

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Friday 11 January 2013
Time: 10.00 am
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, Mrs Joy and Mrs Parvin

Legal Representative: Mrs Jayne Bolas

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Head of Democratic Services - Application for a Premises Licence under the Licensing Act 2003 to be granted for Martins, 1327 Boxley Road, Maidstone, ME14 2HN 1 - 32

Continued Over/:

Issued on 31 December 2012

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 JANET BARNES on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 12/04073/LAPRE

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

Date: 20TH DECEMBER 2012

Report Title: MARTINS
327 BOXLEY ROAD
MAIDSTONE
KENT
ME14 2HN

**Application for: A premises licence to be granted under the
Licensing Act 2003**

Report Author: Lorraine Neale

Summary:

1. The Applicants – Martin McColl Limited
2. Type of authorisation applied for: a premises licence under the Licensing Act 2003, S17.
3. Proposed Licensable Activities and hours:

M)	Supply of alcohol; Off the premises	Monday to Sunday	06.00 to 23.00
O)	Opening Hours	Monday to Sunday	06.00 to 23.00

Affected Wards: North Ward

Recommendations: **The Committee is asked to determine the application and decide whether to grant a 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 necessary to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**interested parties**” (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 – tel: 01622 602028

Agenda Item No. 1

Report Title: MARTINS, 327 BOXLEY ROAD, MAIDSTONE, KENT, ME14 2HN

Application for: A premises licence to be granted under the Licensing Act 2003

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by Martin McColl Ltd, in respect of the premises Martins, 327 Boxley Road, Maidstone, Kent, ME14 2HN in respect of which 1 representation (Appendix C) has been received from an Interested Party.

Issue to be Decided

1. Members are asked to determine whether to i) grant subject conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives and any mandatory condition, ii) grant excluding any of the licensable activities applied for, iii) grant refusing to specify a premises supervisor, or iv) reject the application.

Background

2. The relevant sections are Part 3 ss 16-19, 23 & 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 a notice displayed on the premises for the required period.
4. 1 representation was received from an Interested Party
5. The table below illustrates the relevant representation which have been received

Responsible Authority/Interested Party	Licensing Objective	Associated Documents	Appendix
Dr RJ Worden MB,BS, MRCS,Dobst.RCOG	Crime and Disorder Public Nuisance	Letter	C

6. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is necessary to do so to promote the**

licensing objectives.;

7. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives

THE SUBJECT PREMISES WILL APPLY A STANDARD OF OPERATION WHICH WILL ENSURE COMPLIANCE WITH ALL FOUR LICENSING OBJECTIVES BASED UPON FACTORS MORE PARTICULARLY OUTLINED IN SECTIONS (b) TO (e) BELOW.

b) The prevention of crime and disorder

THE STYLE OF OPERATION AT THESE PREMISES IS DESIGNED TO MINIMISE CRIME AND DISORDER. THIS WILL BE ACHIEVED BY THE USE OF CCTV WITH THE RETENTION OF TAPES OR DISCS, FOR A MINIMUM PERIOD OF 31 DAYS FOR PROSECUTION PURPOSES. THE PREMISES SEEK TO BENEFIT SOLELY FROM THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES. THESE PREMISES WILL OPERATE A CHALLENGE 25' POLICY AS A MINIMUM IN ORDER TO ENSURE THAT LIQUOR IS SOLD ONLY TO PERSONS OF LAWFUL AGE (BEING THAT, SHOULD A PERSON NOT LOOK THE AGE OF 25 THEN HE/SHE WOULD NEED TO PROVE THEY ARE IN FACT OF LAWFUL AGE 18 OR OVER) . THESE ISSUES ALSO OVERLAP ON THE SECTION DEALING WITH PROTECTION OF CHILDREN FROM HARM. ALL STAFF UNDERGO TRAINING CONCERNING KNOWLEDGE OF LICENSING LAWS TOGETHER WITH THE SOCIAL IMPACT OF THE SALE OF ALCOHOL.

c) Public safety

THE PREMISES WILL COMPLY WITH CURRENT LEGAL REQUIREMENTS FOR FIRE SAFETY AND HEALTH AND SAFETY INCLUDING PERIODIC RISK ASSESSMENTS.

d) Prevention of public nuisance

THESE PREMISES ARE PROPOSED TO BE LICENSED FOR THE CONSUMPTION OF LIQUOR OFF THE PREMISES ONLY. IN ADDITION TO THERE BEING NO CONSUMPTION ON THE PREMISES, THERE IS NO FORM OF ENTERTAINMENT ON THE PREMISES. THERE ARE NO OUTDOOR AREAS UTILISED FOR THE BENEFIT OF MEMBERS OF THE PUBLIC AND THE NATURE OF THE OPERATION DOES NOT REQUIRE THE EMPLOYMENT OF DOOR SUPERVISORS OR USE OF DEDICATED CAB FIRMS. THE PREMISES OPERATE WITHIN THE REQUIRED LITTER/REFUSE REGULATIONS ADOPTED BY THE LOCAL COUNCIL. THE MANAGEMENT POLICY AT THE PREMISES IS TO WELCOME COMMUNICATION WITH ANY LOCAL PERSONS IN RELATION TO ANY ISSUES WHICH ARISE CONCERNING THE OPERATION OF THESE PREMISES.

e) The protection of children from harm

IT IS PROPOSED THAT THESE PREMISES WILL BENEFIT FROM A PREMISES LICENCE FOR CONSUMPTION OFF THE PREMISES ONLY. IN ORDER TO ENSURE COMPLIANCE WITH THE LEGISLATION, THE COMPANY WILL OPERATE A 'CHALLENGE 25' POLICY AS A MINIMUM WHEREBY ANY PERSON NOT LOOKING THE AGE OF 25 MUST PROVE THAT THEY ARE IN FACT OVER THE LAWFUL AGE OF 18 FOR THE PURPOSE OF SALE OF ALCOHOL. ACCEPTABLE FORMS OF IDENTIFICATION CONCERNING THE ISSUE OF AGE ARE A TEN YEAR PASSPORT, A PHOTOCARD DRIVING LICENCE OR AN APPROVED PASS LOGO PROOF OF AGE CARD. ALL STAFF ARE OBLIGATED TO FAMILIARISE THEMSELVES WITH THESE REQUIREMENTS. THE COMPANY WILL OPERATE A DUE DILIGENCE POLICY, INCORPORATING THE MINIMUM CHALLENGE 25 POLICY ABOVE; ALSO INCORPORATING FULL TRAINING FOR ALL STAFF, THE OPERATION OF A REFUSALS RECORD AND REFRESHER TRAINING ON A REGULAR BASIS. THE STORE WILL OPERATE A FULLY RECORDABLE CCTV SYSTEM WHICH IS OVERTLY OPERABLE. THERE WILL BE PROMINENT SIGNAGE LOCATED THROUGHOUT THE STORE CONFIRMING THE LEGAL MINIMUM AGE FOR THE PURCHASE OF ALCOHOL AND OTHER AGE RELATED PRODUCTS AND THE COMPANY POLICY.

8. 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:**

20. Prevention of Crime and Disorder

22. Prevention of Public Nuisance

20. Prevention of Crime and Disorder

Concerns

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in addressing the above concerns in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces.
- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or plastic glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.
- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.
- Membership of Maidsafe (Nite Net).

22. Prevention of Public Nuisance

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

9. **Options**

Legal options open to members -

- a) GRANT the licence subject to such conditions as are consistent with the operating schedule accompanying the application; MODIFIED to such extent as the Licensing sub-committee considers necessary for the promotion of the licensing objectives and any relevant mandatory condition
 - b) EXCLUDE from the licence any of the licensable activities applied for.
 - c) REFUSE to specify a person in the licence as premises supervisor
 - d) REJECT the application.
10. 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 A Application Form
- Appendix B Plan of Premises
- Appendix C Representation (Interested Party)
- Appendix D Plan of area
- Appendix E Human Rights Articles
- Appendix F Order of Proceedings

15. **Appeals**

The applicant or any interested party (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:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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Insert name and address
of relevant licensing
authority and its
reference number
(optional)

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

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

XWe Martin McColl Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and **Xwe** 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

Martins
327 Boxley Road
Maidstone

Post town Kent

Post code ME14 2HN

Telephone number at premises (if any)

01622 756382

Non-domestic rateable value of premises

£ 9,600.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick Yes

- 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England 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 tick **Yes**

- 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)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick **Yes**

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick **Yes**

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name Martin McColl Limited
Address Martin McColl House Ashwells Road Brentwood Essex CM15 9ST
Registered number (where applicable) 298945 LONDON
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01277 372916
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
A	S	A	P				

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

Day		Month		Year			
N	/	A					

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

Please give a general description of the premises (please read guidance note 1)

The premises are brick built in construction and presently trade as a newsagent, but without the benefit of a Premises Licence. Included with this application is a layout plan which confirms that the whole of the retail sales floor area is proposed to be covered by this application. Alcohol will be displayed within the retail area in such positions where it can be supervised by a combination of staff supervision and/or CCTV. The CCTV system will form part of the due diligence system which will be operable at the store (images will be maintained for a minimum of 31 days). The due diligence system will also incorporate the operation of a refusals record together with general staff training providing guidance upon both the legal and social impact of the same. The parent Company also provide continual external support to this due diligence operation. The Licensable activities will take place between the hours as specified on page 11 of this application form. This is an overview of the Type of premises. Its general situation and layout includes information relevant to the Licensing objectives. However the Licensing objectives are more particularly described within this application.

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 tick Yes

Provision of regulated entertainment

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon					
Tue					
Wed					
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing					
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors			
					Outdoors			
					Both			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors	
					Outdoors	
					Both	
			Day	Start	Finish	Please give a description of the facilities for dancing you will be providing
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J</u> (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors	
Day	Start	Finish			Outdoors	
Mon					Both	
Tue					<u>Please give further details here</u> (please read guidance note 3)	
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) ✓ (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	✓
Mon	06.00	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00	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 5)		
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	Steve Mahoney
Address	18 Chiltern Close Chelmsford Essex
Postcode	CM1 2GJ
Personal Licence number (if known)	EZ09/00067/LAPER
Issuing licensing authority (if known)	Chelmsford Council

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 8)

These premises will house a Premises Licence for consumption of alcohol off the premises only. There will be no adult entertainment. In order to ensure compliance with legislation. The Company will operate a 'Challenge 25' policy as a minimum requirement whereby any person not looking the age of 25 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Ten year Passport, a photocard driving licence and an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirements. The Company will operate a due diligence policy, incorporating the minimum Challenge 25 policy as above; also incorporating full training for all staff, the operation of a refusal record and refresher training on a regular basis.

This store will operate a fully recordable CCTV system which is overtly operable. There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and the Company policy.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

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 9)

The subject premises will apply a standard of operation which will ensure compliance with all four licensing objectives based upon factors more particularly outlined in Sections (b) to (e) below.

b) The prevention of crime and disorder

The style of operation at these premises is designed to minimise crime and disorder. This will be achieved by the use of CCTV with the retention of tapes or discs, for a minimum period of 31 days for prosecution purposes. The premises seek to benefit solely from the sale of alcohol for consumption off the premises. These premises will operate a Challenge 25' policy as a minimum in order to ensure that liquor is sold only to persons of lawful age (being that, should a person not look the age of 25 then he/she would need to prove they are in fact of lawful age 18 or over). These issues also overlap on the section dealing with protection of children from harm. All staff undergo training concerning knowledge of Licensing Laws together with the social impact of the sale of alcohol.

c) Public safety

The premises will comply with current legal requirements for Fire Safety and Health and Safety including periodic risk assessments.

d) The prevention of public nuisance

These premises are proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor areas utilised for the benefit of members of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The premises operate within the required litter/refuse regulations adopted by the Local Council. The management policy at the premises is to welcome communication with any local persons in relation to any issues which arise concerning the operation of these premises.

e) The protection of children from harm

It is proposed that these premises will benefit from a Premises Licence for consumption off the premises only. In order to ensure compliance with the legislation, the Company will operate a 'Challenge 25' policy as a minimum whereby any person not looking the age of 25 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Ten Year Passport, a photocard driving licence or an approved PASS logo proof of age card. All Staff are obligated to familiarise themselves with these requirements. The Company will operate a due diligence policy, incorporating the minimum Challenge 25 policy above; also incorporating full training for all staff, the operation of a refusals record and refresher training on a regular basis. The store will operate a fully recordable CCTV system which is overtly operable. There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and other age related products and the Company policy.

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- 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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature Dwf LLP

Date 15.11.2012

Capacity SOLICITORS ON BEHALF OF THE APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) DWF LLP 5 St. Pauls Square Old Hall Street	
Post town LIVERPOOL	Post code L3 9AE
Telephone number (if any) 0151 907 3000	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) david.crank@dwf.co.uk	

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

LIC11A

Consent of individual to be specified as premises supervisor

I, **Steve Mahoney**

of **18 Chiltern Close, Chelmsford, Essex, Cm1 2GJ**

Hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a premises licence

By **Martin McColl Limited**

Relating to a Premises Licence for **Martin McColls, 327 Boxley Road, Maidstone, Kent, ME14 2HN**.

And any premises licence to be granted or varied in respect of this application made by **Martin McColl Limited**

Concerning the supply of alcohol at **Martin McColls, 327 Boxley Road, Maidstone, Kent, ME14 2HN**.

I also confirm that I ~~am applying for, intend to apply or~~ currently hold a personal licence, details of which I set out below.

Personal licence number **EZ09/00067**

Personal licence issuing authority: **Chelmsford B C**

Name **Steve Mahoney**

D.O.B **28/07/1965** Place of Birth: **Reading**

Signed 

Dated **12.11.2012**

Martin McColl Ltd
ASHWELLS ROAD
BRENTWOOD
ESSEX
CM13 8ST
TEL: 01277 372616 FAX: 01277 372651

PROJECT TYPE/DETAILS
Alcohol CTN
Alcohol License App

Rev	Revision Details	
A	Proposal - JD - 11.10.2012	Alcohol License App - JD - 30.10.2012

STORE NO: 6256	REV No A	A4 - 1:200	EXISTING RETAIL sq ft 534
		A3 - 1:100	
		A1 - 1:50	

STORE NAME: Penenden Heath

ADDRESS: 327 Boxley Road, Maidstone, Kent, ME14 2HN

STORE TEL: 01622 756382

COMPROMISE SEG DETAILS	GROC MATRIX	MM AREA	RC
COMPANY: CD	3		
PROMO: NB			

PROMOTION DETAILS			AGREED BY:		
Promo End: 1	MANAGING DIRECTOR	SIGNATURE DATE			
Promo Mechanics: 11					
Alcohol Stocks: N	OPERATIONS DIRECTOR	SIGNATURE DATE			
Crazy Bases: N					
Lottery OLT?: Y	GENERAL MANAGER	SIGNATURE DATE			
Playstation: Y					
Red Bull GIE: N	ESTATES & DEVELOPMENT DIRECTOR	SIGNATURE DATE			
GSK GIE: N					
Slush machine: N					
ATM: INT					
Photocopier: N					
Window Posters: 2	NATIONAL P.O MANAGER	SIGNATURE DATE			
Wine Tower: N					

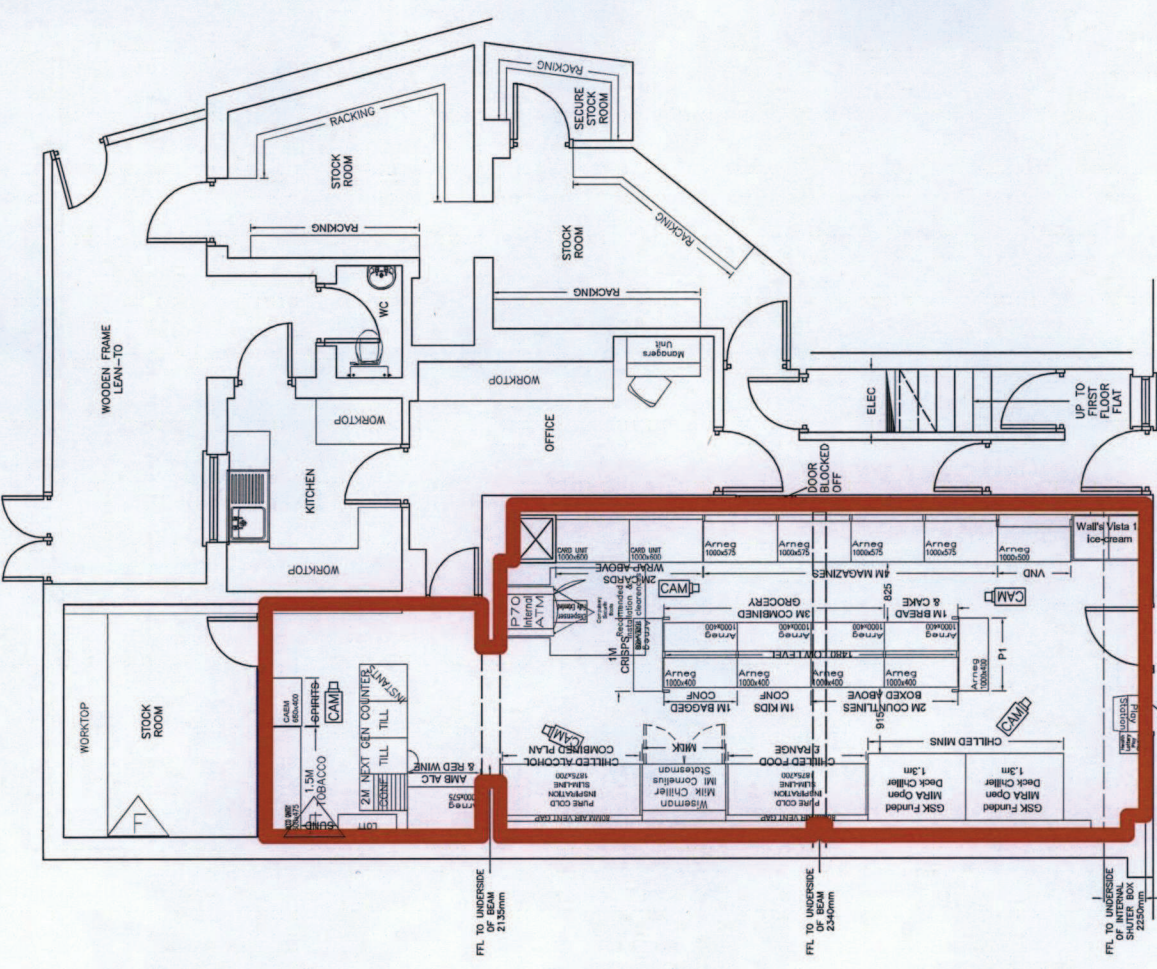
Drawn by Jenny Douglas

Drawing Date 11.10.2012

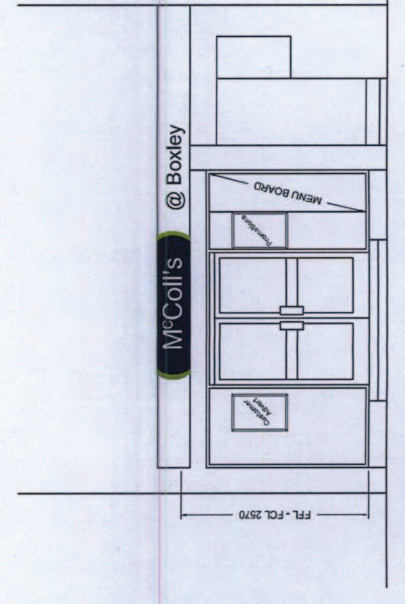
- NOTES:**
1. FIRE FIGHTING EQUIPMENT & ALL OF THE REQUIREMENTS OF THE FIRE SERVICE WILL BE INCORPORATED & WILL BE PROVIDED TO COMPLY WITH THE EUROPEAN STANDARDS
 - No. BSEN3 & BS7863.
 2. ALL WALL/PERIMETER FIXTURES TO A HEIGHT OF 2.1M
 3. ALL FLOOR DISPLAYS TO A HEIGHT OF 1.5M
 4. COUNTER HEIGHT 965MM
- FIRE STANDARDS:**
1. FIRE SAFETY RELATED SIGNS AND NOTICES ARE TO THE HEALTH AND SAFETY (SAFETY SIGNS & SIGNALS) REGULATIONS ACT 1996. THOSE THAT COMPLY TO BS 5499, PART 1, 1990 ALSO COMPLY
 2. ILLUMINATED "EXIT" SIGNS ARE TO CONFORM TO BS2560
 3. FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH EUROPEAN STANDARDS BS EN3 AND BS 7863

FIRE SIGNAGE:

	EMERGENCY LIGHTING
	F.A. FIRE ACTION SIGNAGE
	FIRE EXIT WITH DIRECTIONAL ARROW
	WATER FIRE EXTINGUISHER
	CO2 CARBON DIOXIDE FIRE EXTINGUISHER
	F FOAM FIRE EXTINGUISHER
(FIRE EXTINGUISHER SIGNAGE TO BE PROVIDED AT EACH LOCATION)	
	FIRE BELL
	SMOKE DETECTOR
	RED BREAK GLASS BOX
	CCTV CAMERA



PROPOSED STORE PLAN



PROPOSED FRONT ELEVATION

Tel.01622.663449

The Firs.
Sittingbourne Road.
MAIDSTONE,
ME 14 5JD

Licencing Team
Maidstone Boro Council
PO BOX 182,
SEVENOAKS.
TN 13 1GF

24th November 2012-11-26

MESSRS MARTINS NEWAGENT, 327 BOXLEY ROAD,
PENENDEN HEATH, MAIDSTONE, ME 14 2HN

I am submitting this my appeal against the granting of a licence to the above
for the sale/storage of alcohol at or from the above named premises.

REASONS.

As a retired medical practitioner I must object to any factor that will increase the known potential to increase the incidence of alcohol related physical disease and its burden on the NHS'

There is at present no lack of availability of alcohol for the local residents.

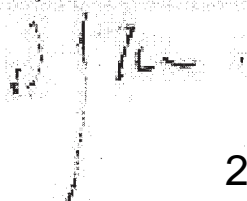
The above premises have been burgled recently on two occasions with an incentive of cigarettes and tobacco. Any alcohol will encourage this incentive

Socially as a local resident the availability from 0700-1900 hrs 6 days a week with 0700-1300 on Sundays 365 days a years can create anti-social behaviour in the more than generous frontal car park

Women and children use this shop for simple purchases

I am aware of an existing off -licence that only retails alcohol products in the same parade of shops under well controlled and generous hours of availability.
I have no interest of any description with this shop

R.J. WORDEN MB,BS, MRCS Dohst.RCOG.



**MARTINS, 327 BOXLEY ROAD,
MAIDSTONE, ME14 2HN.**



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HUMAN RIGHTS

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)

RESPONSIBLE AUTHORITY	Tick if applicable
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.