

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Monday 21 May 2012

Time: 9.00 am

Venue: Gateway, Room 1A

Membership:

Councillors Mrs Joy, Mrs Parvin and Yates

Legal Representative: Mrs Jayne Bolas

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 Review of a Premises Licence for K & A Supermarkets Ltd, Beverages, 39 High Street, Maidstone, Kent, ME14 1SS. 1 - 28

Continued Over/:

Issued on 10 May 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

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

Agenda Item 4

Agenda Item No: 4 Summary of Report

Licence Reference: 12/01163/REVIEW
Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 20th APRIL 2012

Report Title: K & A SUPERMARKETS LTD, BEVERAGES, 39 HIGH STREET,
MAIDSTONE, KENT, ME14 1SS

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 following a failed test purchase of alcohol to two volunteers (one aged 16 and one aged 15) on 16.2.12.

Affected Wards: High Street

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 – tel: 01622 602028

Agenda Item No. 1

Report Title: K & A SUPERMARKETS LTD, BEVERAGES, 39 HIGH STREET, MAIDSTONE, KENT, ME14 1SS

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 K & A Supermarkets Ltd, Beverages, 39 High Street, Maidstone, Kent, ME14 1SS.

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 20th July 2010 a copy is attached as Appendix 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 14 day suspension² of the licence.

And

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

A personal licence holder will be on the premises at all times when alcohol sales are to be made. At times where no personal licence holder is on the premises no sales of alcohol are to be made and a sign must be prominently displayed to advise that 'NO ALCOHOL SALES' at that time

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;**

Chapter 2 Licensing Objectives – para 2.41 onwards protection of children from harm

Chapter 10 Conditions attached to Premises Licences

Chapter 11 Reviews

Annex D Pools of conditions - Part 5 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 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.

“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 Copy of Premises Licence
Appendix C Plan of the premises
Appendix D Plan of the area
Appendix E Human Rights Article
Appendix F 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:	Senior Licensing Officer
Email:	lorraineneale@maidstone.gov.uk

Appendix 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

Postal address of premises or, if none, ordnance survey map reference or description Beverages 39 High Street	
Post town Maidstone	Post code (if known) ME14 1SS
Name of premises licence holder or club holding club premises certificate (if known) K & A Supermarkets Limited	
Number of premises licence or club premises certificate (if known) 10/02283/LAPRE	

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

I am 18 years old or over

Please tick yes

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 following a failed test purchase of alcohol to two volunteers (one aged 16 and one aged 15) on 16/2/12

Please provide as much information as possible to support the application

Beverages, situated in Maidstone town centre, was issued with a licence in July 2010. Maidstone town centre is a designated Kent Community Alcohol Partnership zone whereby Kent Trading Standards and other partners work in close liaison to support retailers in respect of age restricted sales.

The core of this work took part during 2010 prior to Beverages opening, however the holder of the premises licence at that time owned and managed another Maidstone town centre retailer that sold alcohol and therefore benefitted from a series of advisory visits carried out in that time.

In January 2012 a report was received from a third party who had been advised by a concerned parent that a 17 year old was regularly being served alcohol at this premises and he would pass the alcohol to other underage persons.

As a result of this information an advisory visit was carried out on 3rd February 2012 where a number of issues were raised with the owner Mr Kambiz Chegini (director of K & A Supermarket Ltd). (Appendix 1 – Statement of Oliver Jewell regarding advisory visit)

The premises licence already contains a condition that all staff will be trained in Challenge 25, that this training will be auditable and notices to advise customers of this policy will be prominently displayed in all areas.

At the time of the visit there were no Challenge 25 posters on display and no training records were available. It was explained that the installation of a new tobacco gantry accounted for the posters and that all staff were either family or had been trained at the owners' previous premises by staff of Kent Trading Standards. Records of this were unavailable and no further training had been carried out.

It was also an existing condition of the licence that a Refusals Book be maintained to record where staff have challenged young people for ID when making age restricted sales. At the time of the visit the most recent recorded entry was for April 2011. When questioned why no refusals had been recorded for approximately 10 months it was stated by Mr Chegini that as they know all the local youths they do not need to make refusals.

On 16th February 2012 a Test Purchase operation was carried out by Kent Trading Standards in the Maidstone area using two female volunteers, one aged 16, one aged 15. A sale of a large bottle of Archer's Aqua was made by an employee of the shop to the volunteers without asking for their age or if they had any identification. (Appendix 2 – Statement of Esther Flinders – witnessing officer)

The person who made the sale advised officers after the sale that he believed the volunteers to be 'over 18' but had not applied a Challenge 25 policy as he was busy. At the time of the test purchase only the witnessing officer was behind the volunteers in the queue and CCTV footage shows one other male enter the shop while the transaction was taking place. At the time of this visit there were still no Challenge 25 posters displayed.

A further test purchase attempt was made on 15th March 2012 which was on this occasion refused by Mr Chegini. Mr Chegini attended an interview with Kent Trading Standards on 19th March 2012 where refusals records were produced starting shortly after the advisory visit in February 2012. Mr Chegini was however still unable to produce training records for his staff.

Due to the failed test purchase and breaches of the existing licence conditions, a 14 day suspension of the premises licence is requested by this department in order to address the seriousness of the matter. In addition to a licence suspension the following additional condition is also requested to be added to the premises licence: -

1. A personal licence holder will be on the premises at all times when alcohol sales are to be made. At times where no personal licence holder is on the premises no sales of alcohol are to be made and a sign must be prominently displayed to advise that 'NO ALCOHOL SALES' at that time.

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

23/3/12

Capacity

ALEX MANAGER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
Oliver Jewell
Kent County Council Trading Standards
PO Box 286

Post town
West Malling

Post Code
ME19 4HW

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) oliver.jewell@kent.gov.uk

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): Oliver Lee Jewell
Age of Witness: Over 21 Date of birth:
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 *Oliver Jewell* Date *20/3/12*

On the 3rd February 2012 I conducted an advisory visit to Beverages, 39 High Street, Maidstone. I met with Mr Kambiz Chegini who advised he was the owner of the business. The holder of the premises licence was K & A Supermarkets Ltd, however Mr Chegini advised me that he was in the process of having the licence transferred into his name. I advised Mr Chegini on best practice measures, including Challenge 25 for which there were no posters displayed and the keeping of refusal books. I was shown a refusal log in which the last recorded entry was in April 2011. I was advised that in the period between that entry and my visit no refusals needed to be made due to staff knowing the local youths and as a result young people not trying to purchase alcohol. Also at the time of my visit the statutory notice regarding the sale of tobacco was not on display. I sent a copy of this notice as well as three Challenge 25 posters on 6th February 2012 and re-visited on 10th February 2012. During this visit I noted that the tobacco notice was now being displayed, however no Challenge 25 posters had been displayed. On 16th February 2012 I was taking part in an Underage Sales operation in

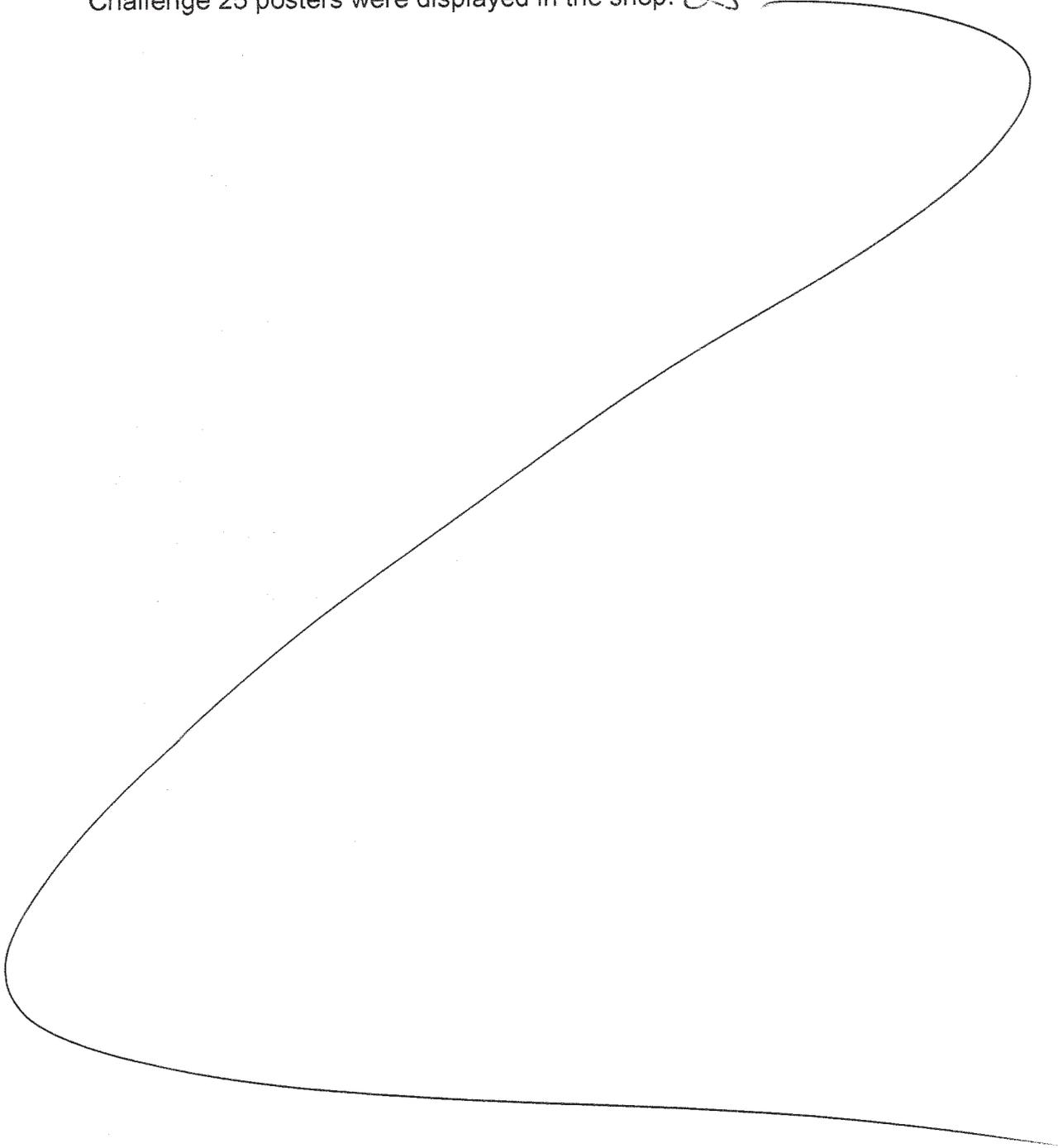
Signed *Oliver Jewell* Date *20/3/12*

KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Continuation of statement of Oliver Lee Jewell

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Maidstone. A sale of alcohol was made from Beverages during that operation and I attended the shop following the sale. At the time of that visit no Challenge 25 posters were displayed in the shop. *OS*



Signed *Oliver Jewell*

Date *20/3/12*

KENT COUNTY COUNCIL - TRADING STANDARDS
STATEMENT OF WITNESS

Statement of (full name): Esther Katherine Flinders
Age of Witness: 30 Date of birth: 15/07/1981
Occupation of Witness: Trading Standards Officer

This statement (consisting of 2 pages 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 *E. Flinders* Date 17/02/2012

I am employed by Kent County Council Trading Standards as a Trading Standards Officer based at 8 Abbey Wood Road, Kings Hill, West Malling, Kent. On 16th February 2012 I was involved in an underage sales operation in the Maidstone area. At approximately 1825 hours I entered Beverages, 39 High Street, Maidstone. I positioned myself by the cold drinks cabinet so that I could witness the entrance of the underage sales volunteers. At approximately 1825 hours I witnessed [redacted] and [redacted] enter the shop, [redacted] picked up a large bottle of Archers Aqua, peach flavour and proceeded to the counter with [redacted] in order to pay for the item. I positioned myself behind them in the queue for the till, there was no one else in the queue at this point. [redacted] placed the Archers Aqua on the counter and was served by an Asian male, of slim build, approximately 5ft4" and approximately 25-30 years old. The seller looked at [redacted] and [redacted] and then asked for £3.29, [redacted] handed him the money and waited to receive her change. At no point did the seller ask [redacted] her age or for any form of identification. [redacted] picked up the bottle of Archers Aqua from the counter and left the premise. I made my purchase and left the premise. At approximately 1835 hours we returned to the car where I witnessed [redacted] pass

Signed *E. Flinders* Date 17/02/2012

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

Continuation of statement of Esther Katherine Flinders

Page 2

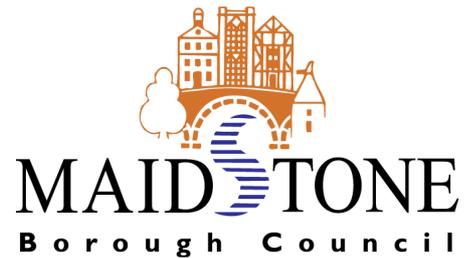
Oliver Jewell the alcohol. *E. Flinders*

Signed *E. Flinders*

Date 17/02/2012

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



Premises Licence Number	10/02283/LAPRE
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Mini Market 39 High Street Maidstone Kent. ME14 1JH	
Telephone number	01622 663100

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities
Sale or Supply of Alcohol
Every Day
06:00 - 00:00

The opening hours of the premises
Every day
06:00 - 00:00

The non-standard opening hours of the premises
None

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

K A Supermarket Ltd
7 West Moreland House
Cumberland Park
London. NW10 6RE

Business telephone number 07886 374199

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

Registered Business Number 6394303

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

Mr Mohamad Sardi Horsravie
5 Montague House
Merlini Way
Gillingham
Kent. ME7 4JP

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: Medway-08-PL-1748
Licensing Authority: Medway Council



Neil Harris
Democratic Services Manager
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.

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder.

1. CCTV to be fitted to a standard agreed to by the police that complies with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office. CCTV to be so sited as to cover areas where alcohol is on display, the till area, a 'face on' camera covering the entrance and the area directly outside the premises.
2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
3. CCTV shall be operational at all times that members of the public and/or staff are on the premises.
4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
5. The Police or Local Authority will have access to these images at any reasonable time and in any case within 48 hours of the request for the image being made.
6. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image within 48 hours on the initial request being made by either the Police or Local authority.
7. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.

8. All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

The Protection of Children from Harm.

1. A written refusals book will be kept at the premises and all staff fully trained in its use. The book will be bound and clearly marked. The following information will be recorded in this book:-

- Time of refusal
- Item refused
- Name or description of person refused sale
- Reason for refusal
- Name of staff member making refusal

2. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request.

3. Notices to advise customers that 'Challenge 25' is in force will be prominently displayed in all areas.

4. The only proof of age that will be accepted will be a passport, photographic driving licence or an accredited 'PASS' marked proof of age card.

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

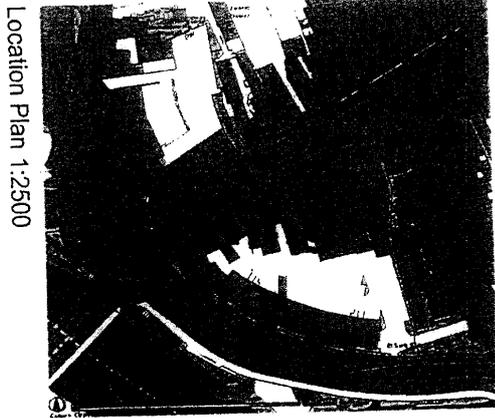
Not applicable

Annex 5 – Plans

Please see attached

Appendix C

10/02283/LAPRE
scan public



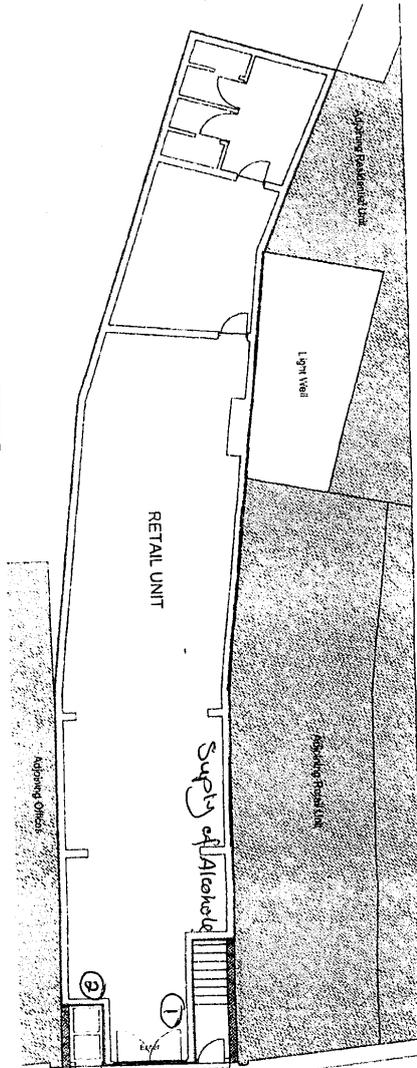
Location Plan 1:2500

Scale 1:100

- ① Fire exit
- ② Fire extinguisher



39 High St Maidstone
LEASE PLAN 2
Scale 1:2500 & 1:100 at A3
Date 09/2009 Dwg No LP 101

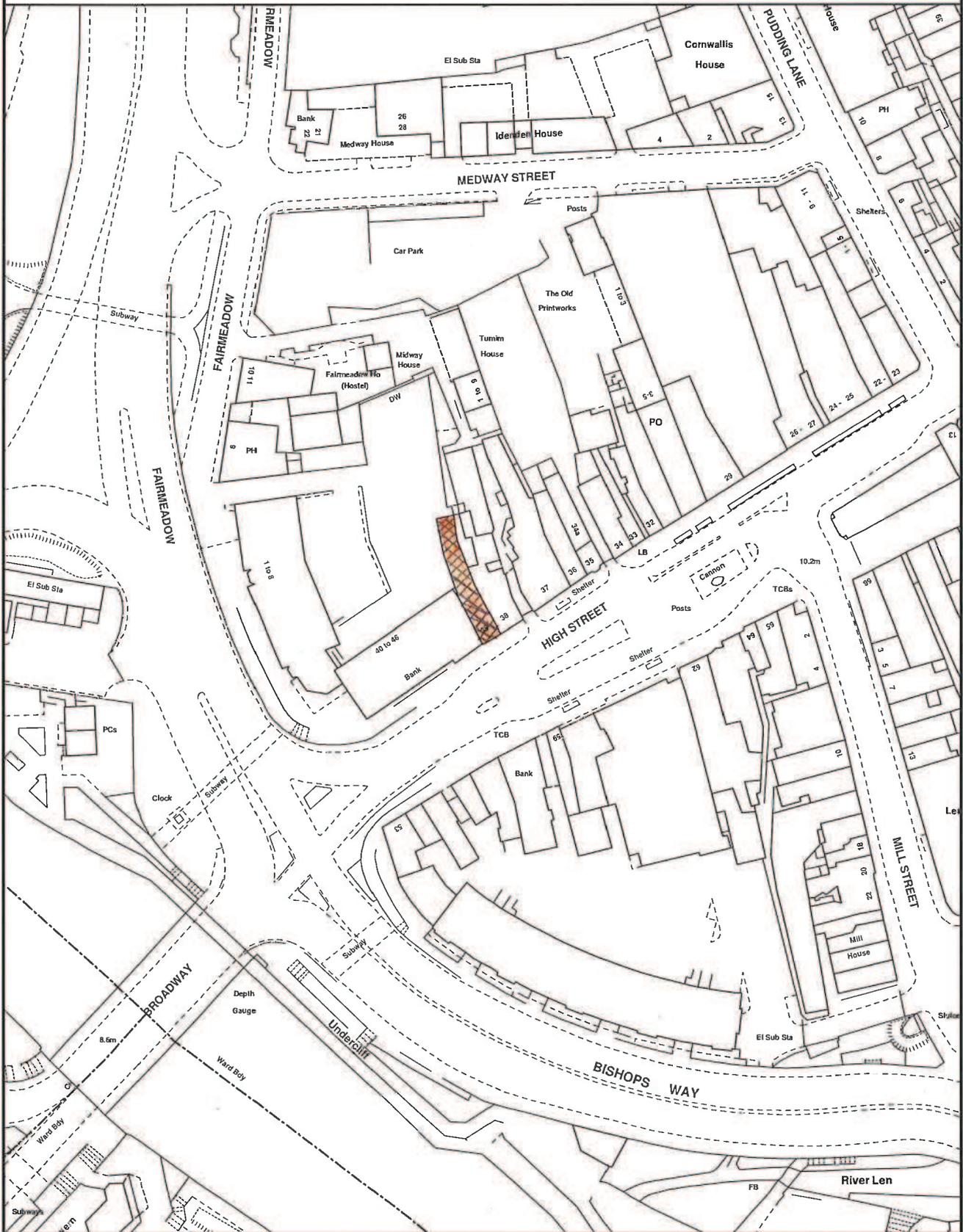


Floor Plan 1:100

39 High St Maidstone

Appendix D

BEVERAGE OFF LICENCE, 39 HIGH STREET, MAIDSTONE, KENT, ME14 1JH



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright.
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Appendix E

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)

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 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.