OPERATIONAL SERVICES

LICENSING REPORT NO. OS1901

DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

58 STATION ROAD ALDERSHOT HAMPSHIRE GU11 1BG

1.0 INTRODUCTION

- 1.1. This report concerns an application for a premises licence made under section 17 of the Licensing Act 2003 (the 'Act'). Representations have been received in respect of the application and invoke a statutory requirement to hold a hearing with members.
- 1.2. The report provides details of, and background to the application, and should be read in conjunction with the Council's licensing policy and Secretary of State's guidance. This, together with information obtained at the hearing should be used to determine the application.

2.0 BACKGROUND

- 2.1. An application for premises licence was submitted on 19th December 2018 by SK PVT Limited, in respect of the premises at 58 Station Road, Aldershot, GU11 1BG.
- 2.2. A map of the area showing the general location of the premises is given at **appendix A**.

2.3. Nature of the application

- 2.4. The application seeks to apply for the sale of alcohol on Monday's to Thursday's 12:00(midday) to 22:00pm and on Friday's to Sunday's 12:00(midday) to 23:00pm.
- **2.5.** A copy of the application form is given at **appendix B.**

2.6. Advertising of the application

2.7. I can confirm that each responsible authority (as specified in the Act) has received a copy of the application. I can also confirm that the application was advertised by the applicant in accordance with the requirements of the legislation both at the premises and in a local newspaper. The last date for representations was given as the 16th January 2019.

3.0 REPRESENTATIONS

3.3. One representation by way of an objection has been received in respect of this application. This representation has been made by a responsible authority, namely The Licensing Authority. A copy of the representation is given at appendix C.

3.4. Relevance of Representation(s)

- 3.5. To be eligible to be considered, the Act requires a(ny) representation(s) to be 'relevant'. A 'relevant representation' is one that has been made by a responsible authority or any other person within the prescribed period permitted. Similarly, representations must not be frivolous or vexatious and must be about the likely effect of the grant of the licence on the promotion of the licensing objectives.
- 3.6. The licensing objectives are defined in the Act and include -
 - (a) the prevention of crime and disorder;
 - (b) ensuring public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

3.7. Relevance of representations

3.8. Against the above criteria the representations are considered to be relevant as they were submitted within the prescribed period, by a responsible authority and concern all four of the licensing objectives; namely the prevention of crime and disorder, public safety, protection of children from harm and public nuisance.

4.0 DATA PROTECTION ISSUES

4.3. As a public document, any personal details, including addresses, contact details and/or signatures submitted on any application, representation or other document contained in this report have been redacted in accordance with data protection requirements.

5.0 DETERMINATION

5.3. Further to the receipt of relevant representations and, in accordance with the Act and the Council's scheme of delegation, the Sub-Committee is asked to determine the application.

6.0 RELEVANT CONSIDERATIONS

6.3. Licensing Objectives

6.4. In determination of the application, the licensing authority must have regard to the promotion of the licensing objectives. These are set out at paragraph 3.6 above.

6.5. Licensing policy & S182 Guidance

6.6. The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State under section 182 of the Act. Details of the parts of the policy and guidance that may be relevant to this application are given in **appendix D** to this report.

7.0 OPTIONS

- 7.3. In determining this application, the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives; namely -
 - (a) to grant the licence as applied for*; or
 - (b) to reject the whole or part of the application.
 - * Subject to any relevant mandatory conditions, amendments agreed by the applicant and/or such other conditions that are consistent with the operating schedule which, with the exception of mandatory conditions, may be modified (which may include the alteration or omission of a condition or the addition of any new condition(s)) to such extent as may be necessary to promote the licensing objectives.

8.0 RECOMMENDATION(S)

- 8.3. The Sub-Committee is asked to determine the application having regard to -
 - (a) the contents of this report;
 - (b) any additional information obtained from the hearing;
 - (c) the Council's licensing policy;
 - (d) guidance issued by the Secretary of State; and
 - (e) the promotion of the licensing objectives.

AIMEE VOSSER
Licensing Officer
Operational Services
licensing@rushmoor.gov.uk

BACKGROUND PAPERS:

Premises licence application 18/01043/LAPRE

PUBLIC DOCUMENTS:

- 1) The Licensing Act 2003
- 2) Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

CONTACT:

Aimee Vosser, Licensing Officer

Tel: (01252) 398131, Email: aimee.vosser@rushmoor.gov.uk

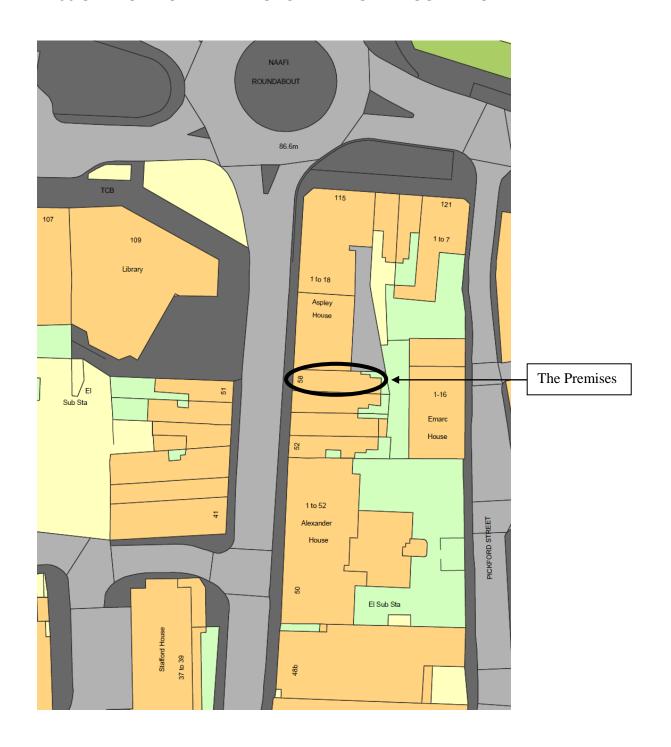
APPENDICES:

Appendix		Description	Page Ref.
Α	-	Map of the area	Page 5
В	-	Application Form	Page 7
С	-	Representation – Licensing Authority	Page 27
D	-	Relevant Considerations	Page 29

APPENDIX A

MAP OF THE AREA

58 STATION ROAD ALDERSHOT HAMPSHIRE GU11 1BG



APPENDIX B

APPLICATION FORM

58 STATION ROAD ALDERSHOT GU11 1BG

Oud/fee-t190.000

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. 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 53 STATION ROAD ALDASHO Post town Postcode GOILIBG Telephone number at premises (if any) Non-domestic rateable value of premises £ Part 2 - Applicant details Please state whether you are applying for a premises licence as Please tick as appropriate an individual or individuals * please completé section (A) a person other than an individual * as a limited company/limited liability please complete section (B) as a partnership (other than limited liability) please complete section (B) as an unincorporated association or please complete section (B) other (for example a statutory corporation) please complete section (B) c) a recognised club please complete section (B)

please complete section (B)

d)

a charity

e)	the proprietor of	an education	nal estal	blishment			please comp	lete section (B)	
f)	a health service b	a health service body						lete section (B)	
g)	a person who is a Care Standards A independent hosp	Act 2000 (c1	4) in res		ı		please comp	elete section (B)	
ga)	a person who is not not the meaning of the hospital in Engla	nd Social Ca nat Part) in a	are Act 2	2008 (with			please comp	elete section (B)	
h)	the chief officer England and Wa		a police	force in			please comp	lete section (B)	
* If y below	you are applying as w):	a person de	scribed	in (a) or (l	b) ple	ase co	onfirm (by tick	ring yes to one bo	ЭX
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(A) I	INDIVIDUAL AP	PLICANTS	fill in	as applica	ble)				
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Mr	Mrs	Miss		Ms			nple, Rev)		
	Mrs name	Miss			rst na	exai			
Surn		Miss	I am			exai mes	nple, Rev)	ise tick yes	
Surn	name	Miss	I am	Fir		exai mes	nple, Rev)	se tick yes	
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Date of birth	I am 18 years old or over Please tick yes
Nationality	
Current postal addres different from premis address	
Post town	Postcode
Daytime contact tel	ephone number
E-mail address (optional)	
	1
(D) OBJEDN I DDI I	COLANIES
(B) OTHER APPLI	CANTS
give any registered	e and registered address of applicant in full. Where appropriate please number. In the case of a partnership or other joint venture (other than a case give the name and address of each party concerned.
Name SK	PVT Amited
Address 58 5	PVT Limited STATION ROAD
	CEHOT
	0(1 1BG
Registered number (v	where applicable)
Description of applic	ant (for example, partnership, company, unincorporated association etc.)
Compani	5
Telephone number (i	f any)
E-mail address (option	onal)
Part 3 Operating Sc	chedule
When do you want th	ne premises licence to start? DD MM YYYY

.

	ou wish the licence to be valid only for a limited period, when you want it to end?	DD MM YYYY
ı	se give a general description of the premises (please read guidanc	e note 1)
1	lesbaurant	
	000 or more people are expected to attend the premises at any time, please state the number expected to attend.	
Wh	at licensable activities do you intend to carry on from the premises	?
(ple	ase see sections 1 and 14 and Schedules 1 and 2 to the Licensing A	Act 2003)
Pro	vision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
e)	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 (if ticking yes, fill in box H)	(g)
Pro	vision of late night refreshment (if ticking yes, fill in box I)	

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

In all cases complete boxes K, L and M



A					, de de
Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	nnce note 4)	
Tue					
Wed			State any seasonal variations for performing pla guidance note 5)	<u>ys</u> (please read	
Thur					
Fri		7	Non standard timings. Where you intend to use the performance of plays at different times to the column on the left, please list (please read guidan	ose listed in th	
Sat	-/	<i>s</i> ′			
Sun					

Films Standard days and timings (please read			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidar	ice note 7))		Outdoors	Ø
Day	Start	Finish		Both	
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Wed			State any seasonal variations for the exhibition of read guidance note 5)	of films (please	:
Thur					
Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those column on the left, please list (please read guidance	listed in the	<u>for</u>
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
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Tue	THE RES OF STREET		State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
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Sún			

Boxing or wrestling entertainments Standard days and			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
timings (please read guidance note 7)			Krissa reserve	Outdoors		
Day	Start	Finish		Both		
Mon			Please give further details here (please read guid	ance note 4)		
Tue						
Wed			State any seasonal variations for boxing or wresentertainment (please read guidance note 5)	stling		
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Fri			Non standard timings. Where you intend to use boxing or wrestling entertainment at different t in the column on the left, please list (please read	imes to those	listed	
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timings	rusic rd days an s (please re ce note 7)	ead	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors Outdoors	9
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
Tue					
Wed			State any seasonal variations for the performant (please read guidance note 5)	e of live music	2
Thur					
Fri			Non standard timings. Where you intend to use the performance of live music at different times the column on the left, please list (please read gui	to those listed	
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Recorded music Standard days and timings (please read			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			(proces road gardinos noto s)	Outdoors	
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Thur					
Fri			Non standard timings. Where you intend to use the playing of recorded music at different times the column on the left, please list (please read gui	to those listed	
Sat	***************************************				
Sun		***************************************	\	\	

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<u></u>
Day	Start	Finish		Both	
Mon			Please give further details here (please read guide	anće note 4)	
Tue					
Wed			State any seasonal variations for the performance read guidance note 5)	ce of dance (pl	ease
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to the column on the left, please list (please read guidance	iose listed in tl	
Sat					
Sun	ATTERED TO SET TO SEE TO SEE				
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descri falling (g) Standa timing	ing of a si ption to the within (court days are s (please race note 7)	hat e), (f) or nd ead	Please give a description of the type of entertainment providing	nt you will be				
Day	Start	Finish	Will this entertainment take place indoors or	Indoors				
Mon			outdoors or both – please tick (please read guidance note 3)	Outdoors				
				Both				
Tue			Please give further details here (please read guidance note 4)					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)					
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 6)					
Sun								

Late night refreshment Standard days and timings (please read		d	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)			/	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ince note 4)	
Tue	***********				
Wed			State any seasonal variations for the provision o	f late night	
WCC			refreshment (please read guidance note 5)	r late night	
Thur					
Fri			Non standard timings. Where you intend to use		
			the provision of late night refreshment at differe listed in the column on the left, please list (please		
Sat		_	note 6)		
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Sun	/_				

Supply of alcohol Standard days and timings (please read			Will the supply of alcohol be for consumption — please tick (please read guidance note 8)	On the premises	Ą
	ce note 7)			Off the premises	
Day	Start	Finish		Both	
Mon	<u>β-00</u>	QR (1)	State any seasonal variations for the supply of a guidance note 5)	Icohol (please 1	read
Tue	12·00	2 00			
Wed	D/CO	D.C.			
Thur	l∂.∞	නග	Nou standard timings. Where you intend to use the supply of alcohol at different times to those I column on the left, please list (please read guidan	isted in the	for
Fri	<u>000</u>	X.00			
Sat	8-∞	% W			
Sun	13.00	33cc			

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

Name	DHIRONDRA TUMAR CHOMYONG LIMBO
Date of	birth
Address	
Postcode	е
Persona	licence number (if known) 17/09/62 CAPER
Issuing l	licensing authority (if known) Coshmoor 8C

K

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).

NIA

L

open t Standa timing	premises o the publ and days an s (please race note 7)	lic d ead	State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
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Tue	B.00	3300	
Wed	1200	33 a	
			Non standard timings. Where you intend the premises to be open
Thur	1300	33 QC	to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	13·00	33:00	
Sat	R.W.	X.00	
Sun	Ø.€	XW	

${f M}$ Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)
b) The prevention of crime and disorder
Challenge OS + Signage Staff training - mountain reards + refresher training
Staff Hairing - marshare march
Deligible training machical realist
I when a manufacture
c) Public safety
COTU Covering Public areas
d) The prevention of public nuisance
notices asting astomas to lawe quetly.
e) The protection of children from harm
Melusatilaa Inadentilaa
I mident load
(1 comments)
J

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Ch	ecklist: Please tick to indicate agree	ment
	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 designated 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 KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

	The state of the s
Declaration	[Applicable to 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 licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	
Capacity	
For joint applic authorised ager state in what ca	icitor or other the applicant, please
Signature	
Date	
Capacity	
this application (where not previously given) and postal address for correspondence associated with please read guidance note 14) REN DRP KUMAR CHEMTON (S. LINBO)
Post town Telephone numb If you would pre	
Notes for Guida	ince
1 Decorib	e the premises for example the type of premises its general situation and layout

- 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.
 In terms of specific regulated entertainments please note that:





Scale 1:100=1cm denotes 1meter

1 = 1cm and 100 = meter

APPENDIX C

REPRESENTATION – THE LICENSING AUTHORITY 58 STATION ROAD ALDERSHOT HAMPSHIRE GU11 1BG



Council Offices, Famborough Road, Famborough, Hants. GU14 7JU Tel: (01252) 398 399

Website: www.rushmoor.gov.uk

Our Ref: 18/01043/LAPRE

Officer: Wendy Harden

Your Ref:

Tel: 01252 398245

The Licensing Authority

Email: wendy.harden@rushmoor.gov.uk

Date: 15th January 2019

Dear Sir / Madam,

THE LICENSING ACT 2003

Representation in respect of an application for a premises licence Gurkha Villa, 58 Station Road, Aldershot, Hampshire, GU11 1BG

Individual making representations:

My name is Wendy Harden and I am employed as a Licensing Officer for Rushmoor Borough Council. I have been employed in this capacity on this occasion for approximately for two months, however have previously worked as a Licensing Officer for approximately 2.5 years. I also have 18 months experience as an Investigator for Gangmaster Labour and Abuse Authority and 12 years experience as a Police Officer. I hold a BIIAB National Certificate for Personal Licence holders, a BIIAB National Certificate for Licensing Practitioners and a BIIAB National Certificate for Licensing Practitioners (Gambling).

Capacity and authority of individual making representations:

I am making this representation in the capacity and embodiment of a responsible authority as defined in Section 13(4) of the Licensing Act 2003 (as amended by Section 103 of the Police Reform & Social Responsibility Act 2011). For this purpose, and as outlined above, I represent the relevant licensing authority in whose area the above named premises are situated.

Relevance of representations:

As a responsible authority, I am making this representation in accordance with the procedure for a premises licence application detailed in Section 17 of the Licensing Act 2003. I am also making this representation at this time and in respect of the above named premises as it is my opinion that steps are necessary to promote the licensing objectives, the prevention of crime and disorder, the protection of children from harm, the prevention of public nuisance and public safety. The grounds for this opinion are outlined below.

RUSHMOOR BOROUGH COUNCIL LICENSING DEPARTMENT

REC'D 15 JAN 2019

Nature and grounds of representation:

The promotion of the licensing objectives at licensed premises relies on licence holders, and DPS's having a good knowledge of the relevant legislation, and ensuring compliance with the relevant terms and conditions of the premises licence. The previous premises licence for this Restaurant lapsed on 14th August 2018, when the company who held the licence was dissolved.

The Restaurant continued to operate and sell alcohol until 14th December 2018 when Licensing Officers attended and stopped the sale of alcohol taking place. The provision of licensable activities without the requisite licence is a criminal offence, and this is currently still under investigation, and will be dealt with separately from the current licence application.

However, the above raises significant concerns as to the licence holder and DPS's regard for compliance with legislation and the promotion of the licensing objectives, as well as their knowledge and understanding of the requirements. Currently I have little confidence in the management of the premises.

Wendy Harden Licensing Officer Operational Services licensing@rushmoor.gov.uk

RELEVANT CONSIDERATIONS

58 STATION ROAD ALDERSHOT HAMPSHIRE GU11 1BG

- 1.0 Guidance issued under S182 of the Licensing Act 2003 (April 2018)
- 1.1. The sections of the Secretary of State's guidance identified in **Table 1** below may be relevant to the consideration of this application.

TABLE 1 - SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE WHICH MAY BE RELEVANT TO THIS APPLICATION								
Section	Other	Paragraph(s)		Cubiast Matter	Page(s)			
Section	Ref.	From	То	Subject Matter	From	То		
1		1.1	1.19	Introduction	1	5		
2		2.1	2.6	The licensing objectives - Crime and disorder	6	7		
2		2.7	2.14	The licensing objectives – Public safety	7	9		
2		2.15	2.21	The licensing objectives – Public nuisance	9	10		
2		2.22	2.32	The licensing objectives – Protection of children from harm	10	13		
8		8.1	8.110	Applications for Premises Licence	49	67		
9		9.1	9.45	Determining applications	68	76		
10		10.1	10.66	Conditions attached to premises licences and club premises certificates	77	88		
13		13.1	13.13	Appeals	103	105		
14		14.1	14.70	Statements of licensing policy	106	120		

2.0 The Council's Licensing Policy

2.1. The sections of the Council's Licensing policy identified in **Table 2** below may be relevant to the consideration of this application.

TABLE 2 - SECTIONS OF THE COUNCIL'S LICENSING POLICY WHICH MAY BE RELEVANT TO THIS APPLICATION									
Section	Other	Paragraph(s)		Cubiast Matter		Page(s)			
Section	Ref.	From	То	Subject Matter	From	То			
3	Part C	3.1	3.43	Licensing principals, objectives & General considerations	13	17			
3	Part C	3.10	3.14	General licensing principals	14	15			
6	Part F	6.1	6.53	Premises Licences	26	34			
18	Part R	18.1	18.55	Representations, Responsible authorities & Interested Parties	69	74			
18	Part R	18.45	18.58	The weight attached to relevant representations	73	74			
19	Part S	19.1	19.27	Conditions and restrictions	76	79			
19	Part S	19.10	19.15	General principles of transposition and imposition of conditions	76	77			

NB: Matters in **bold** indicate main section headings.