

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Monday 27 February 2012

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Joy, Naghi and 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 - Application for a Premises Licence under the Licensing Act 2003 to be granted for Family Bargains, Unit 1B, London Road, Allington, Maidstone, Kent, ME16 0DT 1 - 55

Continued Over/:

Issued on 17 February 2012

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

**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 12/00161/LAPRE

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

Date: 14TH FEBRUARY 2012

Report Title: FAMILY BARGAINS
UNIT 1B
LONDON ROAD
ALLINGTON
MAIDSTONE
KENT
ME16 0DT

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

Report Author: Lorraine Neale

Summary:

1. The Applicants – 99p Stores Limited
2. Type of authorisation applied for: a premises licence under the Licensing Act 2003, S17.
3. Proposed Licensable Activities and hours:

M)	Supply of alcohol; Off the premises	Monday to Sunday	08.00 to 23.00
O)	Opening Hours	Monday to Sunday	08.00 to 23.00

Affected Wards: Bridge Ward

Recommendations: **The Committee is asked to determine the application and decide whether to grant a 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: FAMILY BARGAINS,UNIT 1B, LONDON ROAD, ALLINGTON, MAIDSTONE, KENT, ME16 0DT

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

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by 99p Stores Ltd, in respect of the premises Family Bargains,Unit 1B, London Road, Allington, Maidstone, Kent, ME16 0DT in respect of which 5 representations (Appendix C) have been received from Interested Parties

Issue to be Decided

1. Members are asked to determine whether to i) grant subject conditions consistent with the operating schedule modified to such extent as considered necessary for the promotion of the licensing objectives and any mandatory condition, ii) grant excluding any of the licensable activities applied for, iii) grant refusing to specify a premises supervisor, or iv) reject the application.

Background

2. 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
3. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
4. 5 representations were received from Interested Parties
5. The table below illustrates the relevant representation which have been received

Responsible Authority/Interested Party	Licensing Objective	Associated Documents	Appendix
Mrs W Skinner – Headteacher, on behalf of governing body – Brunswick House Primary School	Children from Harm	E mail	C
Ms Mary Smith – Headteacher, Maidstone Grammar School for Girls.	Public Nuisance Public Safety Children from Harm	E mail	C

Mr T Gill	Public Nuisance Children from Harm	E mail	C
E Fidock	Public Safety Children from Harm	E mail	C
Mr R Rowland	Crime and Disorder Public Nuisance Children from Harm	E mail	C

6. **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.;**
7. **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 SHALL BE INSTALLED AT THE PREMISES TO INCLUDE COVERAGE OF THE CASH TILLS. THE IMAGES RECORDED SHALL BE RETAINED IN AN UNEDITED FORMAT FOR A PERIOD OF 31 DAYS AND MADE AVAILABLE TO THE POLICE AND AUTHORISED OFFICERS OF THE COUNCIL UPON REQUEST.

STAFF SHALL BE INSTRUCTED THAT ALCOHOL MAY NOT BE SOLD TO ANY PERSON WHO IS BELIEVED TO BE INTOXICATED

c) Public safety

THE PREMISES SHALL BE SUBJECT TO REGULAR AND ONGOING RISK ASSESSMENTS LINKED TO THE PHYSICAL ASPECTS OF THE PREMISES.

d) Prevention of public nuisance

N/A

e) The protection of children from harm

NOTICES SHALL BE DISPLAYED INSIDE THE PREMISES STATING THAT IT IS AN OFFENCE FOR ANY PERSON UNDER 18 YEARS OF AGE TO PURCHASE ALCOHOL.

STAFF SHALL BE TRAINED THAT ALCOHOL MUST NOT BE SOLD TO ANY PERSON UNDER 18 YEARS OF AGE.

A CHALLENGE 25 POLICY SHALL BE IMPLEMENTED AND ACCEPTABLE FORMS OF EVIDENCE OF AGE SHALL BE A PASSPORT, PHOTO DRIVING LICENCE OR PASS APPROVED PROOF OF AGE CARD.

CASH TILLS USED FOR THE SALE OF ALCOHOL SHALL HAVE THE BENEFIT OF AN ELECTRONIC PROMPT FOR OPERATORS IN RESPECT OF AGE RESTRICTED SALES .

The Police initially made representation which was received on 25.1.2012 (Appendix D), 99p Stores Ltd agreed to the amendment of their operating schedule to include the following conditions to be attached to the licence as part of their application:

- 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, with all public areas, including access and egress points covered. It is also to cover the till areas.
- The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
- CCTV shall be operational at all times that members of the public and/or staff are on the premises.
- Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
- 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.
- The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom, DVD, memory stick or any other appropriate means of the image within 48 hours of the initial request being made by either the Police or Local authority.
- All staff involved in the sale or supply of alcohol 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.
- A system for recording "sale refusals" will be kept at the premises and all staff fully trained in its use. The system will be auditable and will record the following information:-
 - (i). Time of refusal
 - (ii). Item refused
 - (iii). Name or description of the person refused
 - (iv). Reason for the refusal
 - (v). Name of the staff member making the refusal
- The refusal recording system will be made available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
- A 'Challenge 25' scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be fully trained in 'Challenge 25' scheme and this training will be recorded. Such records will be available to the Police or other responsible authority upon request.
- Staff at the premises will be responsible for the general appearance of the area at the front of the premises making sure that it is clear of litter at the end of the trading day. The area covered will be the width of the premises and stretch as far as the access road which runs around to the rear of the building.

Following the applicant's request to attach the condition the Police withdrew their representation on 26.1.2012 (Appendix D)

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 2 Pool of Conditions relating to Public Safety**

part 4 Pool of Conditions relating to Public Nuisance
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**
- 21. The Promotion of Public Safety**
- 22. Prevention of Public Nuisance**
- 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).

21. The Promotion of Public Safety

The Licensing Authority wishes to ensure the safety of everyone on licensed premises.

Concerns

Capacity

Where existing legislation does not provide adequately for the safety of the public, club members or guests, the occupancy capacity for premises and events (to include performers and staff) may be an important factor in promoting public safety. Subject to the requirements of the following paragraph the Licensing Authority will expect the issue of occupancy capacity and adequate controls of the numbers of persons on premises or attending an event to be considered by an applicant when completing an Operating Schedule. Where a relevant representation is received in respect of capacity the Licensing Authority will consider setting capacity limits in consultation with the Kent and Medway Fire and Rescue Authority for the following premises:

- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment within the meaning of the Act is being provided.
- The Applicant might also consider the following concerns when assessing the appropriate capacity for premises or events in the Maidstone area. These could include:-
- The design and layout of the premises.
 - The nature of the premises or event.
 - The nature of the licensable activities being provided.
 - The provision or removal of temporary structures, such as a stage or furniture.
 - The number of staff available to supervise customers both ordinarily and in the event of an emergency.
 - The customer profile (e.g. age, disability).
 - The attendance by customers whose first language is not English.
 - Availability of suitable and sufficient sanitary accommodation.
 - The nature and provision of facilities for ventilation.
 - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

Where capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to consider the arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

Additional Steps

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

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance.
- Provision of effective CCTV in and around premises.
- Provision of toughened or plastic non disposable glasses/bottles.
- Implementation of crowd management measures.
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

22. Prevention of Public Nuisance

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

When addressing the issue of prevention of public nuisance, 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 likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

Additional Steps

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

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

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 Licensing Authority recognises Kent County Council Social Services, Mid Kent Area, District Office, Bishop's Terrace, Bishop's Way, Maidstone, Kent, ME14 1AF as a body representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on such matters. It is therefore, a responsible authority for the purposes of Section 13(4) and Section 69(4) of the Act.

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 | Representations (Interested Parties) |
| Appendix D | Conditions agreed by the Police |
| Appendix E | Plan of area |
| 16. Appendix F | Human Rights Articles |
| Appendix G | Order of Proceedings |

17. **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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12/00161 /LAPRE



Application for a premises licence to be granted
under the Licensing Act 2003

NO FEE (SEE EMAIL FROM SN)
SEL

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 99p Stores Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Family Bargains Unit 1B London Road Allington			
Post town	Maidstone	Post code	ME16 0DT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£345000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name 99p Stores Limited
Address Style Way Pineham Northampton Northamptonshire NN4 9EX
Registered number (where applicable) 04058808
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Registered Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
0	6	0	2	2	0
1	2				

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note¹)
Home retail store selling a range of household and consumer goods

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

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)

☐

Supply of alcohol (if ticking yes, fill in box M)

☒

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input 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)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

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

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur						
Fri						
Sat			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						

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 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)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for 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					

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>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed			<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)	
Thur				
Fri				
Sat				
Sun				

J

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

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>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<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				
Sat			<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				

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 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)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

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 type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Sunil Kumar	
Address 8 Yare Grove Willenhall West Midlands	
Postcode	WV13 2SH
Personal Licence number (if known) WS/PEL11394	
Issuing licensing authority (if known) Walsall Council	

N

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)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:00	<u>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</u> (please read guidance note 5)
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

P Describe the steps you intend to take to promote the four licensing objectives:

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

b) The prevention of crime and disorder

CCTV shall be installed at the premises to include coverage of the cash tills. The images recorded shall be retained in an unedited format for a period of 31 days and made available to the police and authorised officers of the Council upon request.

Staff shall be instructed that alcohol may not be sold to any person who is believed to be intoxicated.

c) Public safety

The premises shall be subject to regular and ongoing risk assessments linked to the physical aspects of the premises.

d) The prevention of public nuisance

e) The protection of children from harm

Notices shall be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol.

Staff shall be trained that alcohol must not be sold to any person under 18 years of age.

A Challenge 25 Policy shall be implemented and acceptable forms of evidence of age shall be a passport, photo driving licence or PASS approved proof of age card.

Cash tills used for the sale of alcohol shall have the benefit of an electronic prompt for operators

in respect of age-restricted sales.

Please tick yes

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

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 4 – Signatures (please read guidance note 10)

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

Signature	<i>Licensing Legal</i>
Date	6 th January 2012
Capacity	SOLICITORS & AUTHORISED AGENTS FOR THE APPLICANT

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)			
LICENSING LEGAL SOLICITORS BARCLAY HOUSE 35 WHITWORTH STREET WEST			
Post town	MANCHESTER	Post code	M1 5NG
Telephone number (if any)	0161 237 9961		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
sw@licensinglegal.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Lorraine Neale

From: Mrs Wendy Skinner [headteacher@brunswick-house.kent.sch.uk]
Sent: 06 February 2012 14:25
To: Licensing
Subject: proposed license for 99p store in Leafy lane - objection
Importance: High

TO WHOM IT MAY CONCERN

On behalf of the governing body of Brunswick House Primary school, I would like to lodge an objection to the proposed license for 99p stores to operate a business from 8am until 11pm, including the sale of alcohol at the former MFI site off Leafy Lane, Maidstone, ME16. Under the category of 'children from harm', I would like to object on the grounds that this premises is directly opposite and in full view of Brunswick House Primary School. Our school operates from 8am in the mornings an often has functions after school that our children are involved in. Selling alcohol in a premises that would directly appeal to our children (99p enticing the pocket money spenders) is not a premises that we would like to see opposite our school. It concerns me that this would then become a convenient 'stopping point' for people to consume their alcohol in full view of our pupils before and after school. This could in turn lead to problems with anti social behaviour that may well impact upon our premises and the security of it.

Yours Faithfully

Mrs W J Skinner
 Headteacher

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Mrs W J Skinner

Brunswick House Primary School

Leafy Lane

Maidstone

Kent

ME16 0QQ

Lorraine Neale

From: Browne A Mr [abrowne@mggs.org]
Sent: 06 February 2012 15:09
To: Licensing
Cc: headteacher@brunswick-house.kent.sch.uk
Subject: Family Bargains - Licence Application
Attachments: Licensing Unit.doc

Dear Sir,

Our objections to this application are attached. Please confirm receipt of this letter. Thanking you in anticipation

Kind Regards

Andy Browne

Director of Resources
Maidstone Grammar School for Girls
Buckland Road
Maidstone
Kent ME16 0SF

Email: abrowne@mggs.org

Licensing Unit
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 9JQ

6th February 2012

Dear Sir

Application for a Premises Licence – Family Bargains, Unit 1B, London Road, Allington, Maidstone, ME16 0DT

This school is in very close proximity to Family Bargains, being less than 400m away. Also, we are co located with another large secondary school, The Mapelsden Noakes School, making a total of over 2,300 pupils aged between 11 and 18, over 500 of whom are in the sixth form.

We object to the granting of a Premises Licence for Family Bargains, Unit 1B, London Road, Allington, Maidstone, ME16 0DT on the following grounds;

1. **Prevention of crime and disorder.** Sixth formers are permitted to leave school during lunch times. Access to alcohol this close to both schools has the potential to have a significant negative impact on pupil behaviour and as a consequence may lead to criminal activity and public disorder offences.
2. **Public safety.** The consumption of alcohol during the school day by any pupil could have serious implications, not only for the individual's safety but also for the safety of any member of the public that is in close proximity to him or her.
3. **Protection of children from harm.** The consumption of alcohol will undoubtedly fuel anti-social behaviour. This could well include members of the public who do not attend either school. The younger pupils at both schools could well be at risk from harm.

We have very strict protocols in place regarding the prevention of alcohol and substance abuse. All pupils receive education on how to avoid such temptations. Although we have confidence in the vast majority of our students to behave

sensibly the ready availability of low cost alcohol so near to the school will undoubtedly undermine our efforts in this regard.

Therefore, we vehemently object to this application on the grounds stated above.

Yours sincerely

Mary Smith
Headteacher

Lorraine Neale

From: Tim Gill [gillgang@sky.com]
Sent: 06 February 2012 17:01
To: Licensing
Subject: 99p Store argains - Alcohol Licence

Dear Sirs,

I would like to object the to the following Licence Application:

99p Store - Family Bargains
Unit 1B
London Road
Maidstone
Kent
ME16 0DT

I feel it would not be suitable to grant an alcohol licence in such close proximity to 3 schools (Brunswick House, Maplesden Noakes and Maidstone Girls Grammar School). I feel it would encourage underage children to hang around outside in the hope that they can buy cheap alcohol during lunch times and after school and into the evenings. It would encourage some of the older children to hang around at the rear of the premises where they know that not many people would see them! I could also encourage those younger drivers to hang around in the car park late at night, which can them cause a nuisance to shoppers in other stores.

At the moment I understand that the car park is locked at night when all of the other shops have closed. Would this mean that the 99p store would stay open until 11pm?

Regards

Allison Gill

Lorraine Neale

From: Elizabeth Fidock [libbyfidock1@gmail.com]
Sent: 06 February 2012 17:06
To: Licensing
Subject: Ex-MFI premises

Dear Sir/Madam,

I would like to object to the opening of a premises selling Alcohol on what was the MFI store on Leafy Lane, Maidstone. I feel that this area is already congested enough with school traffic (Brunswick House, Maidstone Girls Grammar and Mapleston Noakes). The weight of traffic using Leafy Lane and the current stores, already puts the children walking to school at risk and if this was to be used for a convenience store then this level would only increase. The application to serve alcohol is another concern particularly in relation to the customers that it'll be targeting and the proximity to the schools.

There is already a TESCOs local less than a mile away which serves alcohol.

Your sincerely,

Mrs E Fidock
26 Cornwallis Road,
Maidstone
Kent
ME16 8BA

Lorraine Neale

From: Rob Rowland [rob@church-int.com]
Sent: 06 February 2012 17:44
To: Lorraine Neale
Cc: Stephen Noble
Subject: RE: MFI Premises Sale of Alcohol unsuitable:

Afternoon Lorraine,

My objection is purely on the basis that I believe a large outlet on the MFI site offering the sale of Alcohol from 8 am to 11 pm so close to a school is likely to be detrimental to the environment and safety wellbeing of children:

Ticks three out of four boxes:

- the prevention of crime and disorder; (it's a harmful and expensive drug)
- public safety; (n/a)
- the prevention of public nuisance; (Early morning drinkers gathered near a school)
- the protection of children from harm. (Again links between alcohol and violence are generally accepted in the medical profession)

I have two children in the schools nearby ages 11 and 12. I would like them to be able to arrive to and from school without risk from inebriated people who gather round such premises. With so many other kids (in excess of 2000) in this very small catchment I feel it would be wrong to grant this licence.

Many thanks,

Rob Rowland.

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 Please consider the environment before printing this e-mail.

From: Lorraine Neale [mailto:LorraineNeale@maidstone.gov.uk]
Sent: 06 February 2012 16:44
To: Rob Rowland
Cc: Stephen Noble
Subject: RE: MFI Premises Sale of Alcohol unsuitable:

Dear Rob

Your comments are not a valid representation and will not be accepted, I have attached a document that explains representations and the Hearing procedure, if you wish to make a valid representation then you have until midnight tonight to do so.

Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
t 01622 602028 e lorraineneale@maidstone.gov.uk w www.digitalmaidstone.gov.uk

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From: Rob Rowland [<mailto:rob@church-int.com>]

Sent: 06 February 2012 16:33

To: Licensing

Subject: MFI Premises Sale of Alcohol unsuitable:

Afternoon,

As a resident of ME16 0TU and with children attending Mapleston Noakes and Brunswick House Primary. I object to plans for the MFI Premises to sell Alcohol: Opening hours of 8 am to 11 pm for sale of alcohol seem anti social and not suitable for the local environment.

Thanks,

Rob Rowland,
15 The Mews
Lesley Place
Maidstone
Kent

ME16 0TU

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**Kent
Police**

Chief Officer of Police Representation in relation to an application
for grant of premises licence made under Part 3 Section 17
Licensing Act 2003 (S18 Licensing Act 2003)

RECEIVED
25 JAN 2012

Details of person making objection

Name of Chief Officer of Police	Chief Insp. Adrian Futers
Postal Address: (Area Headquarters)	Maidstone Police Station. Palace Avenue Maidstone, Kent
E-mail address	licensing.officer.maidstone@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	Family Bargains
Address of premises:	Unit 1b, London Road. Allington
Date application received by police	10/01/2012
Date representation sent to Licensing Authority	25/01/2012

*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 checked="" 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

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: _____



Date: .25.\01.\2012..

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 reasons for the representation and detail the evidence supporting it:

The proposed premises are to be a large supermarket situated within a commercial business park which has a substantial car parking area. Immediately beyond the boundaries of this business park are residential buildings, a primary school and a private hospital. The licence applied for is to allow for the sale of alcohol from the premises, each day between 08:00hrs and 23:00hrs.

The location is outside of the town centre area and therefore will not enjoy the benefits that a town centre premises normally would i.e. Council CCTV, passing Police foot patrols and a slightly quicker Police response time. The late hours along with the car park means that the area will become a gathering point for local youth. Unfortunately it is absolutely certain that these young people will try to get access to alcoholic beverage either directly or through proxy sales. On occasions these gatherings of young people can be somewhat intimidating to other members of the public, it is also common for litter as well as minor damage to be left in their wake. It is the Police's opinion that three of the Licensing Objectives will be undermined i.e. crime and disorder, public nuisance and the protection of children from harm.

Because of the late hours applied for and because of its proximity to sensitive properties it is essential that strong conditions are put in place to reduce to an absolute minimum the impact the premises have on the licensing objectives. Although the operating schedule addresses some of the issues raised. Kent Police believe that clear stipulated conditions are required to make sure that the Licensing Objectives are promoted.

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

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, with all public areas, including access and egress points covered. It is also to cover the till areas.
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 what ever 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, DVD, memory stick or any other appropriate means of the image within 48 hours of the initial request being made by either the Police or Local Authority.
7. All staff involved in the sale or supply of alcohol 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.
8. A system for recording "sale refusals" will be kept at the premises and all staff fully trained in it's use. The system will be auditable and will record the following information:-
 - (i) Time of refusal
 - (ii) Item refused
 - (iii) Name or description of the person refused
 - (iv) Reason for the refusal
 - (v) Name of the staff member making the refusal
9. The refusal recording system will be made available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
10. A "Challenge 25" scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be fully trained in the Challenge 25 Scheme and this training will be recorded. Such records will be available to the Police or other responsible authority upon request.
11. Staff at the premises will be responsible for the general appearance of the area at the front of the premises making sure that it is clear of litter at the end of the trading day. The area covered will be the width of the premises and stretch as far as the access road which runs around to the rear of the building.

Neil BARNES PC 10051 - RE: Your Ref: AMH.PST001-9

From: "Stephanie Williams" <SW@licensinglegal.co.uk>
To: "Neil BARNES PC 10051" <neil.barnes@kent.pnn.police.uk>
Date: 24/01/12 15:08
Subject: RE: Your Ref: AMH.PST001-9

Dear PC Barnes

I was wondering whether you had submitted your Representation to the Council as yet?

My Client is in agreement with your suggested Conditions so I can notify the Council.

With kind regards

Stephanie Williams

Tel: 0161 237 9961 (Option 2)

Fax: 0161 237 9447



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From: Neil BARNES PC 10051 [mailto:neil.barnes@kent.pnn.police.uk]
Sent: 17 January 2012 10:01
To: Stephanie Williams
Subject: Your Ref: AMH.PST001-9

Please find attached copies of the representations I propose to send to Maidstone Council in regards to "Family Bargains" Unit 1B London Road, Allington. Maidstone Kent.
Also attached is a copy of the Representation form (Form 3480)

To be honest it is basically very similar to your application, however we like slightly more detail regarding certain issues and we will also be asking for a refusal systems to be maintained at the premises.

If you have any questions or comments regarding any of my proposals please contact me so that we can discuss.

Many thanks

PC Neil Barnes 10051

West Division (Maidstone)
Licensing Dept.



**Kent
Police**

APPENDIX D

Protecting and serving the people of Kent

Maidstone Police Station
Palace Avenue
Maidstone
Kent
ME15 6NF
26/01/12

For attention of MBC Licensing Dept.

Please find attach a copy of an E-mail received from Licensing Legal in relation to Police Representations against Family Bargains, London Road, Allington.

They are in agreement with our proposed conditions and on the understanding that these are added to the licence Kent Police withdraw their representations

Yours sincerely

PC Neil Barnes 10051
Tel: 01622 604403
10051@kent.pnn.police.uk

Hearing 5.3.12.

Lorraine Neale

From: Stephanie Williams [SW@licensinglegal.co.uk]
Sent: 15 February 2012 13:05
To: Lorraine Neale
Subject: RE: Family Bargains, Allington

Our Client is in agreement with the Conditions being added to the Operating Schedule and to the application being amended accordingly.

With kind regards

Stephanie Williams

Stephanie Williams

Tel: 0161 237 9961 (Option 2)
Fax: 0161 237 9447



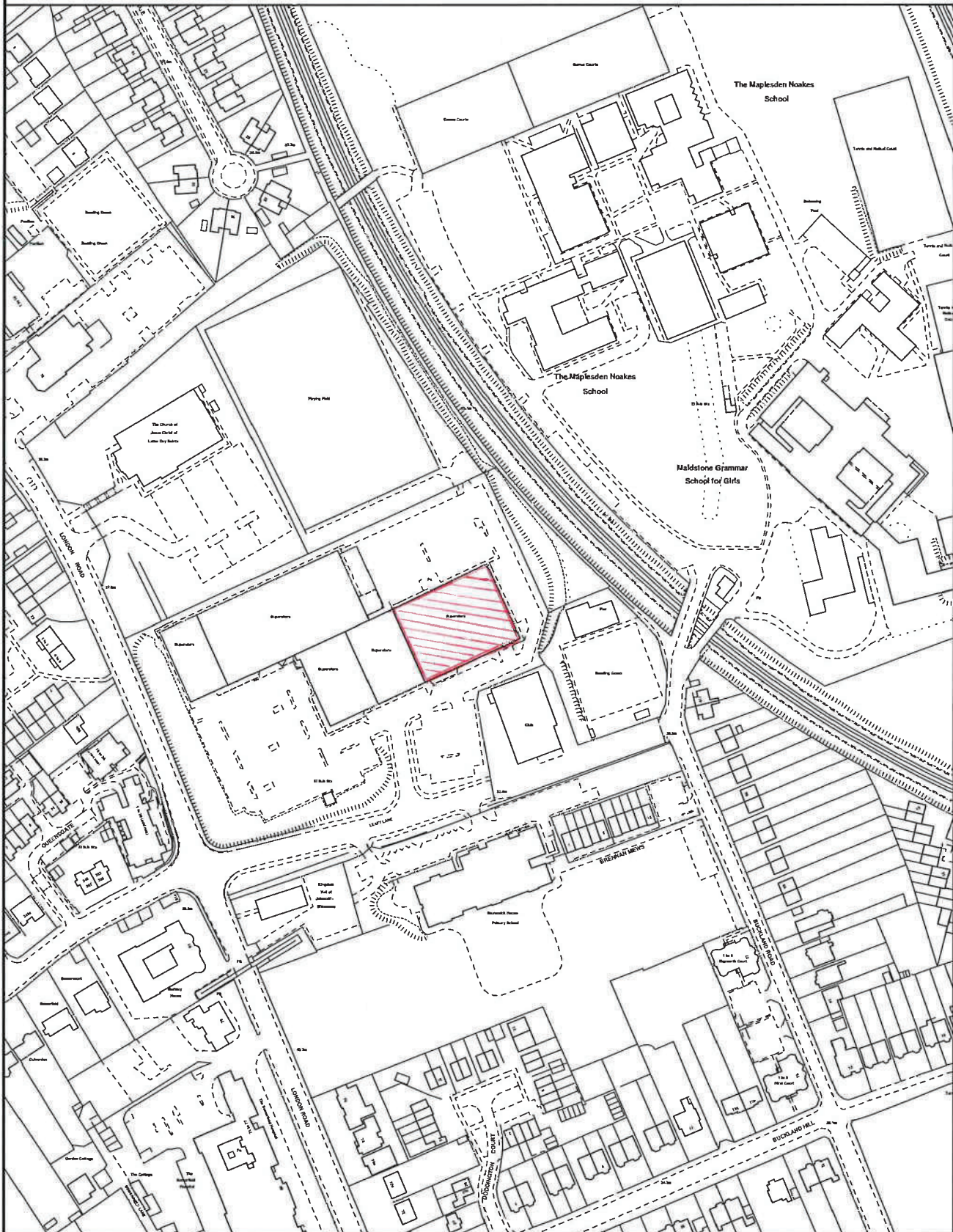
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From: Lorraine Neale [mailto:LorraineNeale@maidstone.gov.uk]
Sent: 15 February 2012 13:04
To: Stephanie Williams
Subject: RE: Family Bargains, Allington

Dear Stephanie

**FAMILY BARGAINS, UNIT 1B LONDON ROAD RETAIL PARK,
LONDON ROAD, MAIDSTONE, KENT, ME16 0DT**



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Appendix F

HUMAN RIGHTS

Article 8

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

Article 1 of the First Protocol

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

Article 6(1)

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

Article 10

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

LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for 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.