



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 22/01328/LAPRE

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Applicant: PIRAGATHI LIMITED

Regarding 2 - 3 Appledore Court, Hildenborough Crescent, Maidstone,  
Kent, ME16 0PA

Date(s) of hearing: 16 June 2022

Date of determination: 16 June 2022

Committee Members: [Chairman]: Councillor Brindle (Chair)  
Councillor English  
Councillor Joy

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Debbie Snook

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation       Grant  
 Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence  
 Temporary Event Notice

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

Mr Kajanan Gnanasegaram (Applicant)  
Gill Sherratt (Applicant's Representative)

**Responsible Authorities**

N/A

**Other Persons**

N/A

**Witnesses and legal representatives in support of interested parties**

N/A

**Representations considered in the absence of a party to the hearing:**

Representation made by Laura Green

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives  
Section 16-24 which relate to the grant of a premises licence;  
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapter 8 & 9 which relates to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;  
Chapter 17.10 – 17.18 which relates to the prevention of crime and disorder;  
Chapter 17.19 – 17.21 which relates to public safety  
Chapter 17.22 – 17.25 which relates to the prevention of nuisance;  
Chapter 17.26 – 17.29 which relates to the prevention of children from harm;

The Sub-Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:  
The Committee has decided to:**

- Grant the application as sought with an amended condition as set out below.

**Reasons for determination:**

The Licensing Sub Committee considered an application for a premises licence for Piragathi Limited.

The Sub Committee heard from the Applicant's representative. The Interested Party was not in attendance and in their absence regard was had to the written representations.

The Sub Committee considered the national guidance and the Council's licensing policy, along with the licensing objectives.

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub Committee considered the concerns raised regarding anti social behaviour and noted that no objection had been made by the Police. They considered the conditions regarding staff training and CCTV would assist to promote this licensing objective. They considered the experience of the applicant that was explained during the hearing and welcomed confirmation that staff would be trained before making sales of alcohol, and that responsible staff would be on site when the premises was open for the sale of alcohol. The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective, subject to the amendment to the condition discussed in the hearing.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub Committee considered the concern raised regarding litter but were not persuaded that it was appropriate to take any further steps over and above those offered in the operating schedule. The Sub Committee considered the amendment to the condition regarding staff training alongside the proposed operating schedule, would ensure promotion of this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective subject to the amendment to the condition discussed in the hearing.

The Sub-Committee welcomed the information provided by the applicant's representative in particular in respect of staff training and presence at the premises. The Sub-Committee carefully considered the concerns raised by the interested party in respect of people taking alcohol from the premises to the nearby playground and they felt that staff training would go a long way to prevent this. On that basis, the decision of the Sub Committee is to grant the application as sought, with an amendment to the condition which has been offered in respect of staff training so that it reads:

*Prior to making sales of alcohol, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours*

The parties are notified that they may appeal the decision to the Magistrates Court within 21 days beginning with the date of notification of the written decision. Parties should be aware that the Magistrates Court may make an order with respect of the costs of any appeal. Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

PRINT NAME (CHAIRMAN): COUNCILLOR ANNE BRINDLE

Signed [Chairman]:

A copy of the original document is held on file

Date: 21 June 2022