

# AGENDA

## LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Wednesday 22 February 2012

Time: 10.00 am

Venue: Room 1a, The Gateway, King  
Street, Maidstone

Membership: Councillors FitzGerald, Mrs Parvin  
and Warner

Legal Representative: Mrs Jayne Bolas

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Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Democratic Services Manager - Application for: A Review of a Premises Licence under the Licensing Act 2003 for the Best One, 102 Week Street, Maidstone, Kent, ME14 1RH 1 - 48

**Continued Over/:**

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**Issued on 15 February 2012**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact LORRAINE NEALE on 01622 602028**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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

# Agenda Item 4

- Agenda Item No:** 1 – Summary of Report
- Licence Reference  
Report To:** MAID0185/LPRM/4230  
LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)
- Date:** 2<sup>nd</sup> FEBRUARY 2012
- Report Title:** BEST ONE, 102 WEEK STREET, MAIDSTONE, KENT, ME14 1RH  
**Application for Review of a Premises Licence**
- Report Author:** Lorraine Neale
- Summary:**
1. The Applicant for Review – Richard Strawson on behalf of Kent County Council Trading Standards
  2. Type of application applied for: Review of a Premises Licence.
  3. Grounds for Review
- Protection of Children from Harm:
- The premises is believed to be failing in the Licensing Act objective of Protecting Children from Harm by allowing a sale of alcohol to a 15 year old volunteer.
- Affected Wards:** High Street - East
- Recommendations:** **The Committee is asked to determine the application and decide whether to take such steps as members consider necessary for the promotion of the licensing objectives.**
- Policy Overview:** The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority'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.
- Other Material Implications:** **HUMAN RIGHTS:** In considering this application it is necessary to consider the rights of both the licenceholder and the applicant together with other parties, such as “**responsible authorities**” and/or “**interested parties**” (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for 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 Document 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 602028

## **Agenda Item No. 1**

**Report Title: BEST ONE, 102 WEEK STREET, MAIDSTONE, KENT, ME14 1RH**

### **Application for Review of a Premises Licence**

#### **Purpose of the Report**

The report advises Members of an application for the review of a premises licence, brought by Richard Strawson on behalf of Kent County Council Trading Standards in respect of the premises Best One, 102 Week Street, Maidstone, ME14 1RH. There has been one representation from an Interested Party (attached as Appendix B) and no other representations from any of the other Responsible Authorities.

#### **Issue to be Decided and Options**

1. Members must, having regard to the application and any relevant representations, take such steps mentioned below as members consider necessary for the promotion of the licensing objectives.
2. The steps are:
  - To modify the conditions of the licence (including for a period not exceeding 3 months);
  - To exclude a licensable activity from the scope of the licence (including for a period not exceeding 3 months);
  - To remove the designated premises supervisor;
  - To suspend the licence for a period not exceeding 3 months;
  - To revoke the licence.
  - To issue a warning or caution.
  - To take no action.

#### **Background**

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
  - The prevention of crime and disorder;
  - Public Safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
4. The current premises licence was granted on 11th September 2008 a copy is attached as Appendix C  
Change the label on the appendix to C and label the IP rep as B.

5. The application has been correctly advertised with a notice displayed on the premises and at the Council offices for the required period.

6. The applicant is requesting that the Sub-Committee:-

1) Consider a suspension of the licence for one month.

And

2) Either add 1 further condition to the premise licence.

1) That the Designated Premises Supervisor should re-sit the Level 2 National Certificate for Designated Premises Supervisors examination before the licence suspension is lifted.

OR that the DPS be removed and replaced with a fully trained and suitably qualified person who is more responsible.

7. **Members are advised that they may only modify premises licences if it is necessary to promote the licensing objectives.**

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

<b>Chapter 2</b>	<b>Licensing Objectives – para 2.41 onwards protection of children from harm</b>
<b>Chapter 10</b>	<b>Conditions attached to Premises Licences</b>
<b>Chapter 11</b>	<b>Reviews</b>

**Annex D, part 5**

**Pool of conditions relating to the protection of children from harm**

9. Relevant policy statements **contained in The Licensing Authority's Statement of Licensing Policy (Jan 2008);**

### **Chapter 23 Protection of Children from Harm**

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

#### **Concerns**

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder
- be exposed to environmental pollution such as noise
- be exposed to special hazards such as falls from a height

### **Additional Steps**

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

- Effective and responsible management of premises.  
Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (Public Places Charter).
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of accredited 'proof of age' cards, 'new type' driving licences with photographs, passport, an official identity card issued by HM Forces or by an EU country bearing the photograph and date of birth of bearer.

N.B. In exceptional circumstances, where necessary, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises:-

- a) at certain times of the day, or
- b) when certain licensable activities are taking place, or
- c) to which children aged under 16 years should have access only when supervised by an adult, or
- d) to which unsupervised children under 16 will be permitted access.

Examples of premises where these conditions may be considered include those where:-

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking.
- b) There is a known association with drug taking or dealing.
- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly

- provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
  - f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

The Licensing Authority commends the Portman Group Code of Practice on the naming and packaging of alcoholic drinks. See [www.portman-group.org.uk](http://www.portman-group.org.uk) for further information.

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 1998 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 to prevent, crime and disorder in its area”

### Implications Assessment

- 10 The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority’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.
- 11 **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.

### Conclusion

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

### List of Appendices

- 12 Appendix A Application for Review
- Appendix B Interested Party Letter of representation
- Appendix C Copy of Premises Licence
- Appendix D Plan of the premises
- Appendix E Plan of the area
- Appendix F Human Rights Article
- Appendix G Order of Proceedings

### Appeal

13. The applicant, any interested party and the licence holder 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.

Contact:	<b>Senior Licensing Officer</b>
Email:	<a href="mailto:lorryneale@maidstone.gov.uk">lorryneale@maidstone.gov.uk</a>

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I Kent County Council Trading Standards  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
102 Week Street	
<b>Post town</b> Maidstone	<b>Post code (if known)</b> ME14 1RH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Manjit Singh

<b>Number of premises licence or club premises certificate (if known)</b>
MAID0185/LPRM/4230

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
  
- 2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Richard Strawson Area Manager Kent County Council Trading Standards PO Box 286 West Malling Kent ME19 4HW
Telephone number (if any) 01732 525291
E-mail address (optional) Richard.strawson@kent.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

As per the information provided below, the premises is believed to be failing in the Licensing Act objective of Protecting Children from Harm by allowing a sale of alcohol to a 15 year old volunteer.

**Please provide as much information as possible to support the application**

On the 24<sup>th</sup> June 2011 a Trading Standards Officer witnessed a group of youths in the vicinity of the premises carrying a full plastic bag which was believed to contain alcohol, one of the youths was holding a glass bottle of cider which he was then seen opening on the street. As there are two off licences next to each other in the parade, it was not possible to substantiate which shop sold the alcohol as the youths were not seen until they had vacated the premises.

On the 15<sup>th</sup> August 2011 a report was received from a colleague within Kent County Council that a group of three youths approximately aged 15-16 were seen outside of the premises talking about being served cigarettes. One of the youths was seen going into the shop and the informant then witnessed him buy a pack of cigarettes without being asked for identification or his age.

Trading Standards have also received a number of reports regarding the rise of underage drinking and anti social behaviour around the area of County Hall in Maidstone, which is within close vicinity of this premises. A Trading Standards Officer visited the premises on the 24<sup>th</sup> August 2011 and advised the shop assistant of the reported sale of cigarettes to under 18's and reminded them to be vigilant regarding the issues in the County Hall area.

As this premises falls within the area of the Kent Community Alcohol Partnership, it has been visited a total of 9 times since the beginning of 2010 specifically to give advice and support on underage sales. These visits included a full training session with the shop owners to advise them about protecting children from harm and advice about the due diligence procedures that the owners of the premises should take to ensure age restricted sales are not made to under 18's (Appendix 1- statement of Clare Stringer).

Following the concerns of the rise of underage drinking in the vicinity of this premises and the specific allegations regarding underage sales at this premises, an underage sales test purchase operation was carried out at the premises on the 17<sup>th</sup> November 2011. Two fifteen year old volunteers were directed to go into the premises with a covert camera and attempt to buy cigarettes and alcohol. A sale of a 4 can pack of Fosters and a pack of 10 Mayfair cigarettes was sold to one of the 15 year old volunteers by partner in business and Designated Premises Supervisor, Manjit Singh (Appendix 2- statement of test purchaser).

Mr Singh was interviewed at the shop after the sale and he said that he thought the volunteer making the purchases was aged around 19, despite the fact that the premises has a Challenge 25 policy. He also said that he asked the volunteer his age and he responded by saying a date of birth which would have made him 18. The volunteers have both produced statements confirming that the buyer stated his true birthday in 1996, which made him 15 years old.

The video footage from the sale shows that the volunteer was asked his age and for ID, but when he said he did not have any, the sale went ahead and was told to bring identification next time. Mr Singh also said under caution that he does not normally work on the tills and he just didn't think when he served the volunteer. He said he is under a lot of stress at the moment and the sale was a mistake.

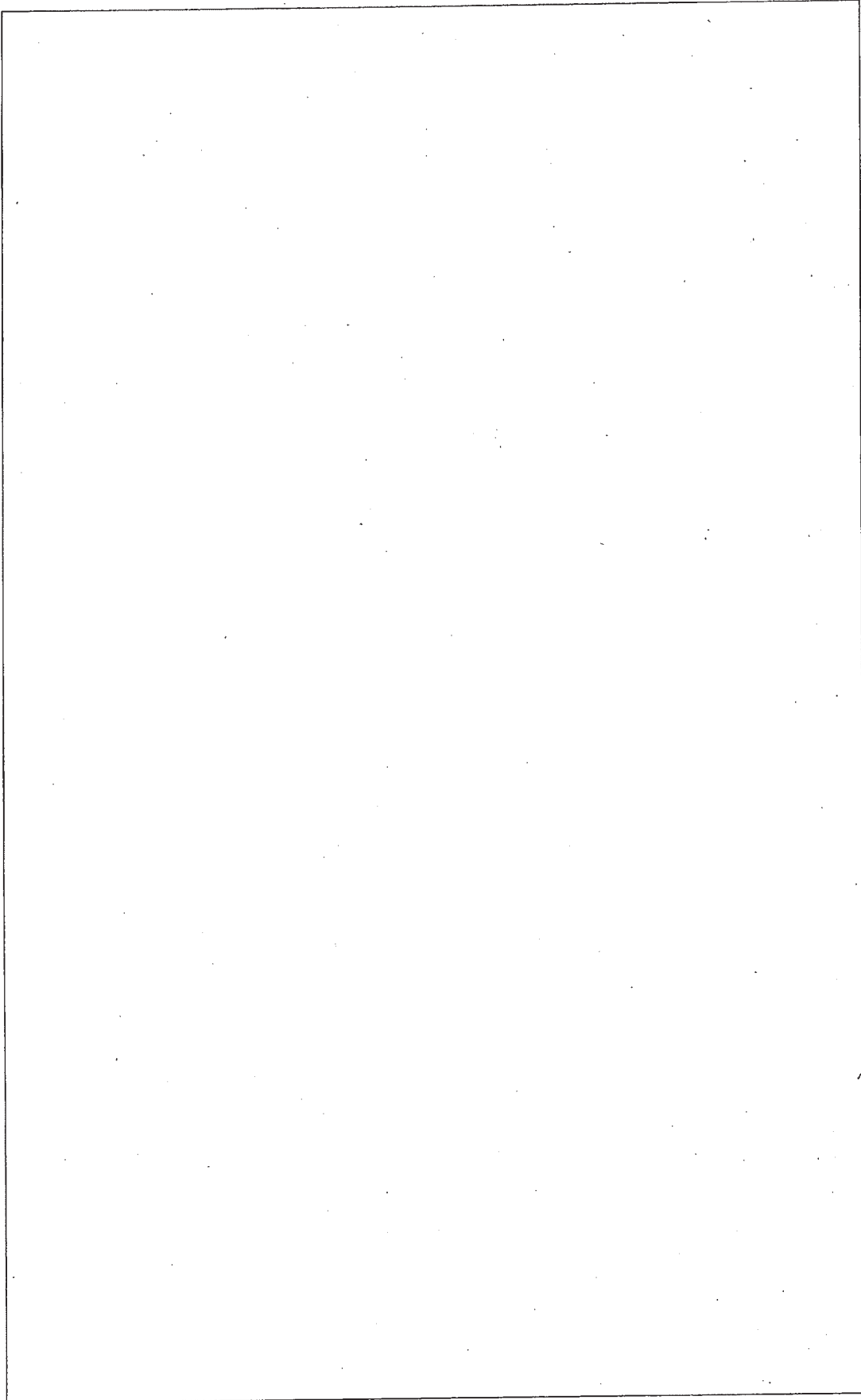
The store has adopted a Challenge 25 Policy as this is one of the recommendations of the Kent Community Alcohol Partnership area, however even though Mr Singh thought the volunteer was approximately 19 years old, did not insist on the volunteer showing proof of age before selling the alcohol and cigarettes. Furthermore there were no displays in store at the point of sale stating 'No proof of age- No sale' and the statutory A3 Tobacco notice, which is required by law to be displayed in a

prominent position in the store, was not displayed.

To deal with the apparent lack of compliance with the objectives of the Licensing Act, a review of the premises licence is requested by this service. Trading Standards request a one month suspension of the premises licences for the following reasons:

- The premises has already got 24 conditions attached to their premises licence. Many of these conditions are in place to try and protect children from harm through stopping the sale of age restricted products to underage youths.
- Despite the attachment of the 24 conditions in place, a sale of alcohol was still made to a 15 year old volunteer.
- The sale was made by the by the Designated Premises Supervisor, which worryingly demonstrates a clear lack of compliance with the licensing conditions in place at the premises.

Due to the circumstances we would also request that a condition be added to ensure that the Designated Premises Supervisor should either resit the Level 2 National Certificate for Designated Supervisors examination before the licence suspension is lifted, or that he should be removed and replaced with a fully trained and suitably qualified person who is more responsible.



**APPENDIX A**

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

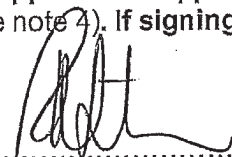
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 21/12/11

Capacity AREA MANAGER

<p><b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)                  Gillian Powell                  Kent County Council Trading Standards                  PO Box 286</p>	
<p><b>Post town</b> West Malling</p>	<p><b>Post Code</b> ME19 4HW</p>
<p><b>Telephone number (if any)</b></p>	
<p><b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Gillian.powell@kent.gov.uk</p>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**KENT COUNTY COUNCIL - TRADING STANDARDS  
STATEMENT OF WITNESS**

Statement of (full name): Clare Michelle Stringer  
 Age of Witness: 32 Date of birth: 2<sup>nd</sup> June 1979  
 Occupation of Witness: Trading Standards Officer

This statement (consisting of two pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed. *C.M. Stringer* ..... Date *19/12/11* .....

I am employed by Kent County Council as a Trading Standards Officer for the Trading Standards Department, working from the West Kent Area Office, which is currently located at 8 Abbey Wood Road, Kings Hill, West Malling, ME19 4YT. During 2010 and 2011 I was involved in a project in Maidstone town centre called The Kent Community Alcohol Project. The purpose of this project is to reduce underage alcohol sales. As part of the project I have visited a number of off-licences during 2010 and 2011 to offer support and advice to prevent the underage sale of alcohol and other age restricted products. One of the off-licences I visited was The Best One, 10 Week Street, Maidstone, ME14 1RH. During the last two years I have visited the shop six times, each time the main purpose of the visit was to conduct a proof of age advisory visit. The advice provided includes using a Challenge 25 policy, keeping and monitoring a refusals log and training everyone who serves customers on the sale of age restricted products. The advice I provided on each visit was summarised in a hand written notice I left on the visits. The first visit took place on the 6 May 2010, when I spoke to Mr Singh and Mrs Kaur. I understand that they jointly own Best One and the Designated Premise Supervisor is Mr Singh. I produce and identify the notice I left, uniquely referenced TS 4105, as CS/BestOne/01. Following this visit, on 24 May 2010, I confirmed the advice given on my first visit in writing. A copy of the letter I sent Mr Sign I produce and identify as CS/BestOne/07. The same day I sent the same letter to Mrs Kaur, a copy of which I produce and identify as CS/BestOne/08. The second visit took place 8 June 2010 and

Signed. *C.M. Stringer* ..... Date *19/12/11* .....



**KENT COUNTY COUNCIL - TRADING STANDARDS  
STATEMENT OF WITNESS**

**Continuation of statement of Clare Michelle Stringer**

Page 2

I spoke to Mr Singh. This visit additionally included an informal agreement to use a Challenge 25 policy when selling age restricted products. A Challenge 25 policy is one of the principles of the Kent Community Alcohol project to increase standards amongst retailers and pubs selling age restricted products in the town centre. I produce and identify the notice I left, uniquely referenced TS 4117, as CS/BestOne/02. My third visit to Best One took place on 24 September 2010, when I spoke to Mrs Kaur and Mr Singh. I produce and identify the notice I left, uniquely referenced TS 4510, as CS/BestOne/03. My fourth visit to Best One took place on 20 December 2010, when I spoke to sales assistant [redacted]. I produce and identify the notice I left, uniquely referenced TS 1456, as CS/BestOne/04. My fifth visit to Best One took place on 18 May 2011, when I spoke to sales assistant [redacted]. I produce and I identify the notice I left, uniquely referenced TS 4571, as CS/BestOne/05. My sixth visit to Best One took place on 7 August 2011, when I spoke to Mr Singh. I produce and I identify the notice I left, uniquely referenced TS 0469, as CS/BestOne/06. *CMS Stringer*

Signed *CMS Stringer*.....

Date *19/12/11*.....

**KENT COUNTY COUNCIL - TRADING STANDARDS  
STATEMENT OF WITNESS**

Statement of (full name): Clare Michelle Stringer

Age of Witness: 32 Date of birth: 2<sup>nd</sup> June 1979

Occupation of Witness: Trading Standards Officer

This statement (consisting of one pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed... *CM Stringer* ..... Date... *16/1/12* .....

I am employed by Kent County Council as a Trading Standards Officer for the Trading Standards Department, working from the West Kent Area Office. Further to my statement dated 19 December 2011 about the visits I made to The Best One, the actual address of the business is 102 Week Street, Maidstone, ME14 1RH. *CM Stringer*

Signed... *CM Stringer* ..... Date... *16/1/12* .....

# Exhibit Label



KCC v

Court

This is

CS/BestOne/01  
Notice referenced TS 4105

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CMStringer</i>			

TS76/Document2 - Last Released: 06/05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/03  
Notice referenced TS 4510

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CMStringer</i>			

TS76/Document2 - Last Released: 06/05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/02  
Notice referenced TS 4117

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CMStringer</i>			

TS76/Document2 - Last Released: 06/05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/04  
Notice referenced TS 1456

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CMStringer</i>			

TS76/Document2 - Last Released: 06/05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/05  
Notice referenced TS 4571

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CM Stringer</i>			

TS76/Document - Last Revised Nov. 05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/07  
Letter sent to Mr Singh

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CM Stringer</i>			

TS76/Document - Last Revised Nov. 05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/06  
Notice referenced TS 0469

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CM Stringer</i>			

TS76/Document - Last Revised Nov. 05

# Exhibit Label



KCC v

Court

This is

CS/BestOne/08  
Letter sent to Mrs Kaur

Referred to and identified in the written statement of the undersigned witness(es)

Name	Date	Name	Date
Miss Clare Michelle Stringer	19/12/11		
<i>CM Stringer</i>			

TS76/Document - Last Revised Nov. 05

# Business Advice



CS / Bestone 101

Business Name

BEST EXPRESS

Legal Entity

MILINDAS SINGH

2 18pm

Address

102 WICK STREET, MAIDSTONE

Postcode

ME14 1RH

Telephone Number

During the course of a visit to your premises the following points were noted.

1. Today I went through training with Mr + Mrs Singh regarding the sale of age restricted products. I recommend you share this information with all people who serve and make a record of it.
2. I recommend that you ensure everyone makes a record in the refusals log. I will send you more copies.
3. I recommend you tell all staff Trading Standards send in under 18's to attempt to buy alcohol. It would be a criminal offence to sell to under 18's. You could ask staff to read this notice, signing it to say you they understand.

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name)

CLARE STRINGER

Officer Number

237

Telephone number

01732 525291

Signed

Clare Stringer

Dated

6/5/10

Received by (please print name)

Signed

*[Handwritten signature]*

Position

Dated

Bal.d10@hotmail.com

Reference Number

TS 4105

Data Protection Act

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

3:25pm

CPD 10379/05

CS/BestOne/07.

Mr Singh  
The Best One  
102 week street  
Maidstone  
ME14 1RH

**TRADING STANDARDS**  
**West Kent Area Office**  
17 Kings Hill Avenue  
Kings Hill  
West Malling  
Kent ME19 4UL  
Tel: 01732 525291  
Fax: 01732 525319

Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref: CS/273186  
Date: 24 May 2010

Dear Mr Singh

**Licensing Act 2003**

Further to my visit to The Best One on Thursday 6<sup>th</sup> May, I write to confirm the matters I discussed with you and Mrs Kaur. The visit included advice on:

- Ensure everyone who serves customers follows and understands Challenge 25. This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products such as alcohol. This will provide a clear margin of error when judging a young persons' age.
- Posters regarding Challenge 25 have been provided, with a further copy enclosed. Please contact me if you would like further copies.
- Allowing staff members, and anyone who serves customers, to read the information in the folder Kent Trading Standards has provided, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you also go through the slides I left with you with all persons who serve customers.
- The licensees and business owner should ensure all staff training is up to date. If no other records are available, make copies of those found in the folder left at the time of my visit and use these to record staff training. Training can include anything staff read or what is discussed and it is strongly recommended that a written record is kept.
- Maintain a refusal book to log refused sales, this is particularly important to enable you to assess if refusals are being made by everyone who serves customers. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded. Enclosed are two examples of a refusals register which you may use.

You should be aware that Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. If you or staff sell to a volunteer you will be committing a criminal offence for which you may be prosecuted and the need for a licence review would also be considered.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010**

From the 1<sup>st</sup> October 2010 it requires licenses premises to have an age verification policy in relation to the sale and supply of alcohol.

Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent). Please contact me if you have any questions.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**

CS/Bestone/08

Mrs Kaur  
The Best One  
102 week street  
Maidstone  
ME14 1RH

**TRADING STANDARDS**  
**West Kent Area Office**  
17 Kings Hill Avenue  
Kings Hill  
West Malling  
Kent ME19 4UL  
Tel: 01732 525291  
Fax: 01732 525319

Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)  
Email: [Clare.stringer@kent.gov.uk](mailto:Clare.stringer@kent.gov.uk)  
Ask for: Clare Stringer  
Ref: CS/273186  
Date: 24 May 2010

Dear Mr Singh

**Licensing Act 2003**

Further to my visit to The Best One on Thursday 6<sup>th</sup> May, I write to confirm the matters I discussed with you and Mr Singh. The visit included advice on:

- Ensure everyone who serves customers follows and understands Challenge 25. This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products such as alcohol. This will provide a clear margin of error when judging a young persons' age.
- Posters regarding Challenge 25 have been provided, with a further copy enclosed. Please contact me if you would like further copies.
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- Maintain a refusal book to log refused sales, this is particularly important to enable you to assess if refusals are being made by everyone who serves customers. Licensees should regularly review the refusals log and follow up with staff members if refusals are not being regularly recorded. Enclosed are two examples of a refusals register which you may use.



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Further guidance notes which may be useful for business and consumers may be viewed on our website [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent). Please contact me if you have any questions.

Yours sincerely

**Clare Stringer**  
**Trading Standards Officer**

# Business Advice



Business Name: CS/Best one/02  
 Address: 102 WEEK STREET MAIDSTONE  
 Postcode: ME14 1RT  
 Legal Entity: MR SINGH + MRS KAUR  
 Telephone Number:

During the course of a visit to your premises the following points were noted.

1. You agree to and use a challenge 2S policy  
 - I recommend you remind staff of the benefits of this (guidance note left)
2. You agree to use and monitor a refusal stock  
 - I recommend you remind staff of this and follow up if everyone is not making refusals  
 (~~to send more copies~~) (to send more copies)
3. I recommend you remind staff it is a criminal offence to sell alcohol to under 18's. Trading Standards may test you for this.

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name) <u>CLARE STRINGER</u>	Officer Number <u>237</u>	Telephone number <u>01732 52529</u>
Signed <u>[Signature]</u>	Dated <u></u>	
Received by (please print name) <u>M. SINGH</u>	Position <u></u>	
Signed <u>[Signature]</u>	Dated <u></u>	

Reference Number  
 TS 4117

Data Protection Act  
 Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998.

## Business Advice

cs/Bestone/03 6P8

Business Name: THE BESTONE Legal Entity:

Address: 102 weeks Street, Maidstone

Postcode: ME14 1RT Telephone Number:

During the course of a visit to your premises the following points were noted.

Continue to follow Challenge 25 policy  
 - continue to record refusals  
 I recommend that you let everyone who serves customers (regardless of if they are paid or helping out) know that Trading Standards conduct tests by sending in under 18s and that we strongly recommend they record all refused sales and they follow Challenge 25. This is where if any customers, who buy age restricted products, look under 25 they are asked to produce valid proof of age  
 please contact me if you have any questions or if you would like me to email you a copy of the training folder [clare.stringer@kat.gov.uk](mailto:clare.stringer@kat.gov.uk)

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name): CLARE STRINGER Officer Number: 017 237 Telephone number: 01732 525291

Signed: Clare Stringer Dated: 24/9/10

Received by (please print name):  Position:

Signed: dillonrcom@yahoo.co.uk Dated:

Reference Number: TS 4510

## Data Protection Act

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

# Business Advice



CS/Bestone/04.

Business Name

Legal Entity

DILLON NEWS

Address

102 WICK STREET, MAIDSTONE

Postcode

ME14 1RT

Telephone Number

VISIT about the sale of age restricted products i.e alcohol  
During the course of a visit to your premises the following points were noted.

1. Please remind staff the importance of their job in preventing the underage sale and consumption of alcohol.
2. 18 year olds do not all look the same age. Therefore to prevent mis-judging customers age I recommend you follow a challenge 25 policy. This is where customers who buy age restricted products (alcohol), are asked to provide valid proof of age if they appear under 25.
3. I recommend that all persons who serve customers record refusals of age restricted products. An example log is left - this record should be reviewed to ensure ALL persons record and make refusals. *store*
4. Authorities (including Kent Trading Standards) make test purchases of age restricted products by sending in an underage person. A criminal offence is committed if a sale is made. You may be tested in this way.
5. I advise you store this information in this note with all staff. (they could read + sign it to form part of your training records)

Please contact me if you have any questions

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name)

Officer Number

Telephone number

CLARE STRAINAGE

237

01732 525291

Signed

Dated

CM Strinager

20/12/12

Received by (please print name)

Position

1st TS

Signed

Dated

20/12/12

Reference Number

TS 1456

### Data Protection Act

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

CPD 0978/51



# Business Advice

CS/Bestone/OS.

Business Name <b>Best on</b>	Legal Entity
Address <b>102 Waver Street</b>	
Postcode	Telephone Number

During the course of a visit to your premises the following points were noted.

The purpose of the visit is to remind you about the Kent Community Alcohol Project (KCAP).

1. using 'challenge 25'
2. Keeping and monitoring a refusals log (refusals of any kind) a form so far - send more forms
3. Ensuring proxy sales are not made, with every effort made to prevent them
4. To remind (and record) to staff of their responsibilities when serving age restricted products - I recommend staff read, sign and date this notice and it is kept to form part of your training records
5. Kent Trading Standards may test you to ensure age restrictions are followed
6. Best before + use by dates explained. 7. Counterfeit alcohol discussed

Please do contact me if you have any questions.

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name) <b>CLARE STRINGER</b>	Officer Number <b>237</b>	Telephone number <b>01752 525291</b>
Signed <i>Cl Stringer</i>	Dated	
Received by (please print name)	Position	
Signed	Dated	
	11.15	Reference Number <b>TS 4571</b>

**Data Protection Act**

Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998



# Business Advice

Business Name cs/Boston/06 Legal Entity

Dillon News

Address 102 Wick Street, Maidstone

Postcode ME14 1EH Telephone Number

During the course of a visit to your premises the following points were noted.

RE: Kent Community Alcohol Project (KCAP)  
Sale of alcohol and tobacco

1. Please remind staff the importance of their job in preventing underage sales and proxy sales  
GCSE and Alcohol results are pending  
I leave a news article on underage drinking celebrations to share with staff
2. Age is difficult to judge. Continue with challenges  
I leave 600 guess the age line up pictures to go through with staff.
3. Continue to use and monitor your refusals record.  
See more refusals  
26 - Jan 20 - July 5 August

Please contact me if you have any questions

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name) G. P. ... Officer Number 231 Telephone number 01732 525291

Signed  Dated

Received by (please print name)  Position

Signed  Dated

Reference Number  
TS 0469

Premises Visit Sheet (KCAP)

Visit: 051422

Premises Reference: <b>F12PWK102W/1</b>		Premises Name: <b>Dillon News</b>	
Address: <b>102 Week Street, Maidstone, ME14 1RH</b>			
Telephone: <b>01622 690680</b>		Usage: <b>Newsagent</b>	
Alarm Notes:			
Premises Text:			
Ward: <b>Maidstone</b>	Area: <b>West Kent</b>	Type: <b>Property</b>	Category: <b>Retail</b>
Sub-Usages: <b>Firework</b>			
<b>CODES</b> Lacors: <b>F11 Food retailer licensed premises</b> FSA: <b>G FSA Retailer</b> Feed: Defra:		<b>VISITED</b> Type: Date: <b>F:18/05/2011</b> Officer: <b>237</b> Risk: <b>MEDIUM</b> <b>M</b>	<b>INSPECTIONS</b> Food Standards  <b>OTHER INFO</b> Opened: CPH: Pet No. Closed:

**Visit Details:**

UNIT: <b>KEA East Kent</b> ( <b>KWE West Kent</b> )	OFFICER: <b>237</b>	DATE: <b>17/8/11</b>	
INSP TYPE: <b>K Lacors</b>	Campaign ref: <b>SES</b>	TEP- Edenbridge	Time / units: <b>1 hour</b>
		TFI-Swanley	Time / units:
		TFJ-Maidstone	Second Officer Units:
		TFK-Canterbury City	
		TFL-H Bay & Whitstable	
		TFM-Broadstairs	
	TFN-Margate & Cliftonville		
VISIT TYPE: <b>O Other</b>	VISIT CAT:	<b>SUR Survey/Research</b>	<b>NOR No Result</b>

OVERALL ACTION:	AAA Action Taken	Date?
ACTIONS REQUIRED: (Delete any not required in visit record)	ABA Telephone Call Made ABB Email Sent ABC Letter Sent ABD Fax Sent ABF 5x5x5	

CONTACT SPOKEN TO:	DESIGNATION:
--------------------	--------------

Problems/Issues:  
 went through matters in attached TS 0469, which was left with business  
 sales assistant asked for challenge 25 badge, which I got from society rooms (1 badge)

Intel:

Any other remarks:

# Statement of Witness



Statement of (full name)

Age of Witness

Date of Birth

15

Occupation of Witness

Student

This statement (consisting of 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed

11

Date

17/11/11

On 17<sup>th</sup> November 2011, Gillian Powell handed me 20 pound. I entered the best one, week street, Maidstone. We then walked to the left hand side of the shop and picked up 4x jostery cans. We then took the cans to the checkout. I asked the man behind for 10 Mayfair he picked them up and asked if I had any ID we both answered no and he then asked for my DOB and I answered 96 and he said bring ID next time, He bagged up the items and we left the shop.

Signed

Dated

17/11/11

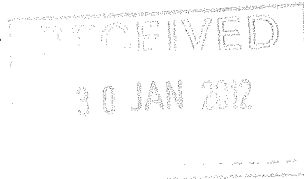


**APPENDIX B**

MR D. RAI  
3 BOWER CLOSE  
MAIDSTONE  
ME16 8BD

DATE - 27 JAN 12

MAIDSTONE BOROUGH COUNCIL  
LICENSING DEPT  
MAIDSTONE.



To, THE LICENSING OFFICER

RE - REVIEW OF THE PREMISES LICENSE FOR THE  
"BEST ONE" 102 WEEK ST ME14 1RH

DEAR SIR OR MADAM,

IT HAS COME TO THE PUBLIC ATTENTION -  
THAT THE ABOVE NAMED BUSINESS IS DUE -  
TO 'REVIEW' OF THE PREMISES LICENSE ON THE -  
GROUND OF "PREVENTION OF CHILDREN FROM HARM".

IT IS EXTREMELY GROWING CONCERNS THAT -  
THE SHOP ~~IS~~ <sup>IS</sup> IRRESPONSIVELY SELLING ALCOHOL  
TO THE UNDERAGE CHILDREN THOSE WHO ARE -  
DRINKING HEAVILY AND CAUSING ANTISOCIAL -  
BEHAVIOUR AND NUISANCE TO OUR COMMUNITY.

MY SUGGESTION IS THAT THE LICENSING -  
COMMITTEE MUST TAKE NECESSARY STEP TO -  
AVOID THIS TYPE OF INCIDENT HAPPENING  
AGAIN ON THE DATE OF REVIEW OF THE -  
PREMISES LICENSE.

SINCERELY YOURS  
MR D. RAI

27-1-12

## Premises Licence

Maidstone Borough Council  
Licensing Section  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ

## Appendix C

### Premises Licence Number – MAID0185/LPRM/4230

#### Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description	
<b>Premier Express 102 Week Street Maidstone Kent</b>	
Post Town <b>Maidstone</b>	Post Code <b>ME14 1RH</b>
Telephone Number	

Where the licence is time limited the dates
<b>N/A</b>

Licensable activities authorised by the licence:-
<ul style="list-style-type: none"><li>• <b>Supply of Alcohol</b></li></ul>

The times the licence authorises the carrying out of licensable activities:-
<ul style="list-style-type: none"><li>• <b>Supply of alcohol:</b></li></ul> <b>Sunday - Thursday 08:00 - 21:00</b> <b>Friday and Saturday 08:00 – 21:30</b>

The opening hours of the premises
<b>Monday to Sunday 07:00-22:00</b>

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
<b>Off</b>

(1) Insert licensing authority details

## Part 2

Name, (registered) address, telephone number and E-mail (where relevant) of holder of premises licence

**Mr Manjit Singh**  
**102 Week Street**  
**Maidstone**  
**Kent ME14 1RH**

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

**N/A**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Manjit Singh**  
**102 Week Street**  
**Maidstone**  
**Kent ME14 1RH**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**004709 – Slough Borough Council**

**1. 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.**

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

N/A

- 3. All staff shall be trained in Licensing Law and in particular the law relating to the sale of alcohol.**
- 4. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.**
- 5. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality videotape or digitally onto CD/DVD or other equivalent medium.**
- 6. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be available, subject to compliance with the Data Protection Legislation, to the Police or Officers of the Licensing Authority on request.**
- 7. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection Legislation, with police from time to time.**
- 8. The system will display, on any recording, the correct time and date of the recording.**
- 9. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.**
- 10. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.**
- 11. Appropriate signage informing customers CCTV is in operation to be displayed in store.**
- 12. Appropriate signage informing customers that they may be asked to produce specific proof of age identification it attempting to purchase alcohol.**
- 13. The management will report all incidents of a criminal nature that may occur on the premises to police.**
- 14. The premises will participate in Midsafe or any similar scheme operated by the local authority or the police independently or in partnership, which is designed to minimise public nuisance or crime and disorder.**
- 15. Any person who appears drunk will not be served alcohol and any person who appears to be buying alcohol for a drunk person will also be refused service.**
- 16. 'Challenge 21' scheme shall be adopted so that all cashiers are trained to ask any customer wishing to purchase alcohol, who appears to be under the age of 21 years, for evidence of age.**
- 17. Only ID acceptable will be passport, photo driving licence until their effective identification technology is introduced.**
- 18. All cashiers to be instructed, through training, that a sale shall not be made unless this evidence is produced.**
- 19. Prominent notices will be displayed in the store advising customers that they may be asked to provide evidence of age. Signs shall also be displayed at point of sale stating 'No proof of age – No Sale'.**

**20. Refusals book to be kept and made available for inspection to any Police Officer, Local Authority Officer or Trading Standards Officer at any reasonable time. The book shall contain the following details:-**

- 1) Time of refusal**
- 2) Date of refusal**
- 3) Item Refused**
- 4) Name or description of person refused sale**
- 5) Reason for refusal**
- 6) Name of staff member making refusal**

**21. All Fire Fighting equipment shall be maintained and checked annually and relevant certificates retained for inspection by an Officer of the Licensing Authority, Police Authority or Fire Authority.**

**22. All staff shall be trained to deal with any outbreak of fire at the premises.**

**23. A fire risk assessment and emergency plan shall be completed.**

**24. All alcohol on the premises shall be displayed within sight of the sales counter.**

**As attached**



**N/A**



**Silver Cladding / Box corners**  
**Silver stainless / Mirror finish**  
**Blue Facade / Yellow Noxing**  
**Yellow EPDM End Panel**  
**Silver Slatted Panels :-**

**Ceiling HT :-**  
 2720mm - NEW

**Canopy Depth :-**  
 Floor Type :-  
 Slabbing Colour :-  
 New Slabbing :-

**Existing Slabbing :-**

Rev	Description	Date
A	First Issue	

**UNO GROUP**  
 Newstead Industrial Estate,  
 Trenton,  
 Shepperton  
 Bucks  
 MK14 5JA  
 Tel: 01782 668777 Fax: 01782 647068  
 e-mail: sales@unogroup.co.uk  
 website: www.uno-group.com

**Client** MRM SINGH

**Address** BEST ONE  
 102 WEEK STREET  
 MANDSTONE  
 KENT  
 MA14 1FH

**Drawing Title** PROPOSED LAYOUT

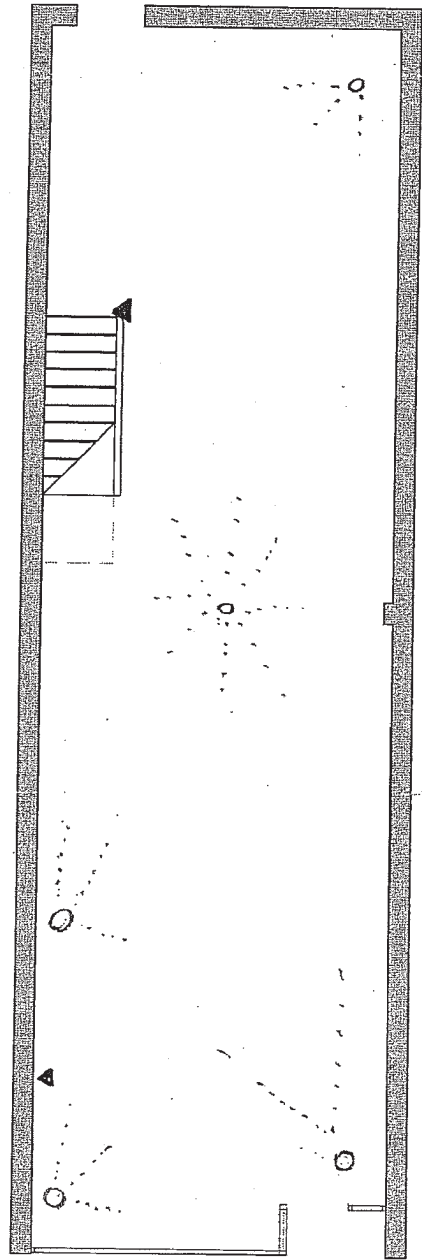
**Customer approval** \_\_\_\_\_ Date \_\_\_\_\_

**Scale** 1:50 @ A2 **Drawn by** RODDY **Date** 28.02.08 **Rev** A

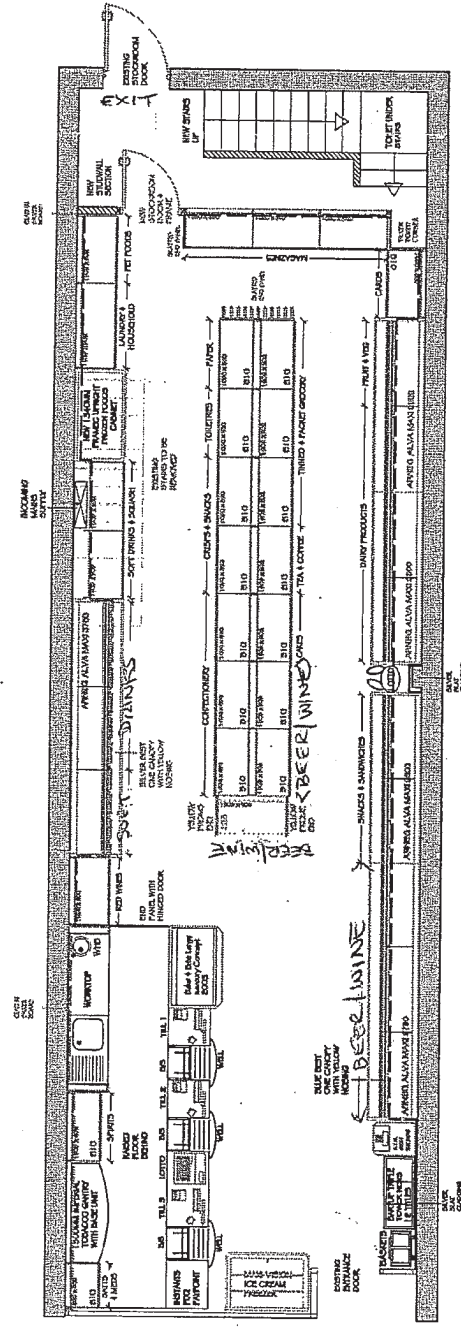
**Drawing No.** \_\_\_\_\_ **DRGN NUMBER** \_\_\_\_\_

Contractors must verify all dimensions on site. Dimensions are subject to change. This drawing remains the property of UNO and may not be reproduced in any way without prior consent. Winner 2008

CCTV Cameras  
 Fire extinguishers

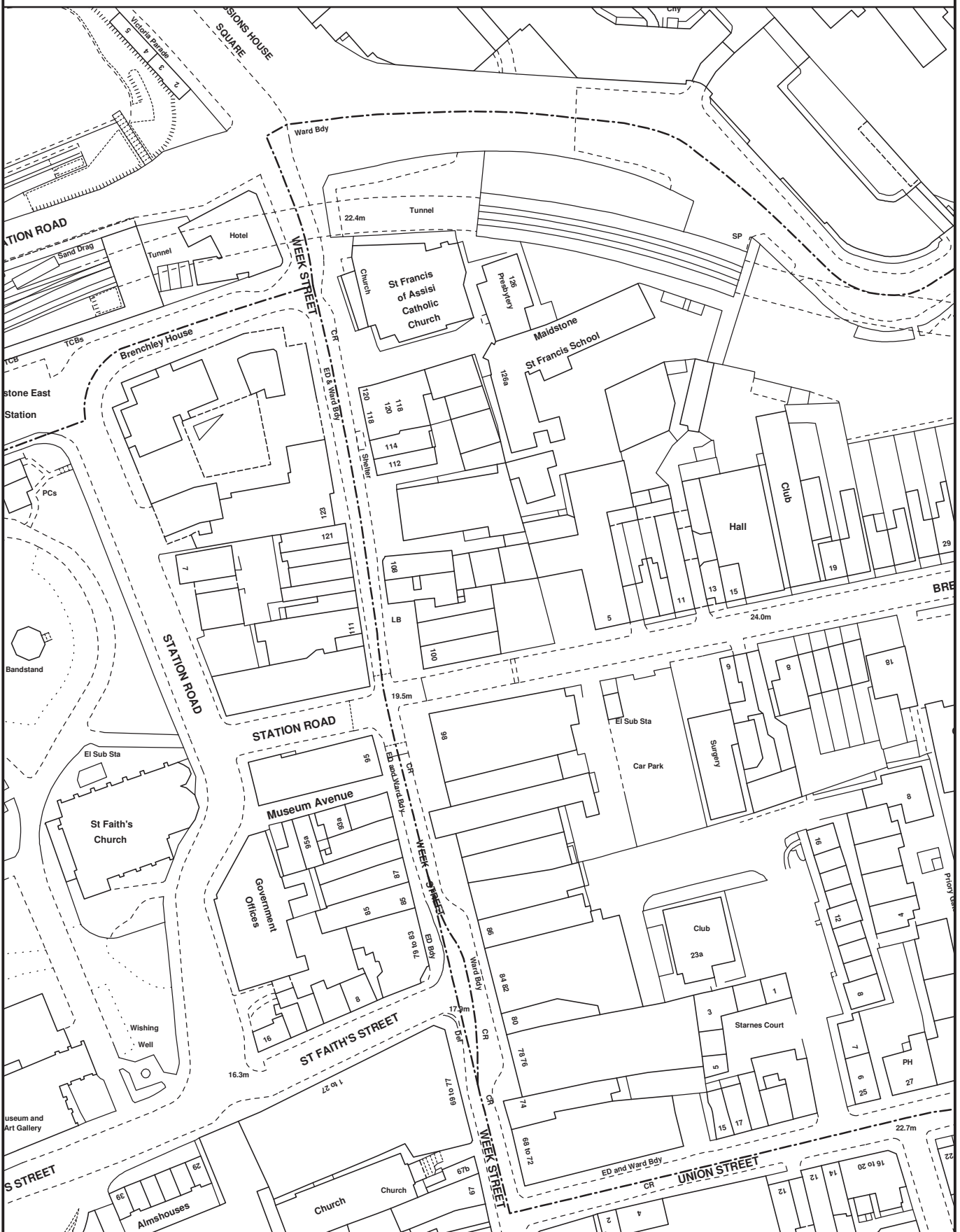


EXISTING LAYOUT 1:50



PROPOSED LAYOUT 1:50

**BEST ONE, 102 WEEK STREET,  
MAIDSTONE, KENT, ME14 1RH.**



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# Appendix F

## HUMAN RIGHTS

### Article 8

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

### Article 1 of the First Protocol

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

### Article 6(1)

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

### Article 10

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

**LICENSING AUTHORITY:  
MAIDSTONE BOROUGH COUNCIL**

**Licensing Act 2003 Sub-Committee Hearing Procedure of  
Applications for the Review of a Premises Licence or Club Premises  
Certificate**

## 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
- The licence/certificate holder (and any representative)
- The applicant for review\* (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.

\* Not applicable following a closure order.

- **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 licence/certificate holder 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 for Review**

- Opening remarks by the applicant for review (or their representative).
- Evidence of the applicant for review and any witnesses.
- After each person has given evidence the person may be questioned by the licence/certificate holder, each responsible authority, interested party and sub-committee member.
- If necessary, the applicant for review (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 for review, the licence/certificate holder, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or their 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 for review, the licence/certificate holder, 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.

#### **iv) The Licence/Certificate Holder**

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

## **Closing Speeches**

In the following order:

- The applicant for review**
- Each responsible authority**
- Each interested party**
- The licence/certificate holder**

## **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 invite the legal advisor to remain with the sub-committee during its deliberations.



- 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 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. The decision of the sub-committee does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- The hearing is formally closed.