

# LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Thursday 9 February 2023  
Time: 10.00 am  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Coates, Joy, Trezbinski and English (Substitute)

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

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## AGENDA

Page No.

1. Apologies
2. Notification of Substitute Members
3. Election of Chairman
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Application for a new premises licence under the Licensing Act 2003 for The Green Convenience Store, 4 The Parade, The Green, Bearsted, Kent, ME14 4DN 1 - 35

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**Issued on Wednesday 1 February 2023**

**Continued**

**Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

# Agenda Item 7

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

**Licence Reference** 22/04802/LAPRE

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

**Date:** 23<sup>RD</sup> JANUARY 2023

**Report Title:** THE GREEN CONVENIENCE STORE, 4 THE PARADE, THE GREEN,  
BEARSTED, KENT, ME14 4DN

**Report Author:** Lorraine Neale

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

M	Supply of Alcohol (Off Sales)	Mon – Sun	6:00 – 23:00
O	Opening Hours	Mon – Sun	6:00 – 23:00

**Affected Wards:** Bearsted

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

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

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

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

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

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

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

## **Agenda Item No. 1**

**Report Title: THE GREEN CONVENIENCE STORE, 4 THE PARADE, THE GREEN, BEARSTED, KENT, ME14 4DN**

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

### **Purpose of the Report**

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003 (Appendix 1), made by Mr Engarshal Sinnarasa, in respect of the premises The Green Convenience Store, 4 The Parade, The Green, Bearsted, Kent, ME14 4DN (Appendix 2 ) in respect of which 10 objections and 2 comments of support have been received from other parties (Appendix 3 – TO FOLLOW).

### **Issue to be Decided**

Members are asked to determine whether to:

- 1) grant as applied for
  - 2) grant with conditions
  - 3) exclude any licensable activity
  - 4) reject the DPS
  - 5) or reject the application.
- 2** The relevant sections are Part 3 S16 -24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
- The prevention of crime and disorder.
  - Public Safety
  - The prevention of public nuisance; and
  - The protection of children from harm
- 3.** The application has been correctly advertised in the local press and notices displayed at the premises for the required period.
- 4.** There were no representations received from a responsible authorities.
- 5.** There are 12 representations from other parties, 10 objections and 2 in support (Appendix 3 – TO FOLLOW).
- 6.** The table below illustrates the relevant representations which have been received.

Responsible Authority/Other Party	Licensing Objective	Associated Documents	Appendix
Captain Mark Mills	Public Nuisance	e-mail	3
Cllr Val Springett	Public Nuisance	e-mail	3
Mrs Susan Wood	Public Nuisance	e-mail	3
Graham J Barrett	Crime & Disorder Public Nuisance	e-mail	3
Mark Clilverd	Crime & Disorder Public Nuisance	e-mail	3
Anthony Gooden	Public Nuisance	e-mail	3
Cllr David Hall – Chairman to Bearsted Parish Council	Public Nuisance	e-mail	3
Roy and Carolyn Christie	Public Nuisance	e-mail	3
Chris Colwell	Public Nuisance	e-mail	3
Judith Ming	Crime and Disorder Public Safety Public Nuisance	e-mail	3
Barbara Long	Support	e-mail	3
Mrs Judy Buckley	Support	e-mail	3

The concern appears that granting a licence at these premises for the hours requested would increase the level of anti social behaviour in the neighbourhood. The premises could encourage people to buy alcohol late and to remain in the area because of the nearby Bearsted Green. They could potentially use the green to consume their alcohol and ultimately cause disturbance and noise, there is also the potential for criminal activity, criminal damage and drug taking.

The store could also increase the volume of traffic to the area and to a later time which would increase the danger for residents in the area due to the unenforced parking on double yellow lines to the blind spot leading up Thurnham Lane close to the parade of shops . It would also be detrimental to residents with regard to traffic noise continuing later into the evening and increased vehicle parking causing nuisance to residents.

The general view appears to be that a 6 or 7pm closing time would be more appropriate for the area.

Mr Ian Rushton, the agent acting on behalf of the applicant, Mr Sinnarasa has contacted all the parties that submitted comments and his correspondence to them is attached as Appendix 4.

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

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

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

This is a small and well established shop currently trading as a general convenience store selling a range of goods including newspapers, magazines, groceries, soft drinks, etc. The applicant would like to develop the business by offering some alcohol sales to allow the business to offer the complete all-round convenience service. The focus of the shop will continue as convenience store with the proposed alcohol sales just being a part of the overall business. The applicant is a personal licence holder and has plenty of retail experience

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

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.

The premises licence holder must ensure that the DPS or a member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.

All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book(s) kept at the premises. This book will be kept available for inspection.

Spirits will be kept behind the counter

**c) Public Safety:**

Appropriate fire safety equipment to be available;

The PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff

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

The DPS and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Deliveries to the premises will be arranged so as not to cause any public nuisance.

Notices will be on display in the premises asking customers to leave the premises quietly.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises..

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

The premises will adopt the "Challenge 25" Scheme which will be advertised within the premises by way of sufficient posters to make the public aware.

Only Home Office approved ID of proof of age will be accepted by staff. This will include photographic driving licence, a passport or a 'PASS' marked proof of age card.

All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" Scheme and such training will be recorded

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place. Refresher training shall be provided every 12 months or earlier if required due to changes of legislation.

Training records must be kept on the premises and shall contain the nature, content and frequency of all training. Records must be made available for inspection (either electronically or hard copy) by Police and other Authorised Officers.

A refusal recording register will be in operation at the premises. All staff, including any delivery drivers, involved in the sale of alcohol will be fully trained in the system and it will record the following:

Date and time of refusal  
Item refused  
Name of description of the person refused  
Reason for refusal  
Name of staff member making the refusal.

The refusal register will be available for inspection to any Police Officer and other Authorised Local Authority Officers at any reasonable time.

Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

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

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

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

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

- 17.10 Crime and Disorder**
- 17.19 Public Safety**
- 17.22. Prevention of Public Nuisance**
- 17.26. Children from Harm**

**CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.**

17.10 Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.11 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.

17.12 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.

17.13 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.14 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.15 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.16 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.17 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.18 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

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

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

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

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

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

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

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

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

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

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

- 17.24 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.
- 17.25 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

## **10 Options**

Legal options open to members –

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

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

## **11. Implications Assessment**

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

## **12. Human Rights**

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

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

## **13. Conclusion**

Members must ensure that the application is considered on its merits, as well as against the

relevant guidance, policy and statutory framework.

#### 14. List of Appendices

Appendix 1	Application Form
Appendix 1a	Proposed Conditions
Appendix 2	Plan of Premises
Appendix 3	Representations. – TO FOLLOW
Appendix 4	Letter from applicants agent to objectors
Appendix 5	Plan of area
Appendix 6	Human Rights Articles
Appendix 7	Order of Proceedings

#### 15. Appeals

**The applicant or any other party may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified of the decision. All/any appeals must be lodged with the Magistrates' Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.**

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

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

Ref:

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

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

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

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

I / We **ENGARSHAL SINNARASA** 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

4 The Parade  
The Green  
Bearsted

Post town

MAIDSTONE

Post code

ME14 4DN

Telephone number of premises (if any)

Non-domestic rateable value of premises

£ 7100

If the premises is under construction please check here

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

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

*Please make selection with an "x"*

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

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

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

*Please make selection with an "x"*

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

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

Title

Mr

Surname

Sinnarasa

First names

Engarshal

Are you 18 years or older?  Yes  No

Date of Birth [Redacted]

Nationality [Redacted]

Current postal address if different from premises address

[Redacted]

Post Town [Redacted]

Postcode [Redacted]

Daytime contact telephone number [Redacted]

Email address (optional)

[Redacted]

**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

Title

Surname

First names

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

Nationality

Current postal  
address  
if different from  
premises address

Postcode

Post Town

Daytime contact telephone number

Email address  
(optional)

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

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

Name

Address

Registered number (where applicable)

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

Telephone number (if any)

E-mail address (optional)

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

15/01/2023

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

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

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

**This is a small and well established shop currently trading as a general convenience store selling a range of goods including newspapers, magazines, groceries, soft drinks, etc.**

**The applicant would like to develop the business by offering some alcohol sales to allow the business to offer the complete all-round convenience service. The focus of the shop will continue as convenience store with the proposed alcohol sales just being a part of the overall business.**

**The applicant is a personal licence holder and has plenty of retail experience.**

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

*Please check all relevant boxes*

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

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

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

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

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

## M

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> <u>please make selection with an "x"</u> (please read guidance note 8).	On the premises	
Day	Start	Finish		Off the premises	X
Mon	06:00	23:00			
Tue	06:00	23:00	<u>State any proposed seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Wed	06:00	23:00			
Thur	06:00	23:00			
Fri	06:00	23:00			
Sat	06:00	23:00	<u>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</u> (please read guidance note 6)		
Sun	06:00	23:00			

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

Title	Mr
Surname	SINNARASA
First Name(s)	ENGARSHAL
Date of Birth	
Address	
Postcode	
Personal Licence number (if known)	20/02531/LAPER
Issuing licensing authority (if known)	MAIDSTONE

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

## N

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

N.A

## O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variation</u> (please read guidance note 5)
Day	Start	Finish	
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	<u>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
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 10)**

SEE ATTACHED

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

SEE ATTACHED

**c) Public safety**

SEE ATTACHED

**d) The prevention of public nuisance**

SEE ATTACHED

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

SEE ATTACHED

Please make selection with an "x"

I have enclosed the plan of the premises

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

I understand that I must now advertise my application

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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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

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

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

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

Confirmation

Name  Date

Capacity

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

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

Confirmation

Name  Date

Capacity

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

Name

Address

Post Town

Postcode

Telephone number (if any)

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

## **Application for a new premises licence**

### **The Geen Convenience Store**

**4 The Parade, The Green, Bearsted, Maidstone ME14 4DN**

### **Operating schedule/proposed licence conditions**

This is a small and well established shop currently trading as a general convenience store selling a range of goods including newspapers, magazines, groceries, soft drinks, etc.

The applicant would like to develop the business by offering some alcohol sales to allow the business to offer the complete all-round convenience service. The focus of the shop will continue as convenience store with the proposed alcohol sales just being a part of the overall business.

The applicant is a personal licence holder and has plenty of retail experience.

A detailed and robust operating schedule is proposed to promote the licensing objectives;

### **Prevention of crime and disorder**

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings **MUST** be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.

The premises licence holder must ensure that the DPS or a member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.

All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book(s) kept at the premises. This book will be kept available for inspection.

Spirits will be kept behind the counter.

### **Public safety**

Appropriate fire safety equipment to be available;

The PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

### **Prevention of public nuisance**

The DPS and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Deliveries to the premises will be arranged so as not to cause any public nuisance.

Notices will be on display in the premises asking customers to leave the premises quietly.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

### **Protection of children from harm**

The premises will adopt the "Challenge 25" Scheme which will be advertised within the premises by way of sufficient posters to make the public aware.

Only Home Office approved ID of proof of age will be accepted by staff. This will include photographic driving licence, a passport or a 'PASS' marked proof of age card.

All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" Scheme and such training will be recorded

Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place. Refresher training shall be provided every 12 months or earlier if required due to changes of legislation.

Training records must be kept on the premises and shall contain the nature, content and frequency of all training. Records must be made available for inspection (either electronically or hard copy) by Police and other Authorised Officers.

A refusal recording register will be in operation at the premises. All staff, including any delivery drivers, involved in the sale of alcohol will be fully trained in the system and it will record the following:

Date and time of refusal

Item refused

Name of description of the person refused

Reason for refusal

Name of staff member making the refusal.

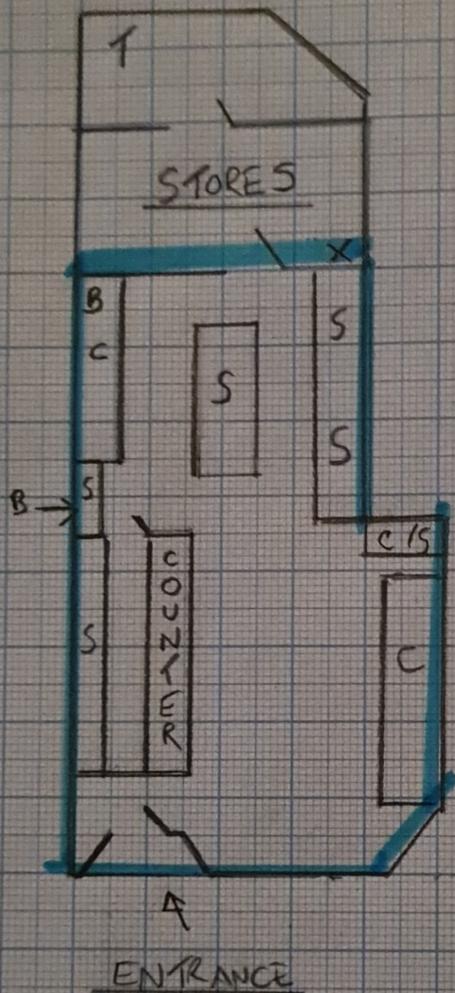
The refusal register will be available for inspection to any Police Officer and other Authorised Local Authority Officers at any reasonable time.

Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

**NOTE TO RESPONSIBLE AUTHORITIES - IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS, PLEASE CONTACT IAN RUSHTON ON [REDACTED] OR BY EMAIL [REDACTED] TO DISCUSS FURTHER - PRIOR TO MAKING ANY REPRESENTATIONS.**

December 2022

4 THE PARADE, THE GREEN,  
DEARSTED, MAIDSTONE  
KENT ME14 4DN



KEY

- S - SHELVING
- C - COOLER
- T - TOILET
- X - FIRE EXTINGUISHER
- B - BEERS + WINES
- - LICENCE AREA

From: Ian Rushton  
Sent: 24 January 2023 11:57  
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
Subject: FW: APPLICATION FOR A PREMISES LICENCE - SHOP AT 4 THE PARADE, BEARSTED, MAIDSTONE  
ME14 4DN

Hi Lorraine

Ive have emailed all of the objectors and attach a copy of my letter for your information.

I'd be grateful if this letter could be provided to the Licensing Sub Committee as part of our supporting information please.

Thanks, Ian

Ian Rushton  
JL Licence and Retail

23 January 2023

Dear Sir/Madam

**APPLICATION FOR A NEW PREMISES LICENCE  
SHOP AT 4 THE PARADE, BEARSTED, MAIDSTONE ME14 4DN**

I hope you are well.

I am contacting you on behalf of my client, Mr Sinnarasa, in respect of the above matter.

I have received a copy of your representation from the Council and thought I would contact you to outline this application further, and to explain the steps that would be taken at the shop to promote the licensing objectives.

Mr Sinnarasa is shortly taking over the business, which is well established, and he plans to improve the shop by offering a much wider range of goods for sale including newspapers, magazines, bread, milk, snacks, dairy goods, cigarettes, soft drinks, household goods, etc. The proposed alcohol sales would just be a part of the overall business.

The licence application includes a document called an Operating Schedule. This is a really important document submitted by an applicant which outlines the steps to be taken at the shop to promote the licensing objectives. Each of these steps become legally enforceable licence conditions should the application be approved.

You may not have had sight of the proposed operating schedule for the shop - so I attach a copy for your information.

I can assure you that the shop would sell alcohol in a responsible manner and the proposals for this shop are comprehensive including;

a CCTV camera system covering both the inside and the area immediately outside the shop;

the 'Challenge 25' under age policy to ensure that no-one under 18 is able to buy alcohol and other age-restricted goods;

regular staff training;

staff to monitor outside the shop to check that youths aren't congregating causing a nuisance;

staff to check the area outside and dispose of any litter from the shop.

Every new premises licence application involves an extensive consultation exercise carried out with the various responsible authorities including the Police, the Councils Licensing Authority, Trading Standards, Environmental Health, Planning, Public Health, Child Protection, etc

**All of these authorities have carefully assessed this application and none of them have submitted any representations. They are all satisfied that the licence can be granted.**

In particular, the Police are crucial in terms of new licence applications as they are the Council's main source of information regarding local crime and disorder. The Police are satisfied that this application can be granted.

Mr Sinnarasa is a responsible person with plenty of retail experience. He has worked and managed licensed convenience stores for many years. He wants to work with the local community, and I can assure you that the shop will continue to be well-run and not cause or add to any issues in the local area.

Whilst there may be other shops in the general area selling alcohol, please note that the 'need' for a new shop selling alcohol is not something that can be taken into account by the Council when deciding on this licence application. Likewise, matters such as parking and traffic are also not something that can be considered. The Council's Licensing Authority will be able to confirm this.

Any issues with anti social behavior in the area should of course be reported to the Police. Mr Sinnarasa will do absolutely everything that that he can, within his power and control, to prevent crime and disorder. For example, the shop will have a top quality CCTV system covering inside and the area outside the shop, and the images would be made available to the Police upon request. Staff will be trained to prevent underage sales and to sell alcohol responsibly.

Licensed premises are extremely well-regulated and they must, by law, promote the licensing objectives and fully comply with all of their licence conditions. If they don't, then the Authorities can take action - this includes test purchases, prosecution, a licence review, revoking the licence, etc. The Police and the other Authorities will target any 'problem premises' and take action if something goes wrong

I hope the above information is helpful and informative and that it may provide at least some reassurance to you. I ask you to give the shop the chance to demonstrate that it will continue to be well run, that it wont cause or add to any issues in the local community and, importantly, that the shop would promote the licensing objectives.

I look forward to hearing from you and please do not hesitate to contact me if you have any queries or if you would like to discuss the matter further.

Yours sincerely

***Ian Rushton***  
***JL Licence and Retail***

***Please see over the page for the Operating Schedule***

## **Operating schedule/proposed licence conditions**

### **Prevention of crime and disorder**

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Item refused

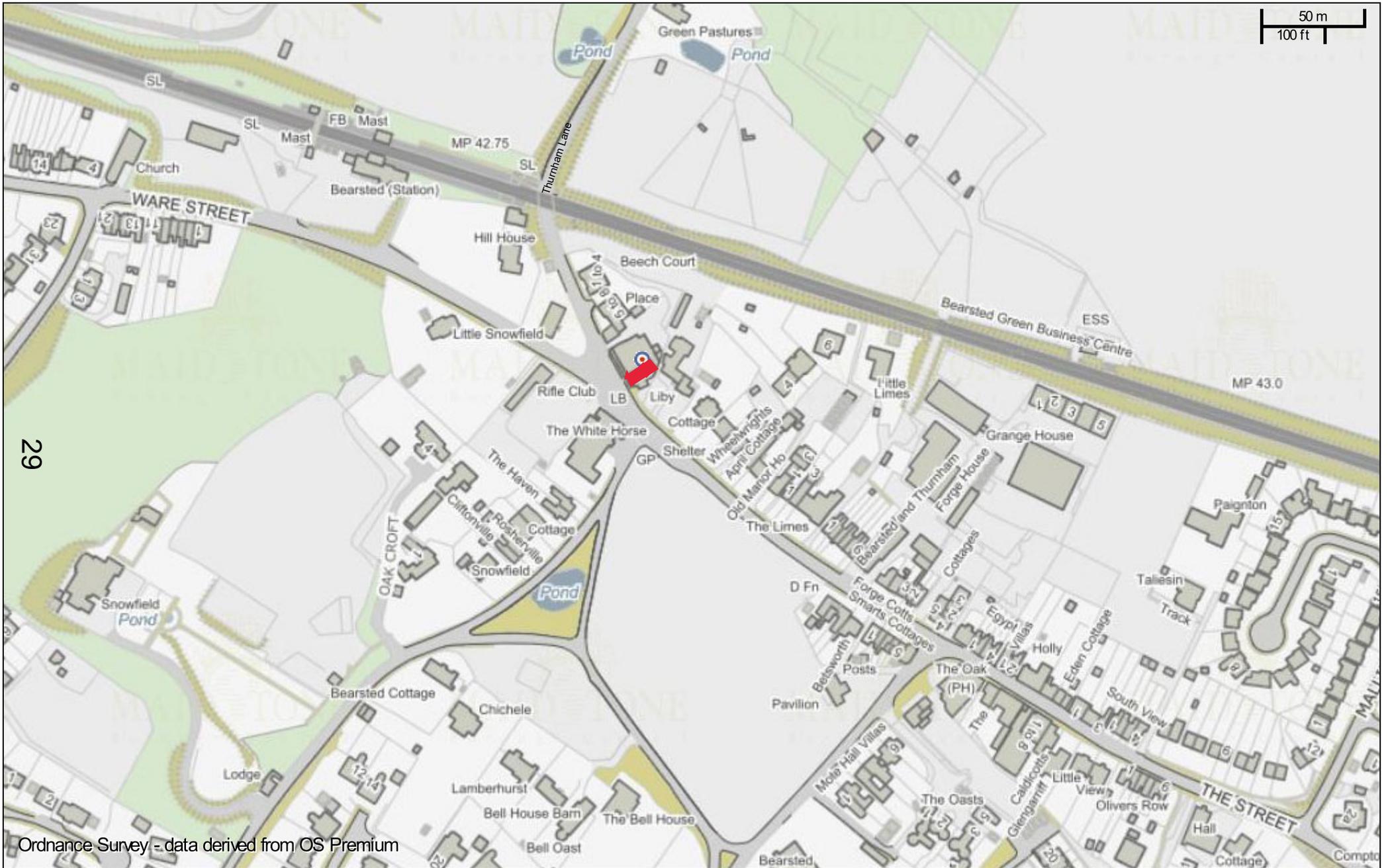
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Name of staff member making the refusal.

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Ordnance Survey - data derived from OS Premium


**Enter map title**  
 Scale: 1:2500  
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Article 8

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

Article 1 of the First Protocol

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

Article 6(1)

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

Article 10

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



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

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

## **Introduction and Procedure**

### **i) Introductions**

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

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

### **ii) Procedural Matters**

- **Procedure**

The Chairman will:

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

- **Submissions**

The Chairman will:

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

- **Discussion and cross-examination**

The Chairman will:

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

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

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

- **Draft Conditions**

The Chairman will:

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

- **Witnesses**

The Chairman will:

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

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

## **The Hearing**

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

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

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

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

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

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

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

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

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

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

## Closing Speeches

In the following order:

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

## End of Hearing

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

## The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with

respect to costs on any appeal.

The hearing is formally closed.