please do not hesitate in contacting me to discuss.

Regards,

James

**From:** Kelli Tumbridge [REDACTED]  
**Sent:** 17 March 2021 20:26  
**To:** James Williams PC 46011187 [REDACTED]  
**Subject:** EXTERNAL - Re: TAP 17

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi James,

Apologies for missing your call.

We are more than happy with the Representations. Everything is more than reasonable. I have since completed a Licensing Law Awareness course so as to expand my understanding of the objectives.

For the Refusal recording Register, is there an official form? Or can I print something off with the 5 points you listed and keep this as our record?

We have an electrician due to do some rewiring soon, I will discuss CCTV with him to make sure we have power at all the points we discussed.

So, in answer to your question, yes we are happy with the representations, and agree to them being in the terms of our License.

Kind Regards,

Kelli

On Thursday, 11 March 2021, 09:27:11 GMT, James Williams PC 46011187 [REDACTED] wrote:

All concerned,

Kent Police make the following representations in relation to this application.

Please do not hesitate in contacting me to discuss.

Regards,

James

**James Williams**

**Police Constable 11187**

**Maidstone Licensing Officer**

[REDACTED]

[REDACTED]

**Address Palace Avenue, Maidstone, Kent ME15 6NF**



Protecting and serving the people of Kent

**From:** Clerk <clerk@headcornpc.org.uk>  
**Sent:** 05 April 2021 13:06  
**To:** Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
**Subject:** RE: 21/00337/LAPRE 17 High Street Headcorn Ashford Kent TN27 9NH

Dear Lorraine

Thank you for your email

The Council remain seriously concerned about a license being granted in this instance

**Public Safety**

The building does not lend itself to a business of this nature given the very small cramped premises and lack of private outdoor spaces. The potential for overcrowding both inside the premises and on the narrow pavement at the front of the property would present an increased risk of ASB and to the safety of the people in the premises.

**The prevention of public nuisance**

Given the immediate proximity of dwellings i.e. above (with shared entrance) and either side of the property the residents are likely to be subjected to:-

- Excessive noise
- Littering
- Smoke
- Additional on street parking as there is no private parking

We would ask that a license is not granted

Regards

*Stefan*

Stefan Christodoulou  
Clerk  
Headcorn Parish Council  
Church Lane  
Headcorn  
Ashford 440713  
Kent  
TN27 9NR  
Tel: 01622 892496  
Mob:  
[www.headcornpc.org](http://www.headcornpc.org)

**From:** Lorraine Neale <[LorraineNeale@maidstone.gov.uk](mailto:LorraineNeale@maidstone.gov.uk)>  
**Sent:** 31 March 2021 12:55  
**To:** Clerk <[clerk@headcornpc.org.uk](mailto:clerk@headcornpc.org.uk)>  
**Subject:** RE: 21/00337/LAPRE 17 High Street Headcorn Ashford Kent TN27 9NH

Dear Stefan

Thank you for your comments , you are asking that we consider the points you have raised when coming to a decision, unfortunately that is not how a licence is determined under the Licensing Act 2003. Every application for a premise licence is consulted on with the legally recognised responsible authorities which include Police, Fire Safety Service, Planning, Environmental Health, Social Services, Trading Standards and Public Health. The applicant also has to advertise the application by way of a public notice on the building and an advert in the local press, so that any other party may make representation/objection,

As an other party you have submitted comments which cannot be considered because they are either planning matters or irrelevant. Planning & Licensing are separate regimes and properly separated in order to avoid duplication and inefficiency. They are two separate systems with their own rules, criteria, policies and guidance. They look at different aspects of similar proposals.

Where the local authority is the planning and licensing decision maker:

1. planning will consider the principal use in light of the approved policies and the effects of the development on amenity (amongst various other considerations); and
2. licensing must carry out its functions with a view to promoting the four licensing objectives.

These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Because of this, the two regimes do not always come to the same conclusions. Even where permissions are granted by both the planning and licensing authorities, those permissions might not necessarily be the same; allowing different operating hours or other restrictions/conditions. In such circumstances the more restrictive set of permissions will typically prevail. The planning matters that you refer to in your objection would not be considered when coming to a decision on whether to grant the licence.

You do touch on the Licensing objectives but need to expand on them if you wish to submit a valid objection and have the matter decided by a Licensing Sub Committee, the date for objections was the 30/3/21 but because we received your initial e-mail before that date we can accept an additional e-mail from you expanding on the points you have made on noise, criminality and anti-social behaviour. I will make you aware that we have received no other comments in relation to this application including planning who are a consultee. The premises will not continue beyond 10pm as their terminal hours are Monday – Thursday 9pm, Friday & Saturday 10pm and Sunday 2pm. If you wish to make a further submission then it needs to be fairly immediate as we only have 19 working days to arrange a hearing, alternatively we can allow the licence to be granted and if there are any issues it can always be reviewed in the future. Please let me know what you intend as soon as possible, if you have any queries please do not hesitate to contact me.

Kind Regards

**Lorraine Neale**

**Senior Licensing Officer**

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

**t** 01622 602528 **e** [lorraineaneale@maidstone.gov.uk](mailto:lorraineaneale@maidstone.gov.uk) **w** [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

**From:** Clerk <[clerk@headcornpc.org.uk](mailto:clerk@headcornpc.org.uk)>  
**Sent:** 24 March 2021 14:18  
**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>  
**Subject:** 21/00337/LAPRE 17 High Street Headcorn Ashford Kent TN27 9NH

**EXTERNAL EMAIL:** Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs

I'm writing to you as the Clerk of Headcorn Parish. We recently discussed the proposed licence for the property 21/00337/LAPRE 17 High Street Headcorn Ashford Kent TN27 9NH.

This property is a downstairs "shop" in a terrace of retail premises, most of which have occupied living accommodation above.

The Parish Council has received a considerable number of concerns raised by our Parishioners some of whom live in the adjoining private dwellings. These concerns ranged from noise worries to feelings of fear from a young lady living alone whose flat entrance is down the adjoining alley.

It would also appear that the applicant is under the impression that they can use the side/rear entrance when in fact this is provided solely for the use of the residents of the domestic properties and **not** for businesses.

In their deliberations the Council concluded: -

- This property is too small and is not suitable for the purpose proposed
- The front door is not an independent entrance and in fact goes off the lobby that leads to the upstairs flat
- There is a significant fire risk and it is important to note that it is an old building with no fire breaks.
- It would cause noise disruption to nearby residents.
- The drainage systems at the property is not sufficient for the proposed venture.
- There is a risk of criminality and anti-social behaviour in the High Street.
- The outdoor space is very small and any smoking permitted in this area would inevitably lead to pollution for the properties above
- Use of the back garden as part of a "micropub" would result in the loss of privacy and amenity of the neighbouring properties
- There are also worries about parking on an already over crowded and busy street which has the parking for residence and visitors on.
- The final question to answer is would the proposed closing times be adhered to? Is a 10 o'clock close exactly 10pm or would there be additional drinking up time etc.
- Special consideration needs to be given to the location at the High Street forms part of the conservation area of Headcorn.

We trust that you will consider all the points raised and conclude that this is not a suitable use of this premises.

Regards

*Stefan*

Stefan Christodoulou  
Clerk  
Headcorn Parish Council  
Church Lane  
Headcorn  
Ashford  
Kent  
TN27 9NR  
Tel: 01622 892496  
Mob:  
[www.headcornpc.org](http://www.headcornpc.org)

**From:** Kelli Tumbridge  
**Sent:** 19 April 2021 18:48  
**To:** Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
**Subject:** Re: Licensing Sub Committee 29.4.21

Hi Lorraine,

Apologies, this is my retort to the representation instead of the one sent previously.

Many thanks,

Kelli

On Monday, 19 April 2021, 17:48:38 BST, Kelli Tumbridge < > wrote:

-----  
 To Whom it may concern,

I was saddened to hear that a representation had been made concerning the application I have made for 17 High Street, Headcorn, TN27 9NH.

As residents ourselves, we are are trying to do something that we feel will in fact be a positive rather than the negative it has been portrayed as.

It is my understanding, the premises has previously been used for various purposes. But in a bustling village centre with many shops and cafes, plus 2 large pubs, we feel that our venture would be a welcome addition. The feedback has been nothing but positive and we feel that we have been singled out by a minority that don't represent the opinion of the village as a whole.

I will now run through each individual conclusion that the Parish Council expressed in their representation.

**This property is too small and is not suitable for the purpose proposed**

The purpose proposed by myself is to give the village a 'Micro-bar to enjoy. As a young woman I feel that a place that people don't need to feel intimidated by large groups, and be able to enjoy a drink without large groups of people to contend with will create something that the village is lacking.

**The front door is not an independent entrance and in fact goes off the lobby that leads to the upstairs flat**

This is not in contravention of any of the licensing objectives. We will make sure that adequate signage be put in place to make people aware that the door is to a private residence, and respect for the tenant should be shown at all times. I would also like to point out that when the premises was being used as a shop/delicatessen the entrance was not independent either.

**There is a significant fire risk and it is important to note that it is an old building with no fire breaks.**

We are unsure how again this differed from when the premises was used as a shop. There will be no cooking apparatus. We will adhere to all Fire safety regulations which I am sure will take into account the makeup of the premises etc.

**It would cause noise disruption to nearby residents.**

We will be closing at a respectable time. We will also ask people to be respectful of neighbours when leaving the premises. Signage will be clear on both the front exit and the entrance to garden area to keep noise to a minimum.

**The drainage systems at the property is not sufficient for the proposed venture.**

I wonder what 'venture' we are proposing? There will be 2 lavatories where there is currently one. We are using a system for washing glasses that will be much more environmentally friendly than a commercial dishwasher.

**There is a risk of criminality and anti-social behaviour in the High Street.**

There are 2 other pubs in the village. In my licensing application I have covered the 4 licensing objectives to explain our measures to avoid antisocial behaviour.

**The outdoor space is very small and any smoking permitted in this area would inevitably lead to pollution for the properties above**

With the outside area being small it means that a limited number of people will be able to smoke outside at any given time. Smoke will unfortunately be something that carries from any outdoor area. The smoke coming from our garden will be far less than that of the 200 capacity beer garden at The George and Dragon a few doors down.

**Use of the back garden as part of a "micropub" would result in the loss of privacy and amenity of the neighbouring properties**

The area of the garden that we will be using as our garden is sectioned off by fences. We plan to put up artificial plant screens to maintain as much privacy for surrounding residents as possible. We also plan to put a gate on the access path which will only be used in case of a fire.

**There are also worries about parking on an already over crowded and busy street which has the parking for residence and visitors on.**

The high street is a busy area with many restaurants, cafes, take aways, pubs, shops, hairdressers. I think that to penalise us for the number of cars on the High Street is very unreasonable. Especially when we are trying to create a local atmosphere to our bar. I would hope that a larger proportion of our customers would be those within walking distance. For those that aren't the surrounding car parks will be utilised I'm sure.

**The final question to answer is would the proposed closing times be adhered to? Is a 10 o'clock close exactly 10pm or would there be additional drinking up time etc.**

The times specified are those of which the sale of alcohol is within the licensing parameters we have chosen. We will abide by the licensing objectives, plus conditions in application.

**Special consideration needs to be given to the location as the High Street forms part of the conservation area of Headcorn.**

I am very much in support of your comment about the conservation of the village, however in my opinion, having lived in and around Headcorn for 30 years, I feel that the village is growing rapidly and losing some of the community spirit. Would it not therefore be a positive move to create a location that brings people together?

We are going to be sourcing as much of our stock from local breweries and wineries as possible. We want to support local, and create a pleasant space for people to come and enjoy social interaction without feeling daunted by large groups or reputations.

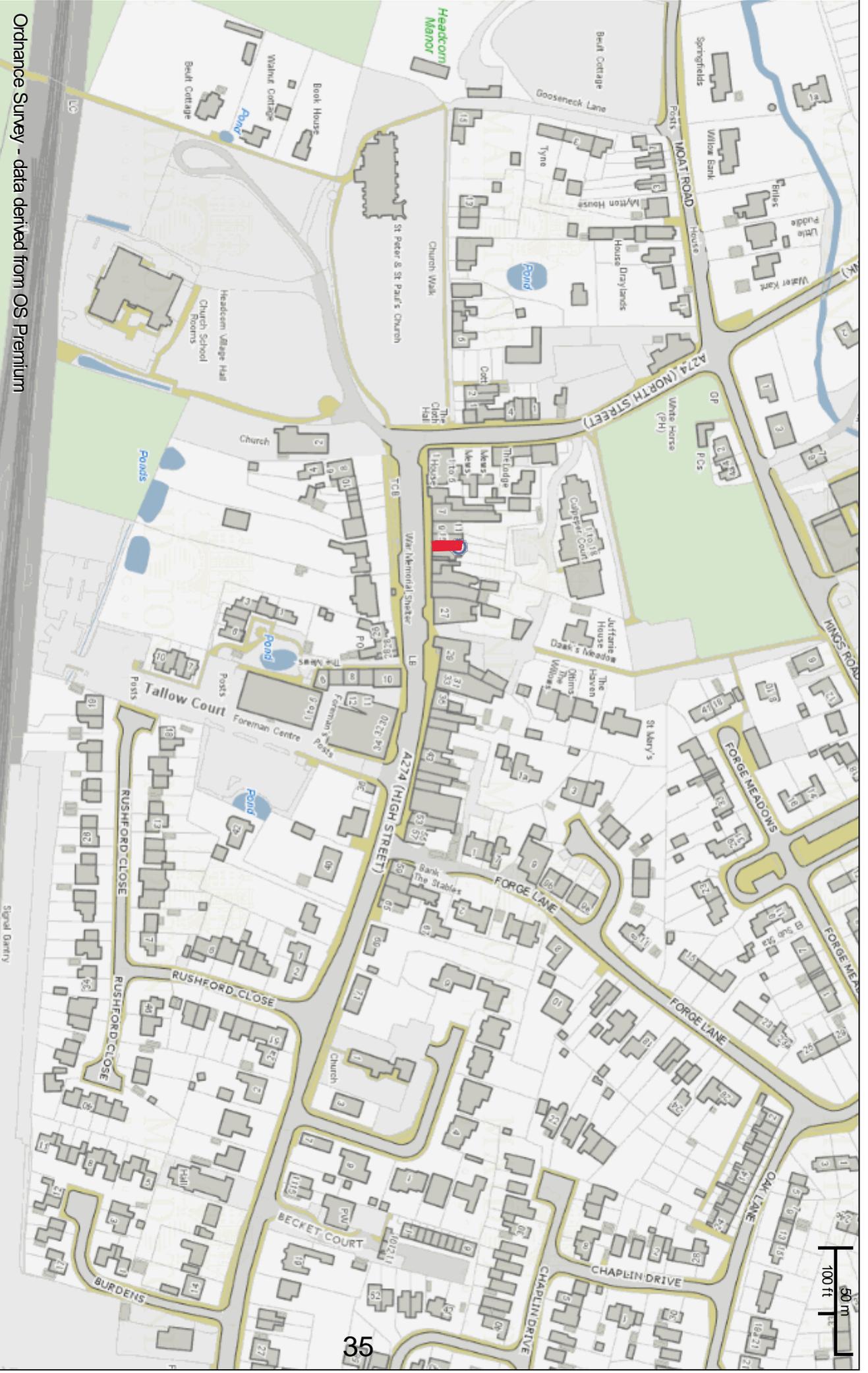
We are discussing the idea of a membership programme so as to create an atmosphere where people feel at ease knowing that we are in control of capacity, but also the control of anybody that could create a problem.

I would also like to put forward the fact that we are hoping to open a 'Micro'-bar. The whole ethos is to create a small space of people to enjoy a craft beer or glass of wine with friends. The fact that we are being painted as somewhere that will have people being drunk and disorderly, loud, smoking constantly and being threatening or problematic to residents is very presumptuous and also prejudiced.

I hope that the Licensing Authority stand in support of a new business venture that is set to support local businesses, be a welcome hub for people and diversify the high street for locals and visitors alike.

Kind Regards,

Kelli Newman



Ordnance Survey - data derived from OS Premium

Tap 17, 17 High Street, TN27 9NH

Scale: 1:2400

Printed on: 19/4/2021 at 20:16 PM by LorraineN



Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



## **LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

### **Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates**

## **Introduction and Procedure**

### **i) Introductions**

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Maidstone Borough Council licensing officers/managers
- Applicant (and any representative)
- Each responsible authority (and any representative)
- Each interested party (and any spokesperson or representative)

### **ii) Procedural Matters**

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- 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) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.

- Invite the parties, where appropriate, to appoint a spokesperson.

## **The Hearing**

### **Outline of the Application and Representations**

- The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

#### **i) The Applicant**

- Opening remarks by the applicant (or their representative).
- Evidence of the applicant and any witnesses.
- After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

#### **ii) Responsible Authorities (where applicable)**

<b>RESPONSIBLE AUTHORITY</b>	<b>Tick if applicable</b>
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- Opening remarks by the officer representing the responsible authority (or their representative).
- Evidence of the responsible authority officer and any witnesses.
- After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or representative) may clarify any matter that arose during questioning.

#### **iii) Interested Parties**

- Opening remarks by the interested party (or spokesperson/representative).
- Evidence of the interested party and any witnesses.

- After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

## Closing Speeches

In the following order:

- Each Responsible Authority**
- Each Interested Party**
- The Applicant**

## End of Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- 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, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

## The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- 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.

The hearing is formally closed.