

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Monday 18 July 2011

Time: 10.00 am

Venue: Room 6B, Maidstone House

Membership:

Councillors FitzGerald, Mrs Gibson and Mrs Parvin

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 - To Vary a Premises Licence under the Licensing Act 2003 for Black Rocks, 62 High Street, Maidstone, Kent, ME14 1SR. | 1 - 49 |

Continued Over/:

Issued on 8 July 2011

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: 1 - Summary of Report

Licence Reference 11/00494/LAPRE

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

Date: 4TH JULY 2011

Report Title: BLACK ROCKS
62 HIGH STREET
MAIDSTONE
KENT
ME14 1SR

Application to: Vary a Premises Licence under the Licensing Act 2003

Report Author: Lorraine Neale

Summary:

1. The Applicant – Margaret Preedy
2. Type of authorisation applied for: To vary a Premises Licence under the Licensing Act 2003. (Appendix A)
3. To extend the permitted hours and licensable activities of the premises and to add B) Films, C) Indoor Sporting Events, D) Boxing or Wrestling, H) Anything similar to E, F, or G, I) Facilities for making music and K) Anything similar to I or J to the Premise Licence.
4. Current and Proposed Licensable Activities and hours:

The licensable activities of the current licence are as follows:-	The proposed licensable activities for the varied licence are as follows:-
A) Plays Sunday to Thursday 11:00 - 00:00 (Indoors) Friday and Saturday 11:00 - 02:00 (Indoors)	A) Plays Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
B) Films N/A	B) Films Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
C) Indoor Sporting Events N/A	C) Indoor Sporting Events Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
D) Boxing or Wrestling N/A	D) Boxing or Wrestling Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
E) Live music Sunday to Thursday 11:00 - 00:00 (Indoors) Friday and Saturday 11:00 - 02:00 (Indoors)	E) Live music Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
F) Recorded music Sunday to Thursday 11:00 - 00:00 (Indoors) Friday and Saturday 11:00 - 02:00 (Indoors)	F) Recorded music Sunday to Wednesday 08:00 - 00:00 (Indoors) Thursday to Saturday 08:00 - 04:00 (Indoors)
G) Performances of dance Sunday to Thursday 11:00 - 00:00 (Indoors) Friday and Saturday 11:00 - 02:00 (Indoors)	G) Performances of dance Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
H) Anything similar to E, F, or G	H) Anything similar to E, F, or G Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)

I) Facilities for making music	I) Facilities for making music Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
J) Facilities for dancing Sunday to Thursday 11:00 - 00:00 (Indoors) Friday and Saturday 11:00 - 02:00 (Indoors)	J) Facilities for dancing Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
K) Anything similar to I or J	K) Anything similar to I or J Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
L) Late Night Refreshment Sunday to Thursday 23:00 - 00:00 (Indoors) Friday and Saturday 23:00 - 02:00 (Indoors)	L) Late Night Refreshment Sunday to Wednesday 23:00 - 00:00 (Indoors) Thursday to Saturday 23:00 - 04:00 (Indoors)
M) Sale or Supply of Alcohol Monday to Thursday 11:00 - 00:00 Friday and Saturday 11:00 - 02:00 Sunday 12:00 - 00:00	M) Sale or Supply of Alcohol Sunday to Wednesday 10:00 - 00:00 (Indoors) Thursday to Saturday 10:00 - 04:00 (Indoors)
O) Opening Hours Sunday to Thursday 11:00 – 00:00 Friday and Saturday 11:00 – 02:00	O) Opening Hours Sunday to Wednesday 08:00 - 00:00 (Indoors) Thursday to Saturday 08:00 - 04:00 (Indoors)

Affected Wards: High Street

Recommendations: **The Committee is asked to decide whether to vary the terms of the licence.**

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

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

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

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

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

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

Report Title: BLACK ROCKS, 62 HIGH STREET, MAIDSTONE, KENT, ME14 1SR

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

Purpose of the Report

The report advises Members of an application for a Premises Licence to be varied under the Licensing Act 2003, made by Margaret Preedy, in respect of the premises Black Rocks, 62 High Street, Maidstone, Kent, ME14 1SR in respect of which 1 representation (Appendix C) has been received from a Responsible Authority. There have been no representations received from Interested Parties.

Issue to be Decided

Members are asked to determine whether to grant or reject the application.

Background

1. The relevant sections are Part 3 ss 16-19, 23 & 24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
3. 1 representation was received from a Responsible Authority
4. The table below illustrates the relevant representation which has been received

Responsible Authority/Interested Party	Licensing Objective	Associated Documents	Appendix
Kent Police	Crime & Disorder Children from Harm	Letter	C

Kent Police believe that extending the licence runs the risk that the venue will contribute to the NTE arrests that occur between midnight and 03:00 (details Appendix C).

The current licence has the following conditions attached to the operating schedule:

Prevention of Crime and Disorder

1. Sale of alcohol on the ground floor restaurant level will be ancillary to the sale and consumption of a table meal, with the exception of the area near the bar, as indicated on the plan of the premises attached to this licence.
2. The sale of alcohol on the first floor function room level will be ancillary to the consumption of food and the provision of entertainment. Food in this context will mean at least the provision of a buffet or similar, or a table meal.
3. There will be a minimum of two SIA registered door staff on duty from 20.00 hours until close whenever entertainment is provided.
4. All door staff will wear a reflective arm band suitable for the display of their SIA registration badge.
5. No open bottles, containers or other vessels will be permitted to be taken outside of the licensed area, except within an area covered by a KCC Highways Authority permit allowing tables and chairs to be placed on the footpath.
6. CCTV will be installed and working to the satisfaction of the police and the licensing authority.
7. Recordings will be kept for a period of at least 30 days and the police and licensing authority will be permitted reasonable access to recordings.
8. The premises will be a member of the Nitenet radio system.
9. All-inclusive nights or irresponsible drinks promotions will not be permitted.
10. Staff shall be trained to identify any person who is under the influence of any illegal, illicit or intoxicating substance, or any person who is behaving in a disorderly or aggressive manner. Any such person should be reported to the manager, DPS or responsible person on duty and ejected from the premises, or the matter reported to the relevant agency or authority.

Prevention of Public Nuisance

11. The volume of background music will be set at a level such that it will not cause public nuisance and will be adjustable by the manager/DPS or other responsible person only.

Protection of Children from Harm

12. The family/children's area of the restaurant shall be situated away from the main bar.

5. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is necessary to do so to promote the licensing objectives.;**
6. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives

N/A

b) The prevention of crime and disorder

CCTV, DOOR SUPERVISION WHEN NECESSARY AND STAFF FULLY TRAINED TO BE OBSERVANT

c) Public safety

CCTV, EXTERNAL LIGHTING, DOOR SUPERVISION WHEN NECESSARY AND STAFF FULLY TRAINED TO BE OBSERVANT

d) Prevention of public nuisance

DISPERSAL POLICIES AND NOISE REDUCTION MEASURES

e) The protection of children from harm

NO CHILDREN ADMITTED TO ADULT THEME EVENTS, DISCRETIONAL CONTROL OVER ADMISSION OF CHILDREN IN EVENINGS AND CHALLENGE 21

The Police have requested 11 of the conditions that are attached to the original licence to be applied to the varied licence with amendments to:-

2. The sale of alcohol on the first floor function room level will be ancillary to the consumption of food and/or the provision of a pre-arranged entertainment event. (Food in this context will mean at least the provision of a buffet or similar, or a table meal)

3. On nights where entertainment is provided, events where customer numbers are 150 or greater, SIA registered door staff will be employed at the premises, with a minimum of 2 door staff and working on a ratio of 1:100.

8. The premises will be a member of the Nitenet radio system and a member of staff will monitor the radio system at all times that the premises are trading for the sale or supply of alcohol..

Condition 9 can be removed as it is included in Mandatory condition and the following new conditions to be added.

12.No new entry to the premises after 02:00hrs

13.Only pre-arranged events are to run beyond 01:00hrs.

14. A "Challenge 25" policy will be adopted at the premises

15. All staff involved in the sale or supply of alcohol will be fully trained in "Challenge 25" and the training will be fully auditable and available to any responsible authority on request.

16.Notices to advise customers that "Challenge 25" is in force will be prominently displayed in the premises, including at the entrance and by the bar.

17.A system will be employed at the premises to record refusals of sale and all staff are to be trained in its use. The following information will be recorded;

- i. Time of refusal
- ii. Item refused
- iii. Name or description of the person refused
- iv. Reason for refusal
- v. Name of staff member making the refusal

18. No persons under the age of 18 will be permitted into the relevant areas when "adult" entertainment is provided.

The applicant Margaret Preedy has agreed to all the police conditions (Appendix D)

The Police are happy that the applicant Margaret Preedy has agreed to all their requested conditions being added to the operating schedule. On that basis the Police have verbally agreed with the applicant and the Senior Licensing Officer, that a full hearing is unnecessary. The Police and the applicant will not be attending the hearing and are happy for the Sub-Committee to apply the conditions to the varied licence in their absence. The Police will provide in writing their

reasons for not attending the hearing and this will be available to Sub Committee members on the day of the hearing.

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

Chapters 8 & 9 Premises Licences & Determining Applications

Chapter 10 Conditions

Annex D

part 1 Pool of Conditions relating to Crime & Disorder

part 5 Pool of Conditions relating to Children from Harm

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

20. Prevention of Crime and Disorder

23. Protection of Children from Harm

20. Prevention of Crime and Disorder

Concerns

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in addressing the above concerns in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces.
- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or plastic glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.
- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.
- Membership of Maidsafe (Nite Net).

23. Protection of Children from Harm

A mandatory condition will be applied requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases the Local Authority.

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 the event of an unclassified film, then it is expected that the Licensing Authority will view the film before it is shown in the Council's area.

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.

The body of the Local Authority recognises as being confident to advise on matters relating to the protection of children from harm is Kent Social Services, Brenchley House, County Hall, Maidstone, Kent ME14 1RX.

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.

10. **Options**

Legal options open to members -

- a) GRANT the licence subject to such conditions as are consistent with the operating schedule accompanying the application; MODIFIED to such extent as the Licensing sub-committee considers necessary for the promotion of the licensing objectives and any relevant mandatory condition
- b) EXCLUDE from the licence any of the licensable activities applied for.
- c) REFUSE to specify a person in the licence as premises supervisor
- d) REJECT the application.

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

Section 17 of the Crime and Disorder Act 1988 states:

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

12. **Implications Assessment**

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be

aware that if such a departure is made the risk of appeal/challenge is increased.

13. Human Rights

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

- 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

14. Conclusion

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

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15. List of Appendices

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Police Representation
Appendix D	Applicants agreement to Police Conditions
Appendix E	Premise Licence
Appendix F	Plan of area
Appendix G	Human Rights Articles
Appendix H	Order of Proceedings

16. Appeals

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

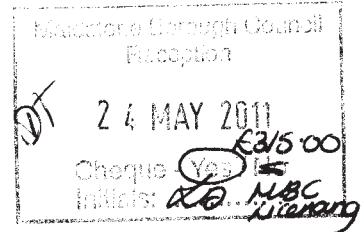
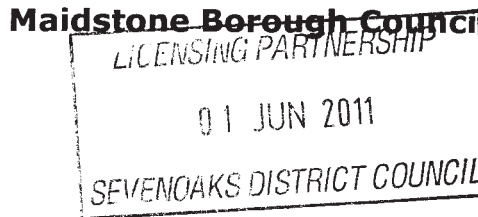
Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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Last Reps 21/6/11

11/01312/LAPRE

APPENDIX A

The Licensing Partnership
PO Box 182
Sevenoaks
TN13 1GP



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
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/We MARGARET FREEDY
(Insert name(s) of applicant)

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

Premises licence number

11/00494/LAPRE

Part 1 – Premises Details

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

BLACK ROCKS MAIDSTONE
62 HIGH STREET

Post town

MAIDSTONE

Post code

ME14 1SR

Telephone number at premises (if any)

01622 667333

Non-domestic rateable value of premises

£ 57,000

Part 2 – Applicant details

Daytime contact
telephone number

07973 858796

E-mail address (optional)

MPREEDY@AOL.COM

APPENDIX A

Current postal address if different from premises address	33 TONBRIDGE ROAD MAIDSTONE		
Post Town	MAIDSTONE	Postcode	ME16 8RX

Part 3 - Variation

Please tick yes

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



If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

TO ALLOW FOR GREATER FLEXIBILITY
AND OFFER MORE SERVICES TO OUR
CUSTOMERS FOR PRIVATE BOOKINGS, SUCH
AS WEDDINGS ETC. AND EVENTS AND
FOR THE EXPANSION OF OUR BUSINESS.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick yes**

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

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment (if ticking yes, fill in box L)****Sale by retail of alcohol (if ticking yes, fill in box M)**

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Mon	1000	0000			
Tue	1000	0000	State any seasonal variations for performing plays (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0400	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1000	0400			
Sat	1000	0400			
Sun	1000	0000			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Mon	1000	0000			
Tue	1000	0000	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0400	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1000	0400			
Sat	1000	0400			
Sun	1000	0000			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS
Mon	1000	0000	
Tue	1000	0000	
Wed	1000	0000	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Thur	1000	0400	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	1000	0400	
Sat	1000	0400	
Sun	1000	0000	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Mon	1000	0000			
Tue	1000	0000	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0400	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1000	0400			
Sat	1000	0400			
Sun	1000	0000			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Mon	1000	0000			
Tue	1000	0000			
Wed	1000	0000	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	1000	0400			
Fri	1000	0400			
Sat	1000	0400	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1000	0000			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	0800	0000	Please give further details here (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Tue	0800	0000			
Wed	0800	0000	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	0800	0400			
Fri	0800	0400	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	0400			
Sun	0800	0000			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Mon	1000	0000			
Tue	1000	0000	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0400	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	1000	0400			
Sat	1000	0400			
Sun	0000	0000			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> STAG AND HEN PARTIES WITH AN ADULT THEME	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	1000	0000		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	1000	0000	<u>Please give further details here</u> (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS	
Wed	1000	0000		
Thur	1000	0400	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri	1000	0400		
Sat	1000	0400	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	1000	0000		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		
			Indoors	<input checked="" type="checkbox"/>	
			Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 3)		
Tue	1000	0000			
Wed	1000	0000			
Thur	1000	0400	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Fri	1000	0400	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	1000	0400			
Sun	1000	0000			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing TO ALLOW FOR GREATER FLEXIBILITY AND INTRODUCTION OF DANCE CLASSES		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1000	0000			
Tue	1000	0000			
Wed	1000	0000	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	1000	0400			
Fri	1000	0400			
Sat	1000	0400	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1000	0000			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> ALL OTHER FORMS OF ENTERTAINMENT	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	1000	0000		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	1000	0000	<u>Please give further details here</u> (please read guidance note 3) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS	
Wed	1000	0000		
Thur	1000	0400	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri	1000	0400		
Sat	1000	0400	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	1000	0000		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1000	0000	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Tue	1000	0000			
Wed	1000	0000			
Thur	1000	0400	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	1000	0400			
Sat	1000	0400			
Sun	1000	0000			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>HEN AND STAG PARTIES</p> <p>ADULT COMEDIANS</p> <p>ADULT ENTERTAINERS</p> <p>NO CHILDREN WILL BE PERMITTED.</p>
--

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	0000	TO ALLOW FOR GREATER FLEXIBILITY FOR PRIVATE BOOKINGS AND EVENTS		
Tue	2300	0000			
Wed	2300	0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0400			
Fri	2300	0400	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	2300	0400			
Sun	2300	0000			

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	0000	
Tue	0800	0000	
Wed	0800	0000	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	0800	0400	
Fri	0800	0400	
Sat	0800	0400	
Sun	0800	0000	

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

APPENDIX A

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

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

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

b) The prevention of crime and disorder

CCTV
DOOR SUPERVISION WHEN NECESSARY
STAFF FULLY TRAINED TO BE OBSERVANT

c) Public safety

CCTV
EXTERNAL LIGHTING
DOOR SUPERVISION WHEN NECESSARY
STAFF FULLY TRAINED TO BE OBSERVANT

d) The prevention of public nuisance

DISPERSAL POLICIES
NOISE REDUCTION MEASURES

e) The protection of children from harm

NO CHILDREN ADMITTED TO ADULT THEME EVENTS
DISCRETIONARY CONTROL OVER ADMISSION OF
CHILDREN IN EVENINGS
CHALLENGE 21

APPENDIX A


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	23/5/11
Capacity	OWNER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Emergency Lighting



Non maintained emergency lights



Maintained emergency lights with running man symbol

Fire detection & Alarm system

General

Fire system is configured to conform to the L2 protection risk category and BS 5839 Part 1: 2002 addressable with the fire panel, zoned with isolators, conforming to BS 54 with all component BS compliant; Manual Call Points BS EN 54-11, Heat detectors BS EN 54-3, Smoke detectors BS EN 54-7 and Alarms BS EN 54-3.

The system comprises Fire cabling FP200 2 core installed isolated and pinned as per regulation incorporating fire rated clips. The wiring is looped from front fire panel and subsequently routed through the building ground level to each unit exiting through rear manual call point to enter upper level fire exit and subsequently returning to the fire panel after interconnecting all the units in line.

An interconnected audible alert via sounders is incorporated under special condition as Pizza Hut resides under our flying freehold. It has been agreed with Pizza Hut management that each Wednesday this interconnection will be tested at 9am and the policy will be to investigate the authenticity of alarm and if genuine the fire evacuation policy is one out all out however if there is no response from either party to the alert then the system will automatically sound the fire alert state.

Bollom Fire protection

All decorative timber is to be treated as per Bollom specification and certified as compliant and correct with the certificates submitted to the relevant building regulations inspector.

DR DRAINAGE DETAILS

DR.1 GENERAL

Waste pipes and drain systems to be UPVC by 'Marley' or similar approved, to BS 4514 for waste pipes and fittings, BS 4660 for drains and fittings.

DR.2 EXISTING DRAINS

Adequately protect existing live drains and maintain normal flows during construction. Existing drains to be thoroughly rodded and flushed to ensure clear operation.

DR.3 APPLIANCE DETAILS

SINKS 40mm dia. UPVC waste pipe with 75mm deep seal 'P' made trap and fall to new 50mm dia. Waste pipes.

DR.4 WASTE PIPES

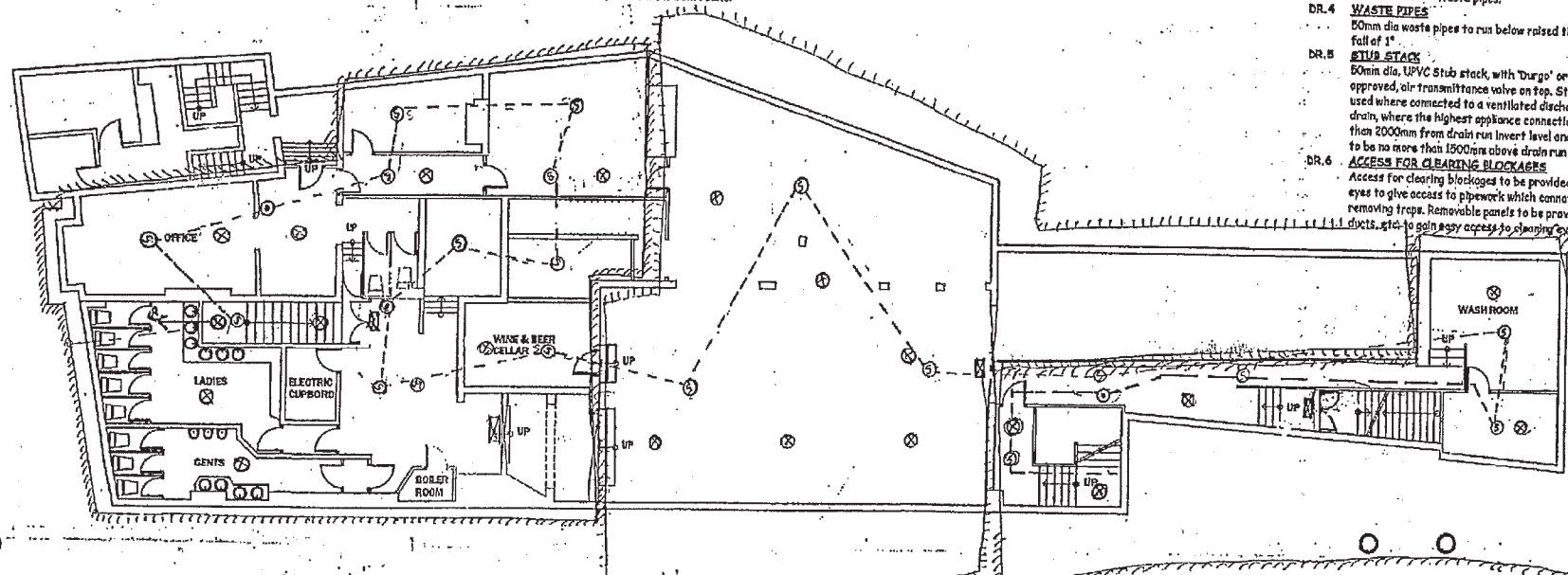
50mm dia waste pipes to run below raised timber floor to min fall of 1°

DR.5 STUB STACK

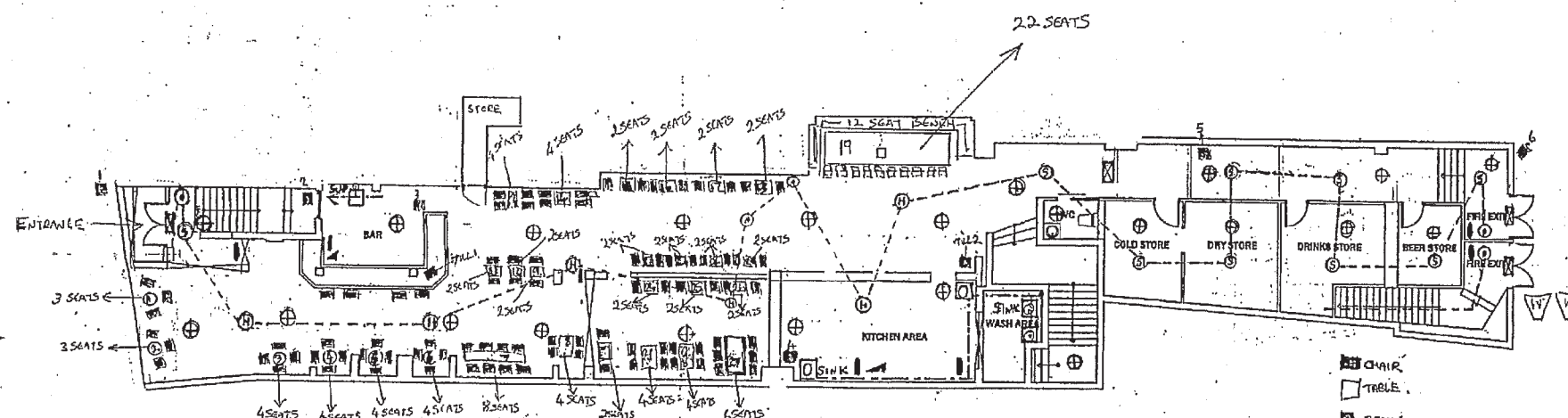
50mm dia. UPVC Stub stack with 'Turgo' or similar approved, air transmittance valve on top. Stub stack can be used where connected to a ventilated discharge stack or drain, where the highest appliance connection to be no more than 2000mm from drain run invert level and WC connection to be no more than 1500mm above drain run invert level.

DR.6 ACCESS FOR CLEARING BLOCKAGES

Access for clearing blockages to be provided with cleaning eyes to give access to pipework which cannot be accessed by removing traps. Removable panels to be provided to pipe ducts, etc. to gain easy access to cleaning eyes and traps.



NEW FIRST FLOOR PLAN



NEW GROUND FLOOR PLAN

CHAIR

TABLE

CCTV

TILLS

FIRE EXTINGUISHER

FIRE BLANKET

FIRE CALL POINT

TO BE REFINISHED 200%

WASTE

USED AREA ON FIRST FLOOR

FLAMING HENRY'S
62-63 HIGH STREET
MAIDSTONE KENT ME14 1SF
GOURMET PROPERTIES LTD.

GROUND FLOOR PLANS

PROJECT NUMBER: 03
ISSUED: 13/10/05
DRAWN BY: K.B. & S.A.
CHECKED BY: BA INTERIORS
FILENAME: STEAK HOUSE

SCALE 1:100



Details of person making objection

Name of Chief Officer of Police	Chief Insp Stephen Griffiths
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone. ME15 6NF
E-mail address	10051@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	Black Rocks
Address of premises:	62-63 High Street Maidstone Kent ME14 1SR
Date application received by police	27/05/2011
Date representation sent to Licensing Authority	07/06/2011

*Must be within 28 days of receipt –
The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.*

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because

Please use separate sheets where necessary

APPENDIX C

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

Please see attached sheet

Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

Please see attached sheet

Signed: Neil Barnes (CC))

Date: .07.\.06\..2011...

Print name: .PC Neil Barnes

Force Number: ...10051...

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

Please give the reason for the representation and detail the evidence supporting it:

Kent Police submit this representation as the premises now known as Black Rocks, 62 High Street, Maidstone have submitted a variation, requesting that their hours of operation be extended. A fair generalisation being that the premises which can currently trade until midnight from Sunday to Thursday and until 02:00hrs on Fridays and Saturdays be allowed to trade until midnight from Sunday to Wednesday and until 04:00hrs on Thursday, Fridays and Saturdays. We also believe the premises wish to open earlier as well.

The venue is located at the lower end of Maidstone High Street and is situated amongst a number of other licensed premises including clubs, pubs, off licences and restaurants. Although it is fair to say that currently the premises have only a minor effect on the Policing of the town centre, there is fear that should it's hours be extended then more calls may well occur as we can see that other late night premises in the near area* do have an impact on Policing the town centre.

This is evidenced by the fact that Kent Police have already received 25 disturbance or public order calls to the near area* this year alone and five of those calls have occurred after 02:00hrs. It should also be noted that the majority of town centre NTE arrests occur between midnight and 03:00hrs. Extending this licence means that it runs a greater risk of adding to those statistics as customer's will consume more alcohol during that extended period.

The premises currently operates as a restaurant but also has a large upstairs function room which they are hoping to become more useful once the hours are extended. Having spoken with the applicant it is our understanding that this upstairs room is to be for pre arranged functions and it is not to become simply another bar for off the street custom.

*Near area refers to the Postcode, which consists of 59 – 65, High Street.

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Committee may take into account.

In regards to the Embedded Conditions currently attached to the licence.

1) No change.

2) *(To be amended to read.)* The sale of alcohol on the first floor function room will be ancillary to the consumption of food and/or the provision of a pre-arranged entertainment event. (Food in this context will mean at least the provision of a buffet or similar, or a table meal.)

3) *(To be amended to read)* On nights where entertainment is provided, events where customer numbers are 150 or greater, SIA registered door staff will be employed at the premises, with a minimum of 2 door staff and working on a ratio of 1:100.

4) No Change.

5) No change.

6) No change.

7) No change.

8) *(To be amended to read)* The premises will be a member of the Nitenet Radio system and a member of staff will monitor the radio system at all times that the premises are trading for the sale or supply of alcohol.

9) This condition can now be removed as it is included in Mandatory conditions.

10) No change.

11) No change.

12) No change.

The following new conditions are to be added to the licence.

13) No new entry to the premises after 02:00hrs.

14) Only pre-arranged events are to run beyond 01:00hrs.

15) A "Challenge 25" policy will be adopted at the premises.

16) All staff involved in the sale or supply of alcohol will be fully trained in "Challenge 25" and the training will be fully auditable and available to any responsible authority on request.

17) Notices to advise customers that "Challenge 25" is in force will be prominently displayed in the premises, including at the entrance and by the bar.

18) A system will be employed at the premises to record refusals of sale and all staff are to be trained in its use. The following information will be recorded:

- (i) Time of refusal.
- (ii) Item refused.
- (iii) Name or description of the person refused.
- (iv) Reason for refusal.
- (v) Name of staff member making the refusal.

19) No persons under the age of 18 will be permitted into the relevant areas when "adult" entertainment is provided.

Neil BARNES PC 10051 - Re: Can you please give me a call at some point preferably tomorrow (09/06/11) regarding your licence application.

From: Margaret Preedy <MPREEDY@AOL.COM> *LAST RePS*
To: "Neil BARNES PC 10051" <neil.barnes@kent.pnn.police.uk> *21/6/11*
Date: 10/06/11 12:22
Subject: Re: Can you please give me a call at some point preferably tomorrow (09/06/11) regarding your licence application.

Hi Neil

Thank you for your notes re the variations. I am happy with all the conditions that you have applied

Look forward to hearing from you again soon

Regards

Margaret

Margaret Preedy
 01622 688212 / 07973 858796
www.margaretpreedy.co.uk www.rianos.co.uk www.blackrocksmaidstone.co.uk

On 8 Jun 2011, at 15:45, Neil BARNES PC 10051 wrote:

Can you please give me a call at some point preferably tomorrow (09/06/11) regarding your licence application.

There isn't any major issues but I forgot that if I raise representations against a "variation" (which your application is) then it will automatically go to a hearing.

This isn't a problem on itself but I am finding out through the council's licensing dept if it's something we need to attend or can simply agree beforehand and leave them to sort out.

When you phone I will explain all and discuss my proposals.

Many thanks

PC Neil Barnes 10051

01622 604403

This email and any other accompanying document (s) contain information from Kent Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content including any subsequent replies could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning 01622 690690.=

PREMISES LICENCE

**The Licensing Act 2003
Schedule 12, Part A**



Premises Licence Number	11/00494/LAPRE
--------------------------------	-----------------------

Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code

Flaming Henry's
62 High Street
Maidstone
Kent. ME14 1SR

Telephone number 01622 669333

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Plays
Live music
Recorded music
Performances of dance
Facilities for dancing
Sale or Supply of Alcohol
Late Night Refreshment

Licence Number: 11/00494/LAPRE
Issue Date: 25/03/2011

Page 1 of 6

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

Times the licence authorises the carrying out of licensable activities

Plays	Sunday to Thursday	11:00 - 00:00	(Indoors)
	Friday and Saturday	11:00 - 02:00	(Indoors)
Live music	Sunday to Thursday	11:00 - 00:00	(Indoors)
	Friday and Saturday	11:00 - 02:00	(Indoors)
Recorded music	Sunday to Thursday	11:00 - 00:00	(Indoors)
	Friday and Saturday	11:00 - 02:00	(Indoors)
Performances of dance	Sunday to Thursday	11:00 - 00:00	(Indoors)
	Friday and Saturday	11:00 - 02:00	(Indoors)
Facilities for dancing	Sunday to Thursday	11:00 - 00:00	(Indoors)
	Friday and Saturday	11:00 - 02:00	(Indoors)
Sale or Supply of Alcohol	Monday to Thursday	11:00 - 00:00	
	Friday and Saturday	11:00 - 02:00	
	Sunday	12:00 - 00:00	
Late Night Refreshment	Sunday to Thursday	23:00 - 00:00	(Indoors)
	Friday and Saturday	23:00 - 02:00	(Indoors)

The opening hours of the premises

Sunday to Thursday 11:00 - 00:00
Friday and Saturday 11:00 - 02:00

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 on the premises.

Part 2**Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence**

Miss Margaret Preedy
33 Tonbridge Road
Maidstone
Kent. ME16 8RX

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

N/A

Licence Number: 11/00494/LAPRE
Issue Date: 25/03/2011

Page 2 of 6

Licence issued by:
The Licensing Partnership P.O. Box 139 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

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

Miss Margaret Preedy
33 Tonbridge Road
Maidstone
Kent. ME16 8RX

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: MAID0185/LP/1564
Licensing Authority: Maidstone Borough Council



Neil Harris
Democratic Services Manager
Maidstone Borough Council

Licence Number: 11/00494/LAPRE
Issue Date: 25/03/2011

Page 3 of 6

Licence issued by:
The Licensing Partnership P.40 Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Annex 1 – Mandatory conditions

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

No sale or 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 sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

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

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

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

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

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

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

5. The responsible person shall ensure that -

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. Sale of alcohol on the ground floor restaurant level will be ancillary to the sale and consumption of a table meal, with the exception of the area near the bar, as indicated on the plan of the premises attached to this licence.

2. The sale of alcohol on the first floor function room level will be ancillary to the consumption of food and the provision of entertainment. Food in this context will mean at least the provision of a buffet or similar, or a table meal.

3. There will be a minimum of two SIA registered door staff on duty from 20.00 hours until close whenever entertainment is provided.

4. All door staff will wear a reflective arm band suitable for the display of their SIA registration badge.

5. No open bottles, containers or other vessels will be permitted to be taken outside of the licensed area, except within an area covered by a KCC Highways Authority permit allowing tables and chairs to be placed on the footpath.

6. CCTV will be installed and working to the satisfaction of the police and the licensing authority.

7. Recordings will be kept for a period of at least 30 days and the police and licensing authority will be permitted reasonable access to recordings.

8. The premises will be a member of the Nitenet radio system.

9. All-inclusive nights or irresponsible drinks promotions will not be permitted.

10. Staff shall be trained to identify any person who is under the influence of any illegal, illicit or intoxicating substance, or any person who is behaving in a disorderly or aggressive manner. Any such person should be reported to the manager, DPS or responsible person on duty and ejected from the premises, or the matter reported to the relevant agency or authority.

Prevention of Public Nuisance

11. The volume of background music will be set at a level such that it will not cause public nuisance and will be adjustable by the manager/DPS or other responsible person only.

Protection of Children from Harm

12. The family/children's area of the restaurant shall be situated away from the main bar.

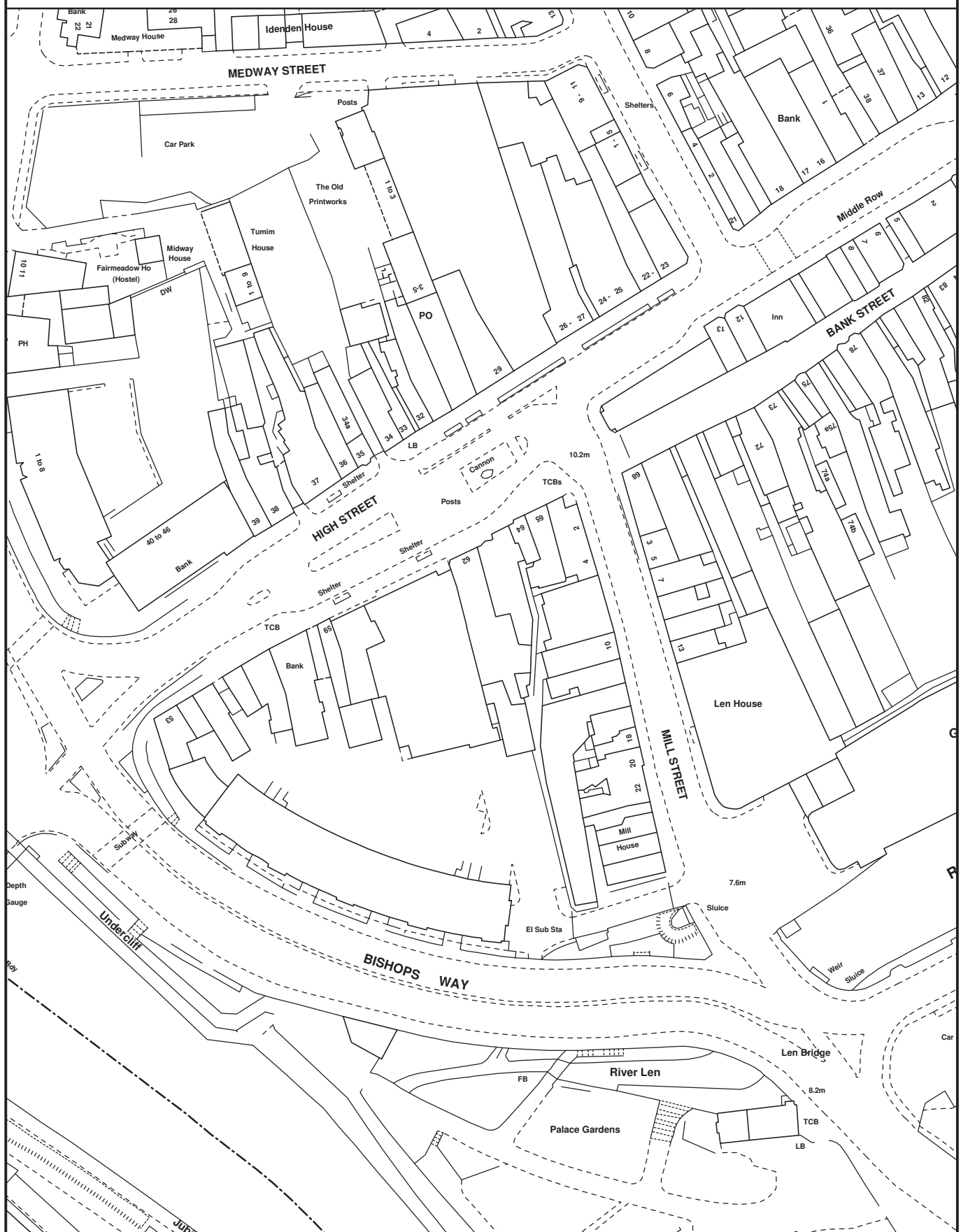
Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached

BLACK ROCKS (formerly Flaming Henrys), 62 HIGH STREET, MAIDSTONE, KENT, ME14 1SR



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Appendix G

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 New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

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

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

ii) Procedural Matters

- **Procedure**

The Chairman will:

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

- **Submissions**

The Chairman will:

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

- **Discussion and cross-examination**

The Chairman will:

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

- **Disruptive Behaviour**

The Chairman will:

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

- **Reading of Papers**

The Chairman will:

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

- **Draft Conditions**

The Chairman will:

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

- **Witnesses**

The Chairman will:

- ☐ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ☐ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

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

i) The Applicant

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

ii) Responsible Authorities (where applicable)

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

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

iii) Interested Parties

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

Closing Speeches

In the following order:

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

End of Hearing

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

The Decision

The Chairman shall declare in public session:

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