

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Wednesday 5 June 2024
Time: 10.30 am
Venue: Maidstone Museum, St Faith's Street, Maidstone

Membership:
Councillors English, Springett and Trzebinski

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.

AGENDA

Page No.

1. Apologies for Absence
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 to vary a premises licence under the Licensing Act 2003 for Yalding Supermarket, Benover Road, Yalding, Maidstone, Kent, ME18 6EJ 1 - 44

Issued on Tuesday 28 May 2024

Alison Broom

Alison Broom, Chief Executive

Agenda Item 7

Agenda Item No: 1 - Summary of Report

Licence Reference Report To: 24/01167/LAPRE
LICENSING SUB – COMMITTEE (UNDER THE LICENSING ACT 2003)

Date: 5th JUNE 2024

Report Title: YALDING SUPERMARKET, BENOVER ROAD, YALDING, MAIDSTONE, KENT, ME18 6EJ

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

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Yalding Retail Ltd
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003.
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
B)	Films (Indoors)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-01:00 11:00-00:00	--	--
	Indoor Sporting Events	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-01:00 11:00-00:00	--	--
E)	Live Music (Indoors)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-00:30 11:00-00:00	--	--
F)	Recorded Music (Indoors)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-00:30 11:00-00:00	--	--
G)	Performance of Dance (Indoors)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-00:30 11:00-00:00	--	--
H)	Anything of a similar description to that falling within (e), (f) or (g) (Indoors)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-00:30 11:00-00:00	--	--
I)	Late Night Refreshment (Indoors & Outdoors)	Sun - Thurs Fri & Sat	23:00 – 01:00 23:00 – 02:00	--	--
J)	Supply of alcohol (On & Off the premises)	Mon - Thurs Fri & Sat Sun	09:00-00:00 09:00-01:00 11:00-00:00	Every Day (on) Every Day (off)	11:00-23:00 07:30-23:00
L)	Opening Hours	Mon - Thurs Fri & Sat Sun	09:00-01:00 09:00-02:00 09:00-00:00	Every Day	07.30-23:00

Affected Wards: MARDEN & YALDING

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 – tel: 01622 602528

Agenda Item No. 1

Report Title: YALDING SUPERMARKET, BENOVER ROAD, YALDING, MAIDSTONE, KENT, ME18 6EJ

Application: To vary a premises licence under the Licensing Act 2003

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003 (Appendix 1), made by Yalding Retail Ltd, in respect of the premises Yalding Supermarket, Benover Road, Yalding, Maidstone, Kent, ME18 6EJ (Appendix 2) in respect of which 1 objection has been received from other parties (Appendix 3).

Issue to be Decided

Members are asked to determine whether to:

Grant the application as applied for, or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 - 36 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

2. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.

3. There were no representations received from responsible authorities.

4. There was 1 response from other parties (Appendix 3).

5. The table below illustrates the relevant representation which has been received

No	Responsible Authority/Other Party	Licensing Objective	Associated Documents	Appendix
1	Yalding Parish Council	Crime & Disorder Public Nuisance	E-mail	3

6. The premises has a current licence Appendix 4 and plans Appendix 5. The current licence holder is the applicant. The current licence hours are as per the licence attached at appendix 4 and set out at 3 of the summary above. The application also seeks to:-

- remove all licensable activity and non-standard timings from the licence apart from the the supply of alcohol.
- change the alcohol and opening hours of the licence

- provide amended plans reflecting the layout of the premises as a convenience store.
- remove the conditions at Annex 3 and replace them with those attached as part of the application.

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

a) General – all four licensing objectives:

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol by the DPS. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state they have received and understood the training and this should be dated.

This record should be kept on the premises at all times and made available for inspection following a reasonable request from an officer from a responsible authority.

b) The prevention of crime and disorder:

A CCTV system shall be installed and maintained at the premises. The system must be capable of recording and storing moving images and record at all times when the premises is open to the public.

The system must cover all public entry and exit points and any area where alcohol is exposed for sale. All images must be stored for a period of no less than 31 days and made available to an officer from a responsible authority following a reasonable request.

Ensure an incident book is maintained at the premises to record details of any incidents the nature of which may have compromised any of the licensing objectives under the Licensing Act 2003. CCTV recording dates & times shall be linked to incident book entries.

A comprehensive record of staff members must be kept and maintained. This record must include names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic ID. this record must be kept on the premises at all times and employees details must be retained for a period of no less than six months after their employment has ceased. The records must be made available to an officer from a responsible authority including an immigration officer upon a reasonable request.

Spirits will be displayed behind the sales point counter and will not be available by self-service.

The sale of alcohol for consumption ON the premises will not commence before 11.00hrs on any given day.

c) Public Safety:

Staff shall be trained in respect of the fire risk assessment for the premises.

Staff will be trained in respect of the Health and Safety risk assessment for the premises.

d) The prevention of public nuisance:

A notice shall be displayed in a prominent position requesting customers to use the external areas quietly, respecting the needs for local residents.

The external areas shall be managed in a way that ensures no nuisance is caused.

e) The Protection of children from harm:

A 'Challenge 25' scheme will be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing acceptable identification (as per the Home Office Guidance on acceptable ID – ID must contain a photograph, date of birth, holographic mark or ultra violet feature).

A notice shall be displayed in a prominent position at the premises to advise customers that Challenge 25 is in operation at the premises.

A refusals log / electronic till record shall be kept detailing all refused sales of age related products including alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by Police and authorised officers of the Local Authority upon reasonable request.

9. 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.

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

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions

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

17.10 Crime and Disorder

17.22. Prevention of Public Nuisance

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 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.

11 Options

Legal options open to members –

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all 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".

12. 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.

13. Human Rights

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

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

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

14. Conclusion

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

15. List of Appendices

Appendix 1	Application Form
Appendix 2	Plan of Premises
Appendix 3	Other parties' representation.
Appendix 4	Current Licence
Appendix 5	Current Plans
Appendix 6	Plan of area
Appendix 7	Human Rights Articles
Appendix 8	Order of Proceedings

16. Appeals

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

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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The Licensing Partnership

Application to vary a Premises Licence

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For Official Use Only

Title	Customer Name	Form Filename	<input type="text"/>
<input type="text"/>	Yalding Retail Ltd	Form Reference	Yalding Retail Ltd/
DOB	NINO	Caps Reference	<input type="text"/>
<input type="text"/>	<input type="text"/>	Notes	
TEL	<input type="text"/>		
Email	<input type="text"/>		
Customer Address			
The George Benover Road Yalding Maidstone Kent ME18 6EJ			
Date Form Started	28/03/2024 11:35:06		
Date of E-signing	<input type="text"/>		
Date Submitted	<input type="text"/>		
Validation Ref	<input type="text"/>		
Occupancy type	<input type="text"/>		
Advisor Name (who started form)			
<input type="text"/>			
Advisor Department			
Self-Service			

Licensing Authority:

Ref:

Application to vary a Premises Licence 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.

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 **Yalding Retail Ltd** being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Maidstone Borough Council

[Click here for licence lookup](#)

Premises licence number

23/04166/LAPDPS

Part 1 - Premises Details

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

**The George
Benover Road
Yalding
Maidstone
Kent
ME18 6EJ**

Post code

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ **10700.00**

Part 2 - Applicant Details

Title

Mr

Surname

Yalding Retail Ltd

Firstnames

Yalding Retail Ltd

Daytime contact telephone number

Email address (optional)

Current postal address if different from premises address

Post Town

Postcode

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

•To change the hours for the sale of alcohol for consumption **ON AND OFF** the premises:

Monday to Sunday 07.30hrs to 23.00hrs (ON sales from 11.00hrs)

•To change the opening hours for the premises:

Monday to Sunday 07.30hrs to 23.00hrs

•To alter the layout of the premises as per the layout plan accompanying the application

•To remove films, indoor sporting events, live music, recorded music, anything similar to live / recorded music / and late-night refreshment from the list of permitted licensable activities

•To remove the existing non-standard timings for licensable activities from the licence.

•To remove the conditions at Annex 3 (page 6) of the premises licence and replace them with a new set of conditions and measures to promote the licensing objectives

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3) It is proposed to remove live music from the premises licence		
Tue					
Wed			<u>State any seasonal variations for performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3) It is proposed to remove recorded music from the premises licence		
Tue					
Wed			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Mon				<u>Please give further details here</u> (please read guidance note 3) It is proposed to remove 'anything similar' from the premises licence	Outdoors
Tue			Both		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	
Day	Start	Finish		Off the premises	
Mon	0730	2300			
Tue	0730	2300	State any proposed seasonal variations for the supply of alcohol (please read guidance note 4)		
Wed	0730	2300			
Thur	0730	2300			
Fri	0730	2300			
Sat	0730	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	0730	2300			

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 8)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish		
Mon	0730	2300		
Tue	0730	2300		

L

Wed	0730	2300	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 (please read guidance note 5)
Thur	0730	2300	
Fri	0730	2300	
Sat	0730	2300	
Sun	0730	2300	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Remove the conditions at Annex 3 (page 6) of the premises licence and replace them with a new set of conditions and measures to promote the licensing objectives

Please make selection with an "x"

I will enclose the premises licence with the declaration

I will enclose the relevant part of the premises licence with the declaration

Neither of above

If checking this box please fill in reasons for not sending the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) **General - all four licensing objectives (b,c,d,e)** (please read guidance note 9)

Please see the attached document which provides a summary of the application, an explanation of the way the premises intends to operate, and the proposed measures (conditions) which will promote the licensing objectives.

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

Please see the attached document which provides a summary of the application, an explanation of the way the premises intends to operate, and the proposed measures (conditions) which will promote the licensing objectives.

c) **Public safety**

Please see the attached document which provides a summary of the application, an explanation of the way the premises intends to operate, and the proposed measures (conditions) which will promote the licensing objectives.

d) **The prevention of public nuisance**

Please see the attached document which provides a summary of the application, an explanation of the way the premises intends to operate, and the proposed measures (conditions) which will promote the licensing objectives.

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

Please see the attached document which provides a summary of the application, an explanation of the way the premises intends to operate, and the proposed measures (conditions) which will promote the licensing objectives.

Please make selection with an "x"

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

I/WE UNDERSTAND THAT 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 AMMOUNT

Part 5 - Declaration (please read guidance note 10)

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

Confirmation

Name Date

Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **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 13)

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)

For Official Use Only

Form Filename:

Applicant Name: **Yalding Retail Ltd/**

21

Submission Ref:

Date Submitted:

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

The current premises licence is effectively a licence designed for a public house premises. The sale of alcohol for consumption on and off the premises is permitted under the existing premises licence, along with associated regulated entertainment activities and late-night refreshment.

The premises licence was recently transferred to Yalding Retail Ltd. As a result, the business model for the premises has changed, with the main focus being operating as a convenience store.

Although mainly operating as a convenience store, the premises licence holder wishes to retain the ability to be able to sell alcohol for consumption ON the premises also. The premises benefits from two external areas (a covered area immediately adjacent to the premises, and a garden with patio benches and similar).

Both areas are shown on the accompanying layout plans and these areas will be included in the area for permitted licensable activity. This will mean that the premises licence holder can provide a waiter / waitress service as well as providing a serving hatch adjacent to the external area where customers can purchase refreshments.

Being external areas, there is no desire to provide regulated entertainment. The requested amended hours will also negate the need for late-night refreshment to be permitted. The premises will maintain a kitchen area, customers will be able to order food which can be eaten in the external areas of the premise or can be taken away / delivered from the premises also.

Application to Vary the Premises Licence for Yalding Supermarket, Benover Road, Yalding, Maidstone ME18 6EJ

Summary of the application:

- To change the hours for the sale of alcohol for consumption ON AND OFF the premises:

Monday to Sunday 07.30hrs to 23.00hrs (ON sales from 11.00hrs)

- To change the opening hours for the premises:

Monday to Sunday 07.30hrs to 23.00hrs

- To alter the layout of the premises as per the layout plan accompanying the application
- To remove films, indoor sporting events, live music, recorded music, anything similar to live / recorded music / and late-night refreshment from the list of permitted licensable activities
- To remove the existing non-standard timings for licensable activities from the licence.
- To remove the conditions at Annex 3 (page 6) of the premises licence and replace them with a new set of conditions and measures to promote the licensing objectives

Please Note:

The current premises licence is effectively a licence designed for a public house premises. The sale of alcohol for consumption on and off the premises is permitted under the existing premises licence, along with associated regulated entertainment activities and late-night refreshment.

The premises licence was recently transferred to Yalding Retail Ltd. As a result, the business model for the premises has changed, with the main focus being operating as a convenience store.

Although mainly operating as a convenience store, the premises licence holder wishes to retain the ability to be able to sell alcohol for consumption ON the premises also. The premises benefits from two external areas (a covered area immediately adjacent to the premises, and a garden with patio benches and similar).

Both areas are shown on the accompanying layout plans and these areas will be included in the area for permitted licensable activity. This will mean that the premises licence holder can provide a waiter / waitress service as well as providing a serving hatch adjacent to the external area where customers can purchase refreshments.

Being external areas, there is no desire to provide regulated entertainment. The requested amended hours will also negate the need for late-night refreshment to be permitted. The premises will maintain a kitchen area, customers will be able to order

food which can be eaten in the external areas of the premise or can be taken away / delivered from the premises also.

Steps to promote the licensing objectives:

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

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol by the DPS. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state they have received and understood the training and this should be dated.

This record should be kept on the premises at all times and made available for inspection following a reasonable request from an officer from a responsible authority.

b) The prevention of crime and disorder

A CCTV system shall be installed and maintained at the premises. The system must be capable of recording and storing moving images and record at all times when the premises is open to the public.

The system must cover all public entry and exit points and any area where alcohol is exposed for sale. All images must be stored for a period of no less than 31 days and made available to an officer from a responsible authority following a reasonable request.

Ensure an incident book is maintained at the premises to record details of any incidents the nature of which may have compromised any of the licensing objectives under the Licensing Act 2003. CCTV recording dates & times shall be linked to incident book entries.

A comprehensive record of staff members must be kept and maintained. This record must include names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic ID. this record must be kept on the premises at all times and employees details must be retained for a period of no less than six months after their employment has ceased. The records must be made available to an officer from a responsible authority including an immigration officer upon a reasonable request.

Spirits will be displayed behind the sales point counter and will not be available by self-service.

The sale of alcohol for consumption ON the premises will not commence before 11.00hrs on any given day.

c) Public safety

Staff shall be trained in respect of the fire risk assessment for the premises.

Staff will be trained in respect of the Health and Safety risk assessment for the premises.

d) The prevention of public nuisance

A notice shall be displayed in a prominent position requesting customers to use the external areas quietly, respecting the needs for local residents.

The external areas shall be managed in a way that ensures no nuisance is caused.

e) The protection of children from harm

A 'Challenge 25' scheme will be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing acceptable identification (as per the Home Office Guidance on acceptable ID – ID must contain a photograph, date of birth, holographic mark or ultra violet feature).

A notice shall be displayed in a prominent position at the premises to advise customers that Challenge 25 is in operation at the premises.

A refusals log / electronic till record shall be kept detailing all refused sales of age related products including alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by Police and authorised officers of the Local Authority upon reasonable request.

Appendix 2



THIS DRAWING (DOCUMENT) HAS BEEN CREATED BY MINDREX LTD DESIGN TEAM AND IS THE SOLE PROPERTY IT CANNOT BE REPRODUCED, CLONED, COPIED OR IN ANY WAY COPIED, NOR CAN THE CONTENTS THEREOF BE MADE TO THIRD PERSONS WITHOUT OUR WRITTEN CONSENT.

DRAWING NO 22042017OLD001
 DATE 16.02.2024
 DESCRIPTION Proposed Plan
 SCALE As to Drawing
 DRAWN BY IBRAHIM

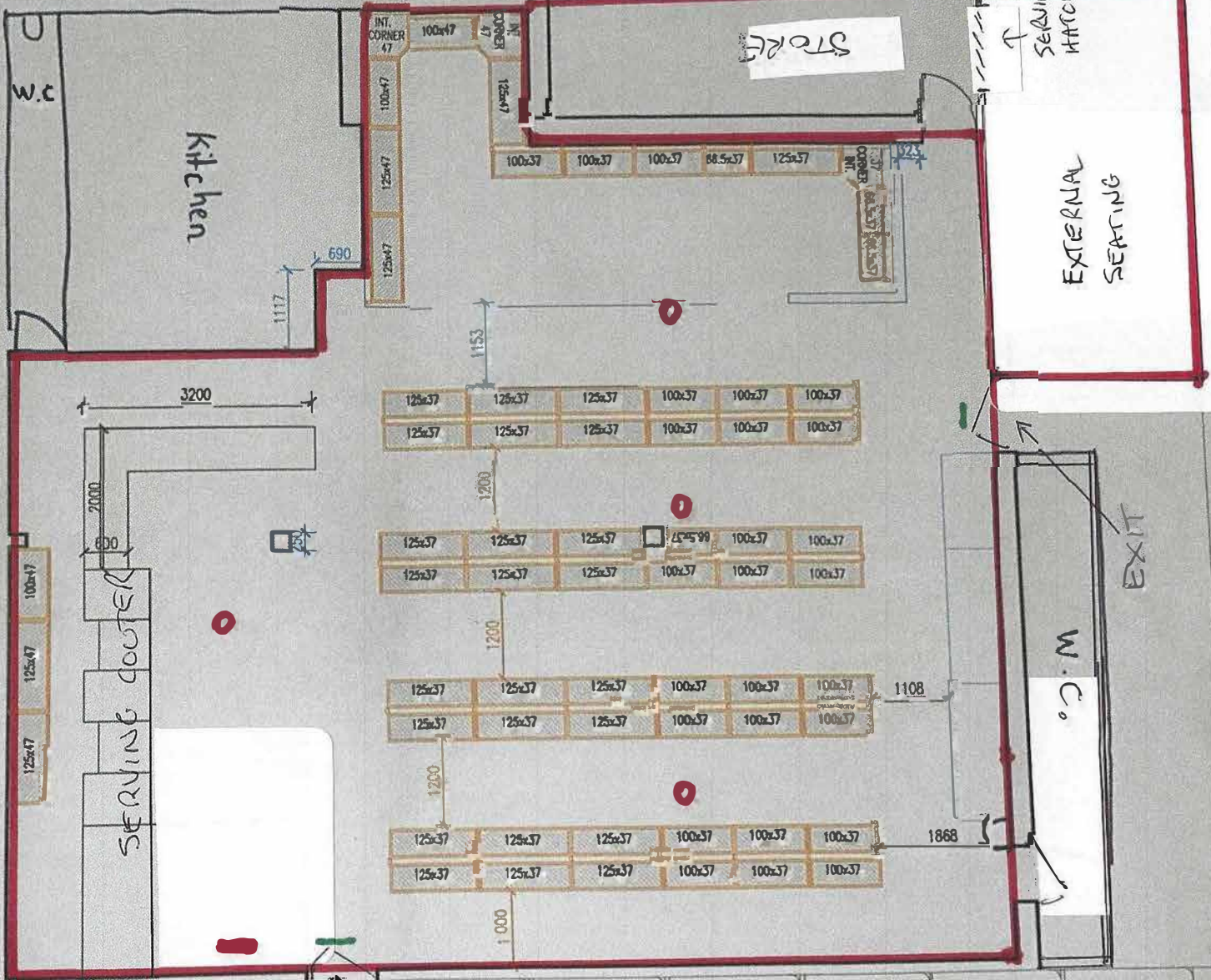
CUSTOMER DETAILS
 NAME:
 TEL:
 ADDRESS:

NOTE

- LICENSED AREA
- SMOKE DETECTOR
- FIRE POINT
- EXIT SIGNS

APPROVAL
 Please sign below to indicate approval of layout and components. Any further alterations will be charged for separately.

CLIENT SIGNATURE:



WALL SHELF UNIT

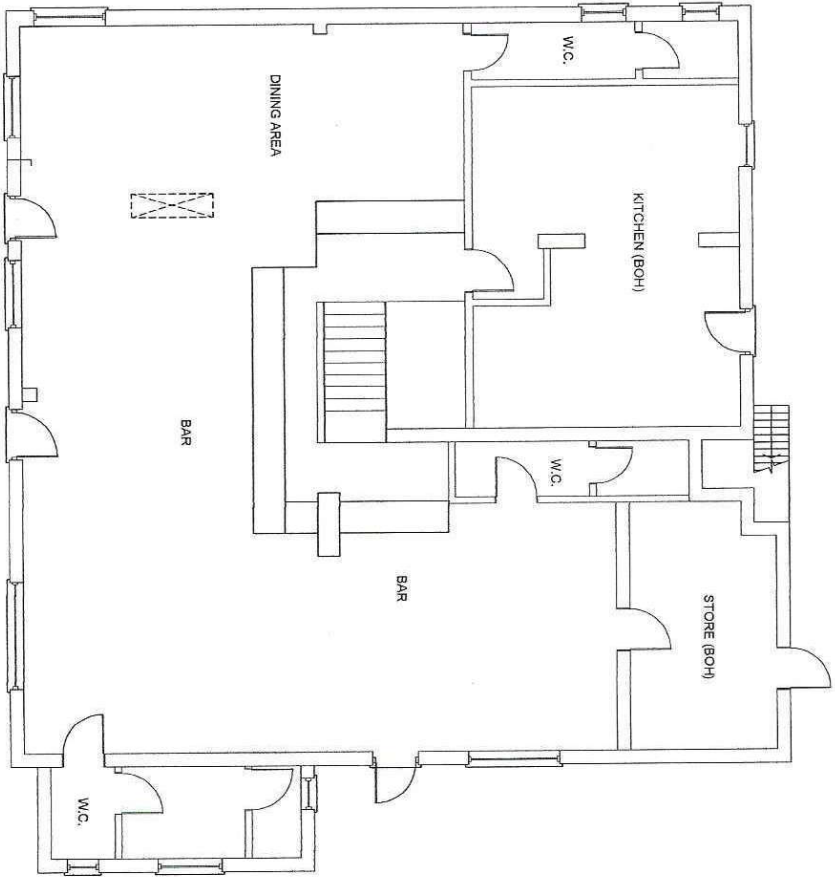
(A)

(B)

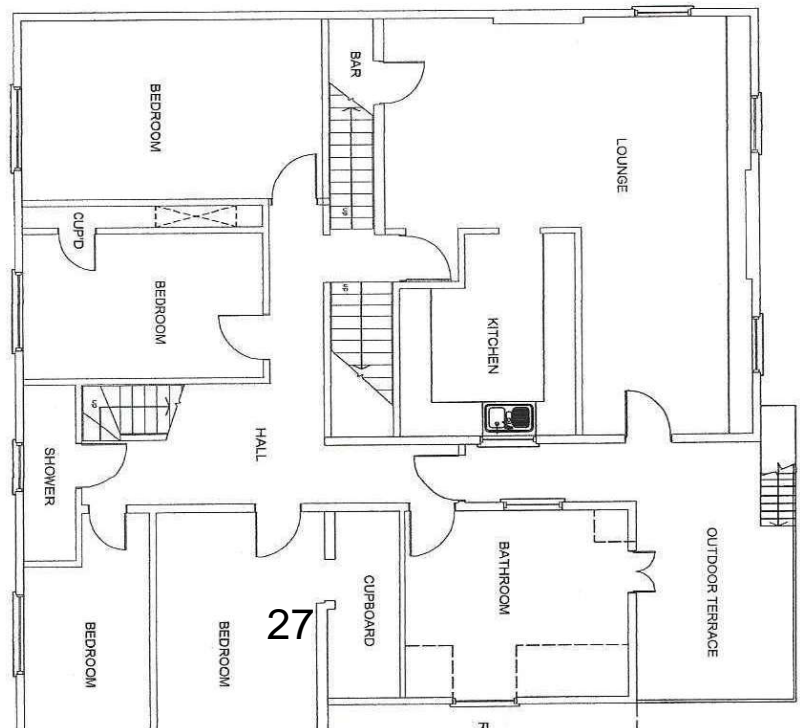
ENTRANCE

EXIT

26



Ground Floor



First Floor



Applicant
D.Mahendran

Project
The George Benover Road, Yalding, Kent, ME18 6EJ

Drawing
Existing
Plans

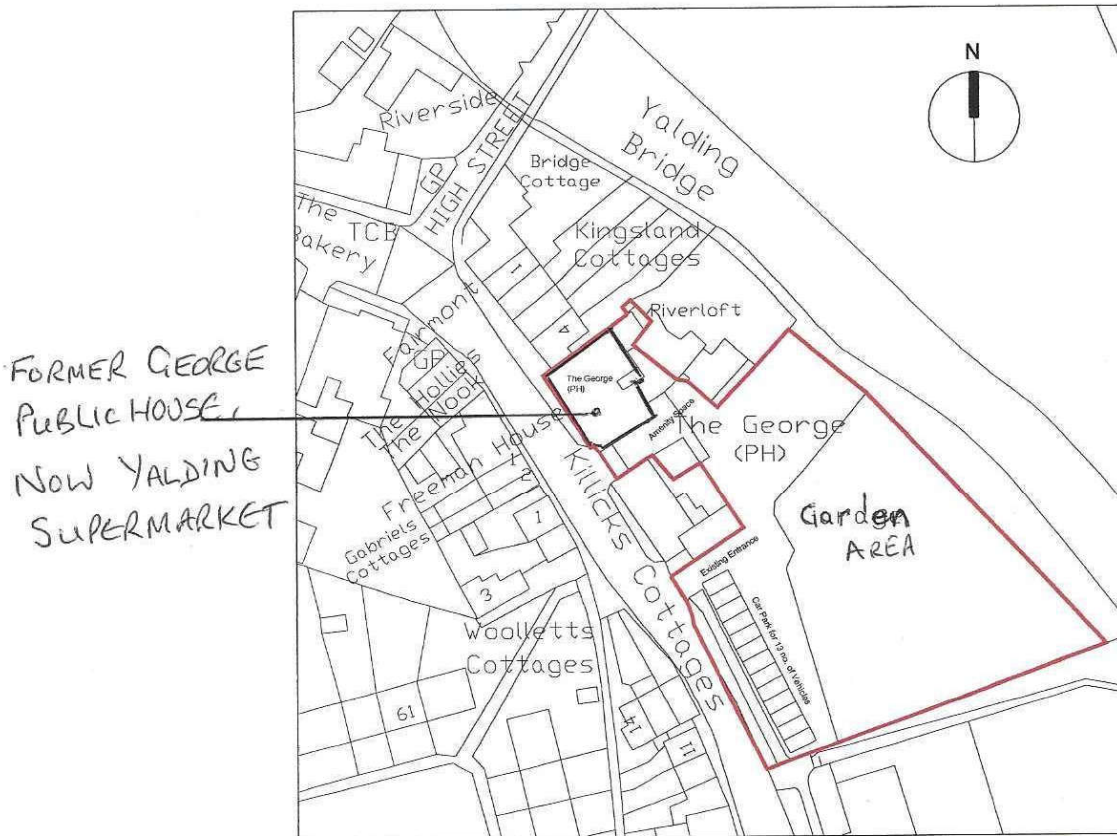
Drawing Number
100

Scale
1:100 @ A3

This drawing is to be read in conjunction with all related drawings. All dimensions must be checked and noted immediately of any discrepancy. This drawing is the property of the owner who is also the named applicant.

Site Location Plan

Scale 1:1250 @ A4



RED outline indicates the site belonging to YALDING SUPERMARKET, FORMERLY THE GEORGE P.H.

From:
Sent: Monday, April 22, 2024 3:05 PM
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: FW: Licensing Application 24/01167/LAPRE -
Importance: High

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

Thank you Lorraine for your email.

Yalding Parish Council object to the hours of operation as the premise is set in a quiet residential area. When The George was operating as a public house there was very little off site sales.

Councillors believe that the off sales should be curtailed by 9pm on the basis of noise and vibration (car engine running) , noxious smells, and light pollution, as with the current application customers will be arriving and leaving at late hours.

Councillors also feel that later hours will encourage youths to hang around the properties outdoor space and car park potentially causing anti-social behaviour.

Experience tells us that litter is more likely to be a problem late at night as there are less people around to see people littering.

For all the above reasons Councillors feel that the operating hours applied for may cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

Can you please confirm this email will suffice as Yalding Parish Councils objection.

Kind regards

Angela Gent
Clerk to Yalding Parish Council

PREMISES LICENCE



The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	23/04166/LAPDPS
-------------------------	-----------------

Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
The George Benover Road Yalding Maidstone Kent ME18 6EJ	
Telephone number	None Provided

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Films Indoor sporting events Live music Recorded music Anything of a similar description to the activities of live music, recorded music or the performance of dance Sale or Supply of Alcohol Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Films
Monday to Thursday 09:00 - 00:00
Friday and Saturday 09:00 - 01:00
Sunday 11:00 - 00:00
<i>Bank Holiday Sundays: 09:00 - 02:00</i>
<i>From end permitted hours on New Years Eve to start of permitted hours on New Years Day.</i>
Indoor sporting events
Monday to Thursday 09:00 - 00:00
Friday and Saturday 09:00 - 01:00
Sunday 11:00 - 00:00
<i>Bank Holiday Sundays: 09:00 - 02:00</i>
<i>From end permitted hours on New Years Eve to start of permitted hours on New Years Day.</i>

Licence Number: 23/04166/LAPDPS
Issue Date: 01/12/2023

Page 1 of 7

Licence issued by:
The Licensing Partnership P.O. Box 130 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Live music

Monday to Thursday	09:00 - 00:00
Friday and Saturday	09:00 - 00:30
Sunday	11:00 - 00:00

Bank Holiday Sundays: 09:00 - 00:00

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

Recorded music

Monday to Thursday	09:00 - 00:00
Friday and Saturday	09:00 - 00:30
Sunday	11:00 - 00:00

Bank Holiday Sundays: 09:00 - 00:00

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

Anything of a similar description to the activities of live music, recorded music or the performance of dance

Monday to Thursday	09:00 - 00:00
Friday and Saturday	09:00 - 00:30
Sunday	11:00 - 00:00

Bank Holiday Sundays: 09:00 - 00:00

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

Sale or Supply of Alcohol

Monday to Thursday	09:00 - 00:00
Friday and Saturday	09:00 - 01:00
Sunday	11:00 - 00:00

Bank Holiday Sundays: 09:00 - 01:00

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

Late Night Refreshment

Friday and Saturday	23:00 - 02:00
Sunday to Thursday	23:00 - 01:00

Bank Holiday Sundays: 09:00 - 02:00

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

The opening hours of the premises

Monday to Thursday	09:00 - 01:00
Friday and Saturday	09:00 - 02:00
Sunday	09:00 - 00:00

The non-standard opening hours of the premises

09:00 to 02:00hrs on Bank Holiday Sundays

From end permitted hours on New Years Eve to start of permitted hours on New Years Day.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises.

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence
Yalding Retail Limited
229 London Road
Grays RM17 5YS

Registered number of holder, for example company number, charity number (where applicable)
Registered Business Number 15140220

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol
Mr Dhanushan Mahendran
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
Licence Number: 09/00651/LAPER
Licence Authority: London Borough Of Newham



John Littlemore
Head of Housing and Community Services
Maidstone Borough Council

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Exhibition of films

- Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

- Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Music activities shall be indoors only.

Indoor sporting events shall not use amplification beyond 24:00.

Signs shall be displayed requesting customers to depart the premises quietly.

The volume of music or sound shall be controlled so that no noise is discernible within noise sensitive dwellings at any time.

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Licence Number: 23/04166/LAPDPS
Issue Date: 01/12/2023

Page 6 of 7

Licence issued by:
The Licensing Partnership P.35 Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

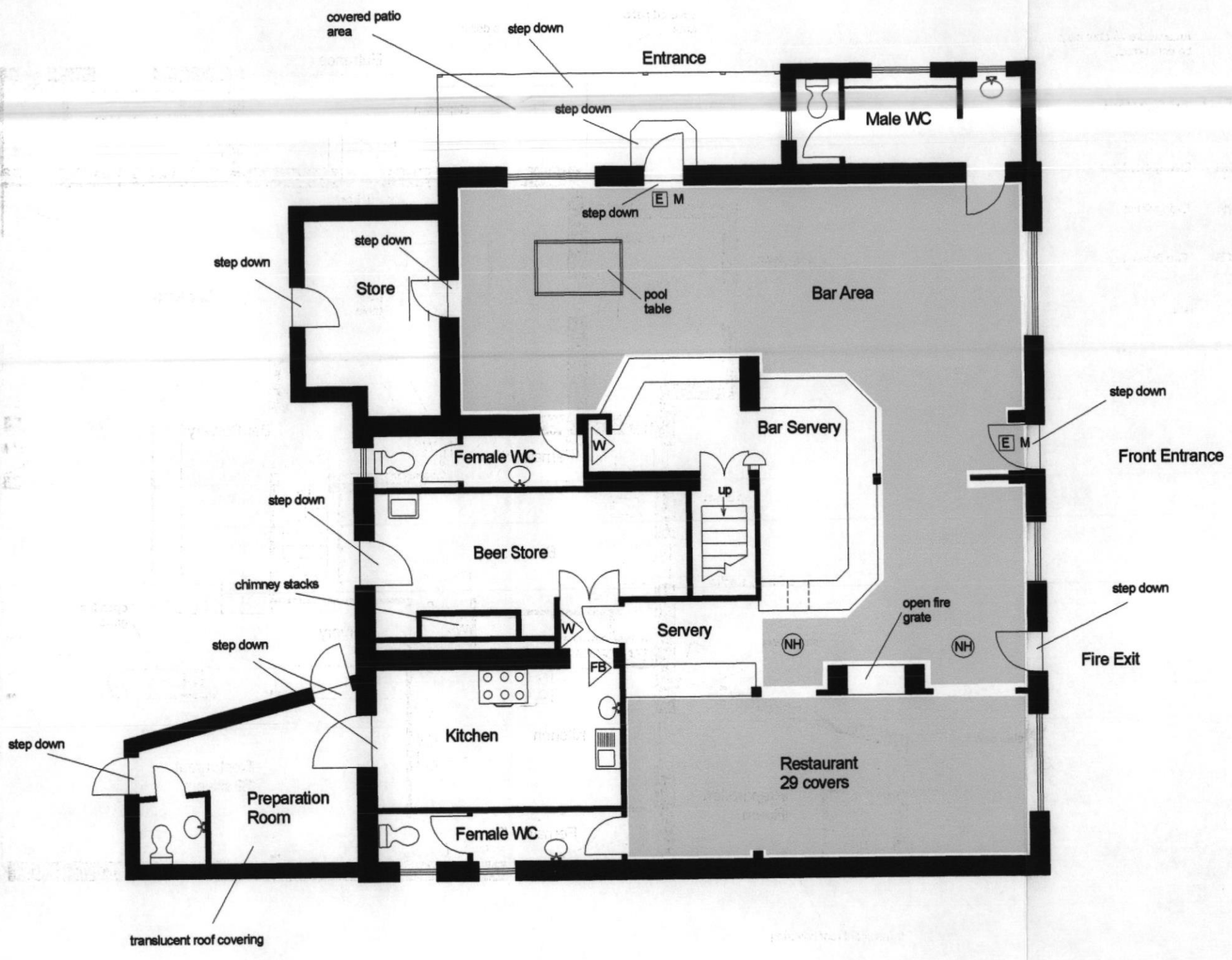
Please see attached

Licence Number: 23/04166/LAPDPS
Issue Date: 01/12/2023

Page 7 of 7

Licence issued by:
The Licensing Partnership P.O. Box 36 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

- Area where alcohol may be consumed.
- E M Exit Sign / Light
- NH Emergency Light
- W Extinguisher
- FB Fire Blanket
- ⌂ Bell



Ground Floor

37

Disclaimer:
 This plan is for layout guidance only. Measured and drawn to the nearest 10 cms.
 Whilst every care is taken in the preparation of this plan please check all dimensions and shapes before making any decision reliant upon them.

Licence plan for :- The George Inn Benover Road Yalding Kent	Brian Blakiston CAD Services Tel. 01634 385406	Date July. 05 Scale 1 : 100 Drawing NO. BB 228
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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)

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

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

iii) Interested Parties

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

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

Closing Speeches

In the following order:

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

End of Hearing

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

The Decision

The Chairman shall declare in public session:

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

respect to costs on any appeal.

The hearing is formally closed.