

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

16 September 2016

To: MEMBERS OF THE LICENSING AND APPEALS PANEL  
(Copies to all Members of the Council)

**NB ONLY MEMBERS  
OF THE PANEL MAY  
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 26th September, 2016 commencing at 10.00 am

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of Interest

### **Decisions to be taken under Delegated Powers**

3. Application for New Premises Licence for Red Hill Farm, 337 Red Hill, Wateringbury 5 - 30

4. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

5. Exclusion of Press and Public 31 - 32

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information

### **PART 2 - PRIVATE**

6. Urgent Items - Part 2

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr Mrs J A Anderson (Chairman)

Cllr Mrs F A Kemp

Cllr M Taylor

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

26 September 2016

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Delegated

### 1 APPLICATION FOR A NEW PREMISES LICENCE FOR RED HILL FARM, 337 RED HILL, WATERINGBURY, MAIDSTONE, KENT, ME18 5LB

#### 1.1 Executive Summary

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for a Premises Licence under section 17 of the Licensing Act 2003 for the premises called Redhill Farm Estates, Red Hill Farm, 337 Red Hill, Wateringbury, Maidstone, Kent, ME18 5LB.

1.1.2 This is a new application for Late Night Refreshment and Supply of Alcohol.

#### 1.2 Background and Introduction

1.2.1 The application was validated on the 20 July 2016, with the 28 day consultation period running from the 10 August 2016 until the 6 September 2016.

1.2.2 A map showing the location of Redhill Farm Estates and surrounding properties is shown at **Annex 1**

1.2.3 A Satellite map showing the location of Redhill Farm Estates and surrounding properties is shown at **Annex 2**

1.2.4 At any stage, during the 28 day public consultation period, a responsible authority, or an interested party, may make representations in connection with any of the four licensing objectives namely:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by interested parties, are not

vexatious, frivolous or repetitive, a hearing must be held to consider the application.

- 1.2.5 The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's current Statement of Licensing Policy was published in January 2011 and will remain in force for three years. The Policy will be available at the meeting, for reference purposes.
- 1.2.6 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to Guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. The Guidance will be made available at the meeting for reference purposes.

### 1.3 The application

- 1.3.1 The applicant is Redhill Farm Estates Ltd, Red Hill Farm, 337 Red Hill, Watringbury, Maidstone, Kent, ME18 5LB.
- 1.3.2 The application which was received on 20 July 2016, is attached to this report as **Annex 3**
- 1.3.3 The application details are as follows:

Section i)	<b>Provision of late night refreshment</b> - Friday until Sunday 23:00 hours until 00:00 hours (Midnight).
Section J	<b>Supply of alcohol</b> - Monday until Sunday 09:00 hours until 23:00 hours. New Year's Eve and Christmas Eve: from 09:00 hours until 00:00 hours (Midnight).

- 1.3.4 The Designated Premises Supervisor will be Henry Boorman

## 1.4 Reasons for referral

1.4.1 The Licensing Authority must under the Act refer any application for hearing to the Licensing & Appeals Committee, if relevant representations are made by a responsible authority or an interested party.

1.4.2 The Licensing Authority has, during the representation period received one representation from an interested party.

1.4.3 Representations received from statutory consultees:

Fire Safety	has made no comments
Trading Standards	has made no comments
Social Service	has made no comments
Police	has no objections
Environmental Health	has no objections
Health & Safety	has no objections
Planning	has no objections

1.4.4 One Representations has been received by an interested party and is shown at **Annex 4**

1.4.5 The applicant and other persons that have made representations have been invited to attend the hearing.

## 1.5 Policy Considerations

1.5.1 The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 1.8 to 1.13 – These sections set out the Council's approach with regard to licensing and details other mechanisms to deal with potential problems.

Sections 2 – 6 – These sections set out the four licensing objectives and identifies matter that may be relevant to the promotion of each licensing objective.

## **1.6 Legal Implications - Determining the application**

1.6.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Having regard to the relevant representations, the Panel must take such of the steps set out at paragraph 1.7.1 below, as it considers appropriate, for the promotion of the licensing objectives.

1.6.2 Section 18(10) of the Licensing Act permits the authority to grant a premises licence so that it has effect subject to different conditions in respect of:-

- Different parts of the premises concerned
- Different licensable activities covered

1.6.3 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.4 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court

## **1.7 Options Open to the Panel**

1.7.1 The steps an authority may take are –

1. Grant the licence subject to
  - i. such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
  - ii. any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
2. Modify the conditions of the licence. (a condition is modified if any of them is altered or omitted or any new condition is added)



3. Exclude from the scope of the licence any of the licensable activities to which the application relates;
4. Refuse to specify a person in the licence as the premises supervisor;
5. Reject the application

## **1.8 Financial and Value for Money Considerations**

1.8.1 None unless there is a successful appeal against the Panel decision to the Magistrates' Court. This could result in costs being awarded against the Council.

## **1.9 Risk Assessment**

1.9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

## **1.10 Equality Impact Assessment**

1.10.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.11 Recommendations**

1.11.1 That members determine the application carefully, considering the application along with any representations made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

Background papers:

Licensing Act 2003  
Licensing Act Guidance  
Statement of Licensing Policy

Contact:

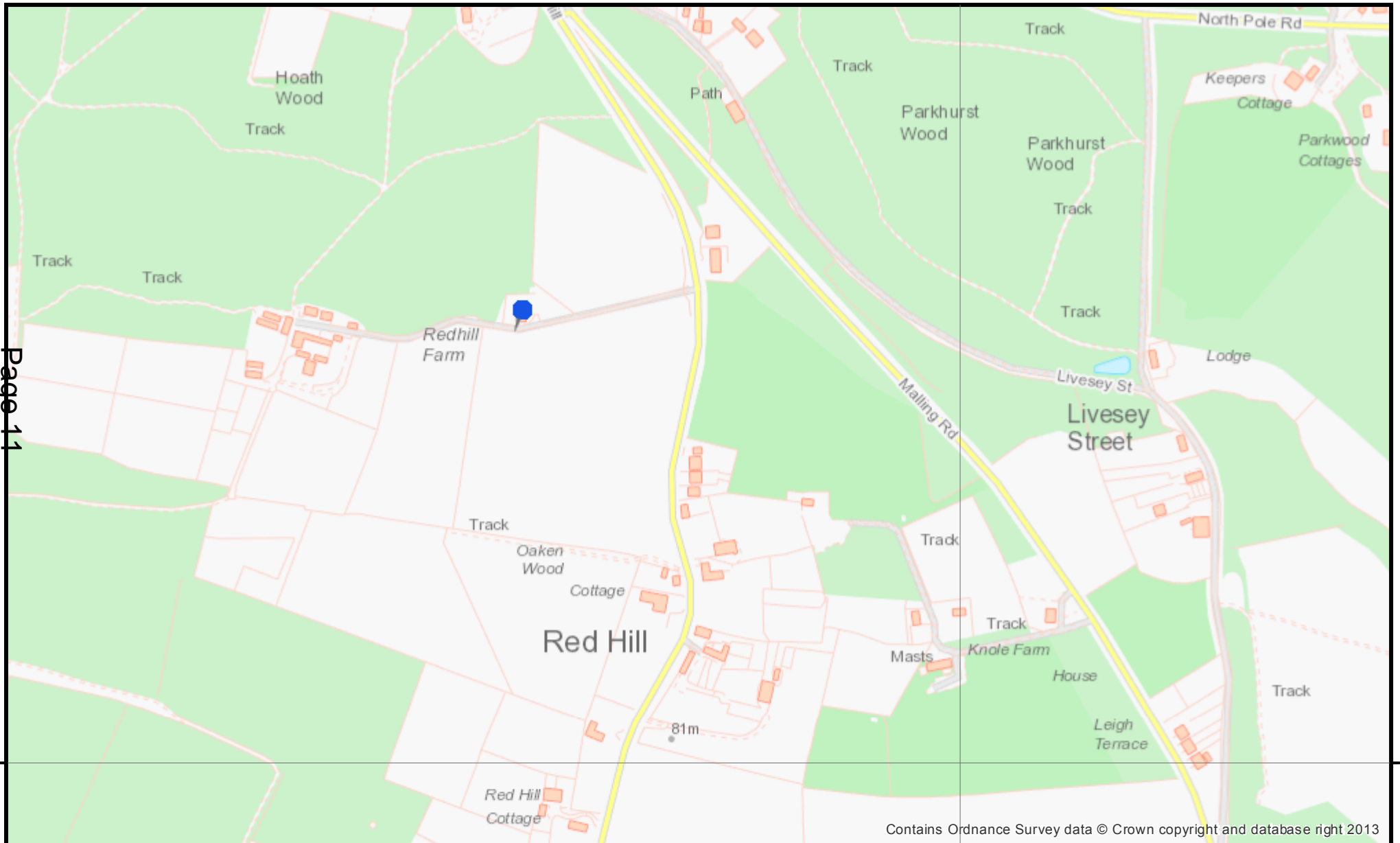
Katie Rigg - 6027

Adrian Stanfield  
Director of Central Services and Monitoring Officer

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# REDHILL FARM ESTATES

Premises application



Page 11

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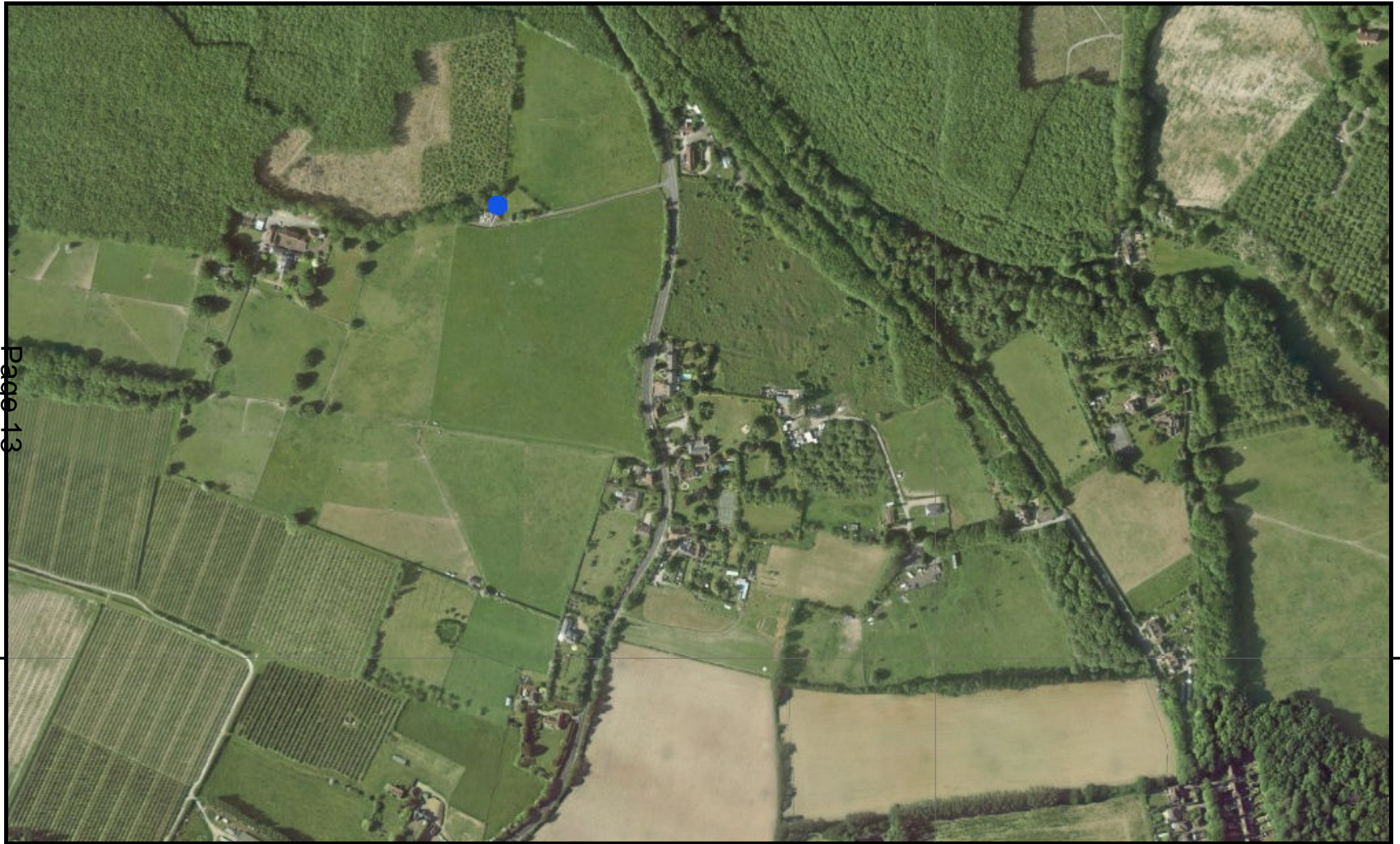
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Map Dated: 14 Sep 2016

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# REDHILL FARM ESTATES

Premises application



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Map Dated: 14 Sep 2016

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\* required information

### Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="RFE WEB"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

* First name	<input type="text" value="HENRY"/>	
* Family name	<input type="text" value="BOORMAN"/>	
* E-mail	<input type="text" value="hb@redhillestate.com"/>	
Main telephone number	<input type="text" value="07917117928"/>	Include country code.
Other telephone number	<input type="text"/>	

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House?  Yes  No

* Registration number	<input type="text" value="09531345"/>	
* Business name	<input type="text" value="Redhill Farm Estate Ltd."/>	If your business is registered, use its registered name.
* VAT number	<input type="text" value="-"/> <input type="text" value="none"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Private Limited Company"/>	

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Address Description**

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- 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
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

**Address**

Building number or name	<input type="text" value="Redhill Farm"/>
Street	<input type="text" value="Redhill"/>
District	<input type="text"/>
City or town	<input type="text" value="Wateringbury"/>
County or administrative area	<input type="text" value="Kent - TMBC"/>
Postcode	<input type="text" value="ME185LB"/>
Country	<input type="text" value="United Kingdom"/>

**Contact Details**

E-mail	<input type="text" value="hb@redhillestate.com"/>
Telephone number	<input type="text" value="07917117928"/>
Other telephone number	<input type="text"/>

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

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

<i>Continued from previous page...</i>
<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
Will you be providing anything similar to live music, recorded music or performances of dance? <input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 14 of 19</b>
<b>LATE NIGHT REFRESHMENT</b>
Will you be providing late night refreshment?

Continued from previous page...

Yes

No

### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

For events such as weddings, charity fund-raising or vineyard related events, we would like to have the provision of serving hot food and beverages.

State any seasonal variations

*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

During seasonal astronomy events - We would like to host star watching evenings given our clear view of the sky and position away from light pollution. We felt we maybe able to offer mulled wine and other alcoholic drinks as well as light hot foods. We would like to be able to sell alcohol for this activity until 24:00.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve, New Years Eve - We would like to be able to sell alcohol until 24:00.

## Section 15 of 19

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Christmas Eve, New Years Eve - We would like to be able to sell and supply alcohol until 24:00

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Online: [www.redhillestate.com](http://www.redhillestate.com) and for events such as weddings or similar celebrations, charity fund-raising, vineyard events or, during seasonal astronomy events - We would like to be able to sell alcohol until 24:00 under these situations.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number  
(if known)

TM/PER/16/00001426

Issuing licensing authority  
(if known)

TMBC

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 19

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Any limited events by size.

b) The prevention of crime and disorder

CCTV to be saved for a minimum of 30 days



Continued from previous page...

c) Public safety

Make sure there is a telephone available for employees to contact emergency services.  
Well placed CCTV & CCTV to be saved for a minimum of 30 days.

d) The prevention of public nuisance

Noise control - Announce at the end of events for customers to leave quietly.  
Train employees about the signs of alcohol abuse and methods of control.  
Keep good training records.

e) The protection of children from harm

Train employees to check age (Challenge 25) offline.  
Keep good training records  
apply online notice to prevent under 18 sales.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Rateable value of £0 - £4300 Band A: £100

Rateable value of £4301 - £33000 Band B: £190

Rateable value of £33001 - £87000 Band C: £315

Rateable value of £87001 - £125000 Band D: £450

Rateable value of £125000 and above Band E: £635

\* Fee amount (£)

100.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Continued from previous page...

## DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

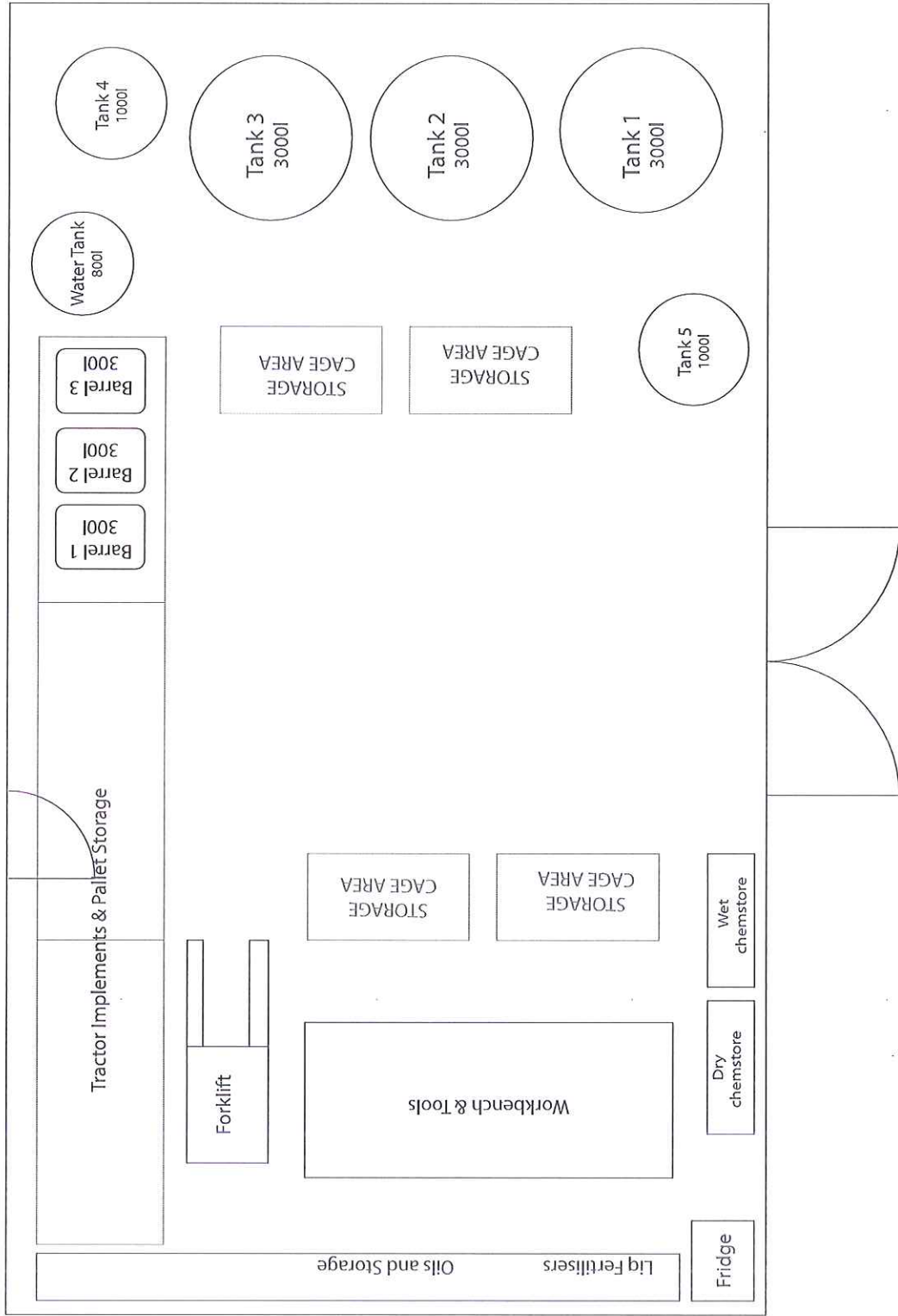
Add another signatory

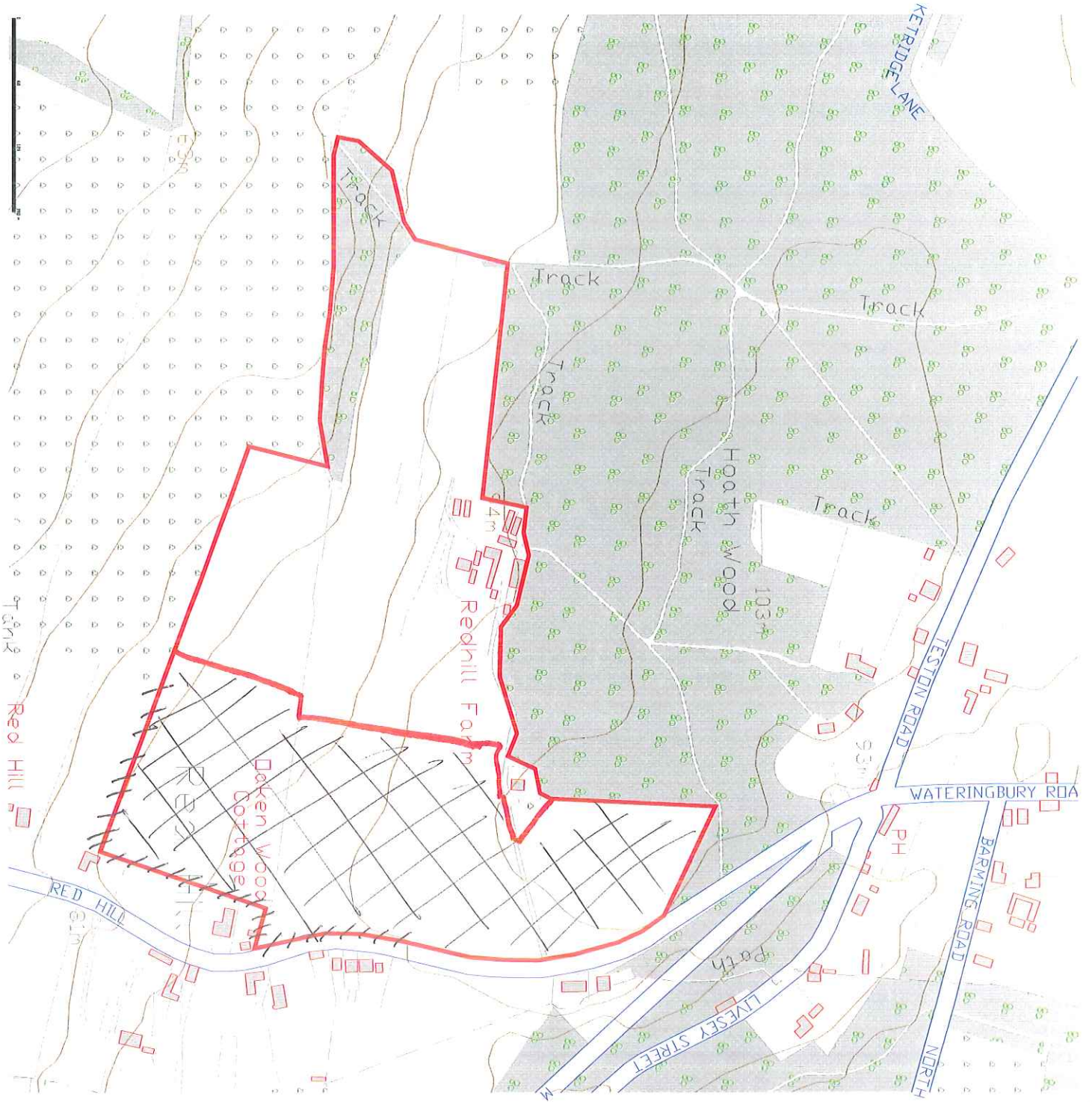
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tonbridge-and-malling/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**





*2 ABINGDON MEWS,  
HIGH STREET,  
WEST MALLING, KENT,  
ME19 6QH*

Tuesday 30th August 2016

Licensing Services,  
Tonbridge & Malling BC

Dear Sir,

**LICENSING APPLICATION FOR REDHILL FARM ESTATE, REDHILL,  
WATERINGBURY**

I write to object to the Licensing Application being made for the above premises in the strongest possible terms.

I am the sole owner of Redhill Farm Estate and have not given permission for anyone to apply for an alcohol licence on my premises. Henry Boorman does not have any tenancy agreement to occupy any part of the estate and I have recently issued an application for possession proceedings against him. He has absolutely no authority to run any sort of business from my premises.

In addition to the irrefutable fact that I am the owner of this estate I also have residential tenants at Redhill Farm. [REDACTED] and another property is let to a young mother with two children. I have had an ongoing battle to pacify neighbours whose properties adjoin Redhill Farm regarding nuisance which Henry Boorman has already caused them with his activities. Allowing him an alcohol licence will only exacerbate this nuisance factor. There is a public right of way which runs through the estate so there is no effective way of policing who walks through the estate.

I trust that when considering this application you will take account of the above facts and refuse this alcohol licence which has been made by someone with no rights to occupy my premises.

Yours faithfully,

[REDACTED]

**JAN BOORMAN**

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# Agenda Item 5

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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