

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Monday 26 March 2012

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Gibson, Mrs Grigg and Mrs Hinder

Legal Representative: Mrs Jayne Bolas

Page No.

1. Urgent Items
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information
5. Report of the Head of Democratic Services - Application for a Premises Licence under the Licensing Act 2003 to be granted for 61 Union Street, Maidstone, Kent, ME14 1ED 1 - 51

Continued Over/:

Issued on 20 March 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 5

Agenda Item No: 1 - Summary of Report

Licence Reference 11/03141/LAPRE

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

Date: 7TH MARCH 2012

Report Title: **61 UNION STREET
MAIDSTONE
KENT
ME14 1ED**

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

Report Author: Lorraine Neale

Summary:

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

B)	Films	Monday to Sunday	15:00 to 04:00
L)	Late Night Refreshment	Monday to Sunday	23:00 to 04:00
M)	Supply of alcohol; on the premises	Monday to Sunday	15:00 to 04:00
O)	Opening Hours	Monday to Sunday	15:00 to 04:00

Affected Wards: East 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: 61 UNION STREET, MAIDSTONE, KENT, ME14 1ED

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 Mr Ahmet Arslan, in respect of the premises 61 Union Street, Maidstone, Kent, ME14 1ED in respect of which 2 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 16-20, 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. 2 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
Sue Henniker on behalf of Mr Bulford Proprietor Maidstone Sewing Centre	Public Nuisance	E mail	C
Mr David Savory – spokesperson for local residents	Public Nuisance	Letter and petition	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

HEALTH AND SAFETY RULES AND LAW WILL BE ABIDED BY AT ALL TIMES, THE SHOP IS SMALL WITH A KITCHEN OFF ROOM AND TOILET.

b) The prevention of crime and disorder

MANAGEMENT AND STAFF WOULD BE ALERT OF THE SURROUNDINGS AND SITUATIONS AT ALL TIMES CCTV WILL BE IN OPERATION, WE WILL HAVE A DRESS CODE, NO DRUGS, ADULT MOVIES OR NUDITY, ABIDE BY ALL LAWS AND REFUSE TO SERVE UNSOCIAL PERSONS, THERE WILL BE NO ADMISSION AFTER 23HRS, THERE WILL ONLY BE ALLOWED 2 PEOPLE AT A TIMES IN THE GARDEN TO SMOKE AND SIGNS WILL BE PUT UP TO AVOID NOISE. SUMMER MONTHS WILL BE THE SAME AS WINTER MONTHS AS ACTIVITY WILL BE INSIDE.

c)Public safety

CCTV IN OPERATION, CHILDREN WOULD NOT BE ADMITTED AFTER 18.00HRS STAFF WILL BE TRAINED IN MANAGEMENT SKILLS, FIRE ESCAPES WILL BE IN PLACE TO SHOW FIRE SAFETY, THERE WILL BE A TIME LIMIT SITTING IN THE GARDEN, THERE WILL ALSO BE SIGNS ON DISPLAY ABOUT NOISE CONTROL.

d) Prevention of public nuisance

CCTV ANY NOISE WOULD BE KEPT TO A REASONABLE LEVEL AFTER 23.00 HRS, WE WILL HAVE WELL LIT AREAS SURROUNDING THE PREMISES, PUBLIC SERVICES WOULD BE ADVISED TO USE THE PUBLIC CAR PARK AT THE BACK OF THE SHOP, ANYONE THAT APPEARS TO BE DRUNK WOULD BE ASKED TO LEAVE.

e) The protection of children from harm

HEALTH AND SAFETY RULES APPLY AT ALL TIMES, NO SMOKING POLICY INSIDE BUILDING, ABIDE BY ALL LICENSING LAWS, PHOTO ID WOULD BE ASKED FOR IF A PERSON LOOKS UNDER AGE. CHALLENGE 25 POLICE POLICY IN PLACE.

The Police initially made representation which was received on 4.2.2012 (Appendix D), Mr Ahmet Arslan agreed to the amendment of the 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 by the police that complies with the CCTV Code of Practice (2008 edition), produced by the Information Commissioners Office, with all public areas, including all access and gress points covered.
- 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 48hrs of the request 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 48hrs of the initial request being made by either the Police or Local Authority.
- There will be no admittance or re-admittance to the premises after 23.00hrs, except for the customers who have left the licensed premises for the purpose of smoking.
- A personal licence holder will be present at all times that the premises are trading for the sale of alcohol.
- Customers will not be permitted to take drink or refreshment into the smoking area after 23.00hrs.
- The disposal of bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23.00hrs and 07.00hrs to minimise disturbance to nearby occupiers
- 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 "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.
- Signage will be displayed in the smoking area and at the exit of the venue asking customers to be considerate of the neighbours.
- Staff will manage the smoking area to make sure that no more than two (2) customers at a time are using it and that they are not causing a noise issue.
- Doors and windows will remain closed after 23.00hrs at times when the premises are showing films, sporting events or allowing games to be played.

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 4 Pool of Conditions relating to Public Nuisance

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

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.
- Workplace smoking ban

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.

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 lorryneale@maidstone.gov.uk
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RECEIVED
29 DEC 2011

RECEIVED
3 FEB 2012

RECEIVED
29 DEC 2011

Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

**Application for a premises licence to be granted
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 AHMET ARSLAN
(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			
27 Hughenden Reach 61 Union St Maidstone Kent			
Post town		Post code	ME14 1ED

Telephone number at premises (if any)	01622 200621
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity 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 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ARSLAN			First names ANNET		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		27 Hagersten Hugensten Reach Touic Maudstone			
Post Town			Postcode		
Daytime contact telephone number			01622-200621		
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)

The premises are a small shop with a kitchen small off room and toilet with a cellar.

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)

In all cases complete boxes N, O and P

APPENDIX A

A

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

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) it will be normal TV and football events		
Mon	1500	4pm			
Tue	1500	4pm	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	500	4pm			
Thur	1500	4pm	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	1500	4pm			
Sat	1500	4pm			
Sun	1500	4pm			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 (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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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					
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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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					
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"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			Please give further details here (please read guidance note 3)			
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)			
Wed			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)			
Thur						
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
			Outdoors		<input type="checkbox"/>
			Both		<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Tue					
			<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)		
Wed					
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		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	2300	4am	Please give further details here (please read guidance note 3) Late night refreshments will not be served every night		
Tue	2300	4am			
Wed	2300	4am	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	4am			
Fri	2300	4am	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	4am			
Sun	2300	4am			

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	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	1500	4pm						
Tue	1500	4pm						
Wed	1500	4pm						
Thur	1500	4pm				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	1500	4pm						
Sat	1500	4pm						
Sun	1500	4pm						

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

Name	Mr Steve Evans	
Address	6 Bloomsbury Walk Wynd St Menelstone	
Postcode	Kent	ME14 1AQ
Personal Licence number (if known)	1003163566	
Issuing licensing authority (if known)	Neil Robertson	

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)

NONE

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	1500	1400	<p>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)</p>
Tue	1500	1400	
Wed	1500	1400	
Thur	1500	1400	
Fri	1500	1400	
Sat	1500	1400	
Sun	1500	1400	

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)

Health & Safety Rules & law will be abided by at all times the shop is small with a kitchen off room & toilet

b) The prevention of crime and disorder

Management & Staff would be alert of the Surroundings and situations at all times CCTV will be in operation, we will have a dress code, no drugs, no drink, no nudity, abide by all laws and refuse to serve unsociable persons, there will be no admission after 11pm, there will only be allowed two people at a time in garden to smoke and signs will be put up to avoid noise. Summer months will be the same as winter months activity will be inside

c) Public safety

CCTV in operation, children would not be admitted after 6pm Staff will be trained in management skills, fire escapes will be in place to show fire safety, there will be a time limit sitting in garden, there will also be signs on display about noise control.

d) The prevention of public nuisance

CCTV any noise would be kept to a reasonable level after 11pm we will have well lit Areas surrounding the premises, public services would be advised to use the public car park at back of shop, any one that appears to be drunk would be asked to leave.

e) The protection of children from harm

Health & Safety Rules apply at all times no smoking policy inside Building abide by all licensing laws, Photo ID would be asked for if a person looks under age. Challenge 25 police policy in place.

APPENDIX A


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	
Date	18 12 11 18-12-11
Capacity	Agent

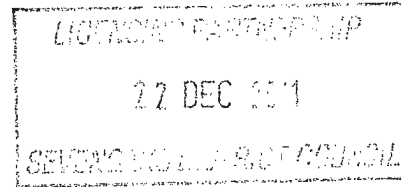
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP



Consent of individual to being specified as premises supervisor

I STEVE BRIAN EVANS
[full name of prospective premises supervisor]

of 6 Bloomsbury Walk
Wyatt St
Maidstone
Kent
ME14 1HQ
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Alcohol licence
[type of application]

by

[name of applicant]

relating to a premises licence 61 Union St. Maidstone ME14 1ED
[number of existing licence, if any]

for

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

concerning the supply of alcohol at

Culup Dostor
61 Union St
Maidstone
Kent
ME14 1ED

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

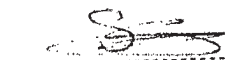
Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Date

18.12.11

11/03141/LAPRE

Stephen Noble

From: Claire Procter [claire.procter@downsmail.co.uk]
Sent: 30 January 2012 15:42
To: Stephen Noble
Subject: RE: 61 Union Street - Premises Licence enquiry
Attachments: Gulup Doslor revised V3.pdf

Hi Steve

Please find attached a copy of the advert, as promised. I have posted the 'blue' signs to Mrs Arslan so hopefully everything is now in order.

Regards
Claire

Claire Procter
Chairman
Mail Publications Ltd
01622 630330 ext 230
www.downsmail.co.uk

From: Stephen Noble [mailto:stephennoble@maidstone.gov.uk]
Sent: 25 January 2012 12:42
To: Claire Procter
Subject: 61 Union Street - Premises Licence enquiry

Good afternoon Claire

I hope you are well and not drowning in all these premises licence applications coming your way!!

I wonder if you could help me with an enquiry about a new premises licence application?

The application I refer to is for Gulup Doslor, 61 Union Street, Maidstone Kent, ME14 1ED. They originally made an application for the premises licence in late November 2011 and their advert was due to go into the November 23rd edition of the Downs Mail. Shortly after submitting their application it was returned to the applicant as invalid and they were told to reapply and re-advertise.

They finally submitted the valid application on the 29th of December 2011. They assured me that they would be in contact with you to arrange for re advertising the application.

Having not seen a edition of the Downs Mail since that time, and having had no confirmation from the applicant that they have re advertised, is there a way you could check and confirm that they have made the necessary changes?

Any light you could shed would be greatly appreciated. If you want to give me a call, please do so on the number below.

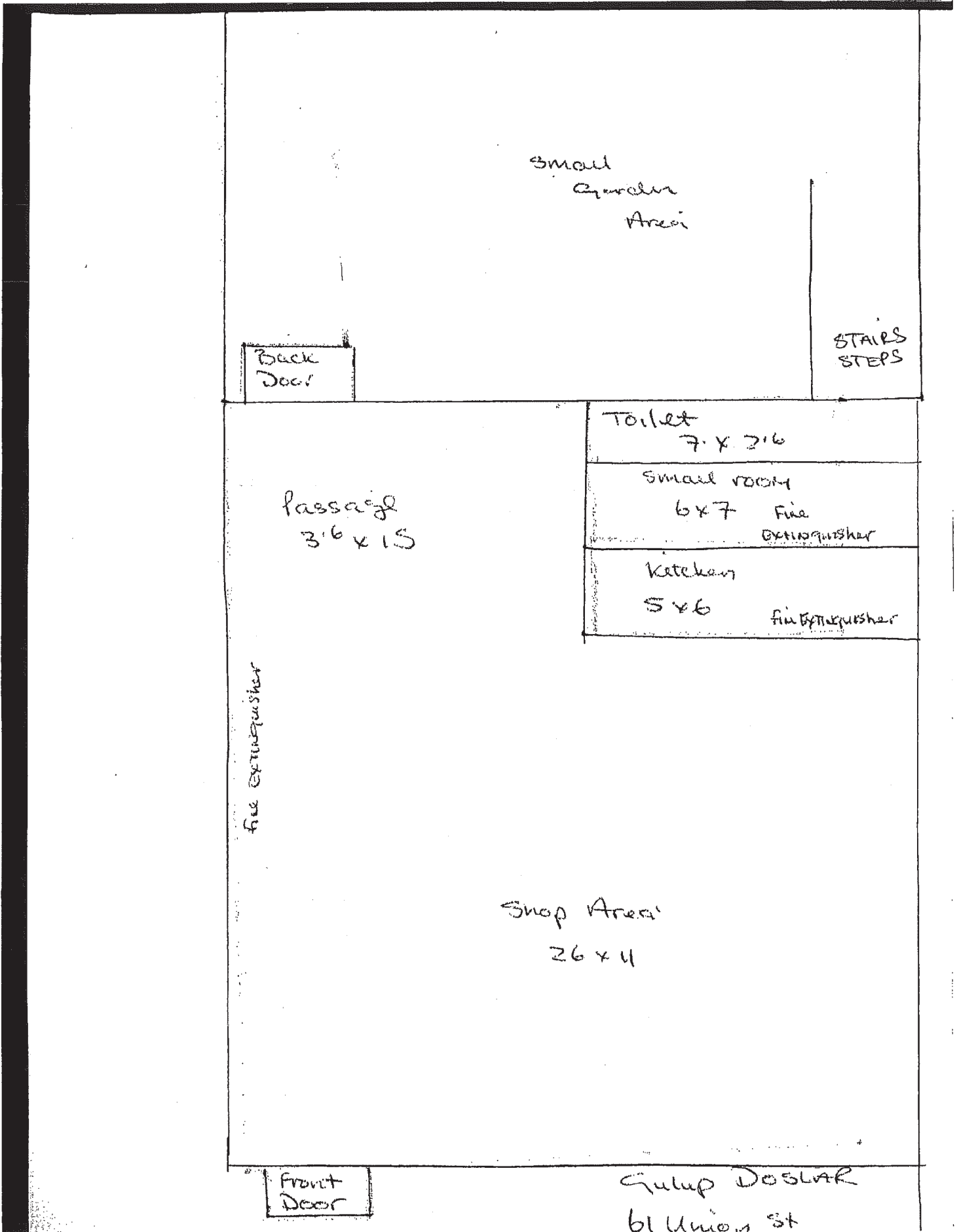
Thanks for your help in advance. I look forward to hearing from you.

All the very best

Steve

**Licensing Act 2003
Notice of application for a Premises Licence**

Notice is hereby given that Ahmet Arslan has applied to Maidstone Borough Council on 3rd February 2012 for the grant of a premises licence to use the premises at Gulup Doslor, 61 Union Street, Maidstone, ME14 1ED for: provision of late night refreshments and for the sale by retail of alcohol. Namely: Monday to Sunday 15:00 to 04:00. Any person who wishes to make a representation in relation to this application must give notice in writing of his/her representation by 2nd March 2012 stating the grounds for making said representation to: Maidstone Borough Council Licensing Office, Maidstone House, King Street, Maidstone, Kent ME15 6JQ. The Register of Record of Application can be viewed by members of the public during office hours at Maidstone Borough Council Licensing Office, or accessed online by visiting <http://pa.sevenoaks.gov.uk/online-licensing/>. Representation shall be made in writing. It is an offence knowingly or recklessly to make a false statement in connection with an application for a premises licence. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.



Lorraine Neale

From: Stephen Noble
Sent: 01 March 2012 16:04
To: Lorraine Neale
Subject: FW: complaint against occupiers at 61 union street maidstone kent

-----Original Message-----
From: sales@sewingmachinesuk.co.uk [<mailto:sales@sewingmachinesuk.co.uk>]
Sent: 01 March 2012 15:50
To: Stephen Noble
Cc: Maidstone sewing centre 63 union street maidstone kent me14 1ed
Subject: complaint against occupiers at 61 union street maidstone kent

Dear mr Noble it is with regret that I have to complain about the inconsiderate behaviour of the people occupying 61 union street. We have to listen to a loud clattering noise and shouting in the afternoons which makes talking to our customers difficult, and disturbing.

We have cigarette smoke coming in through our ventilation which is totally unacceptable everyday. Our customers can smell it and make comments.

5
The parking in our drive at the back of our shop is a nightmare. I'm blocked in and can't get home. Our customers have to lift heavy machinery to their cars which is what the drive is there for, but can't get there, a great many of them are elderly and or disabled so the car park out the back is very often unacceptable. We have to pay maidstone borough council every year for the priveledge of getting to our drive so really do not expect it blocked by their staff and or customers. They have their own drive but ours is constantly being used.

I have tried to speak to them about it by they just appologise and then ignore me and carry on regardless, or they are rude and abusive.

I trust that this matter will be sorted as swiftly as possible, because my customers will just go somewhere else, which will mean another town as we are the only sewing machine shop in Maidstone.

Kind regards

Sue Henniker
on behalf of Mr Bulford propriator

mail2web.com - What can On Demand Business Solutions do for you?



**Mr. David C. Savory
72 Union Street
Maidstone
Kent
ME14 1ED**

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

02.03.2012

BY HAND

Dear Sirs,

**Re: Objection to Licence Application
Gulop Doslor, 61 Union Street, Maidstone, ME14 1ED**

I write as spokesman for local residents and enclose their petitions of objection to the grant of the above licence.

It has also been brought to my attention that the 'blue' notice was removed from the beginning of the month despite the fact that the consultation period continues until the third of the month.

Further, in my role as a licensing examination invigilator, I was acting yesterday, 01 March 2012, and question 15 contained within the BIAB examination paper 7965, was;

*'Which of these **must** be submitted with a Premises Licence Application'*

The correct answer was 'A';

'A plan of the premises in the required format'

I trust this was done with the new application, as to date I have only been able to obtain a rough sketch without scale, which apparently is not 'the required format' in accordance with the Act.



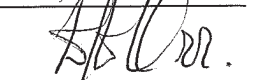
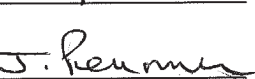

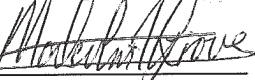
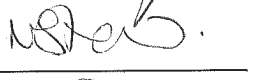
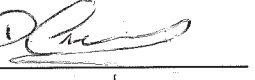
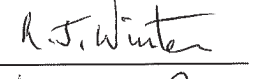

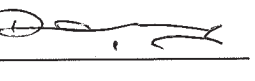



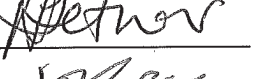
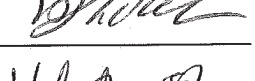

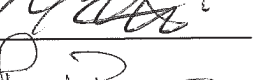
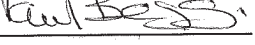
I await, on behalf of the petitioners, your response.


David C. Savory

Cc Petitioners
Enc. Local Resident's Petitions.





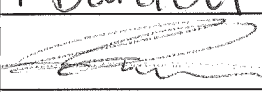
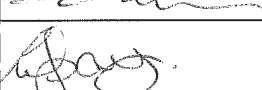
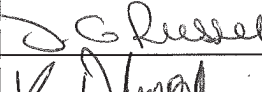
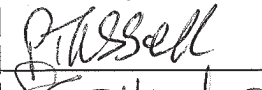
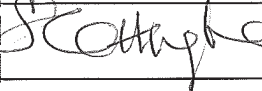
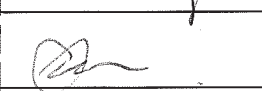
PETITION - Premises Licence Application - Objection

We, the undersigned local residents, object to the Premises Licence Application for Gulop Doslor, 61 Union Street, Maidstone, Kent ME14 1ED on the grounds that if the proposed licensed hours went ahead, it would be in variance with **The Licensing Objectives**, namely **The Prevention of Public Nuisance**. We believe that if the licence were approved it would result in significant increases in the levels of early morning and late night **noise and traffic** in the immediate residential area.

Name	Address (inc. Post code)	Signature
SOPHY BLUNDELL	17 LUCERNE STREET MAIDSTONE ME14 1UE	
STEVE TANKY	59 UNION STREET MAIDSTONE ME14 1ED	
Dermot Orr	39 CRUNDALE UNION STREET MAIDSTONE, KENT ME14 1TX	
J. Peman.	27 Union St. MAIDSTONE KENT. ME14 1ED	
D. STONARD	35 WHEELER ST. ME14 1AA	
M. GROVE	22 JOHN ST ME14 2SQ	
NICOLA STEAD.	26 HEDLEY STREET, MAIDSTONE ME14 1UG.	
DAVID GRABBER	73 UNION STREET, MAIDSTONE. ME14 1ED	
K. WINTER	60, Union St, MAIDSTONE ME14 1ED	
C TURNER	52 UNION ST MAIDSTONE ME14 1ED	
D. SAVORY	72 UNION ST. MAIDSTONE. ME14 1ED	
CARL JOHNS	163 UNION ST, MAIDSTONE, ME14 1EY	
D. WOLFRIS	157, UNION ST. MAIDSTONE ME14 1EY	
JANET.	40 UNION ST MAIDSTONE ME14 1ED	
Polly Fetherstonhaugh	106 Union St, Maidstone, ME14 1EH	
John Peltree	17 UNION ST ME14 1ED	
Hannah Fetherstonhaugh	106 Union St, Maidstone, ME14 1EH	
MATT KING	50 UNION ST. MAIDSTONE ME14 1ED	
PAUL BEGG	104 UNION STREET MAIDSTONE, KENT	

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Name	Address (inc. Post code)	Signature
GRADE WEBB	116 UNION STREET, MAIDSTONE, KENT ME14 1EE	
ZEENAT KHAN	118 UNION STREET, MAIDSTONE, ME14 1EE	
Natacha King	50 Union St, Maidstone, ME14 1ED	
Matt King	50 Union St, Maidstone, ME14 1ED	MKings
K BURDETT	118 STATION RD MAIDSTONE ME14 1RT	
P BURDETT	" " " " ME14 1RT	PBurdett
TURNER	14 NEWLYN COURT ME14 1EZ	
L. SAVORY	15 Newlyn Court ME14 1EZ	
D VURR	41 UNION ST ME14 1ED	Dvurr
TURNER	52 UNION ST ME14 1ED	TURNER
J. Russell	M.W.M.C 17 BREWER ST ME14 1RU	JGRussell
K. Russell	41. Wheeler St ME14 1UA	
PTASSELL	16 ST FAITHS ST ME14 1LL	PTassell
Scottington	c/o 14 St Faith's street ME14 1LL	
D Walker	3 marsham street maidstone	
V. Walker	3 marsham St, maidstone	



**Kent
Police**

To Be Searched
Protecting and serving the people of Kent

11/03141/LAPRE

LICENSING PARTNERSHIP
10 FEB 2012 *JL*
SEVENOAKS DISTRICT COUNCIL

Maidstone Police Station
Palace Avenue
Maidstone
Kent
ME15 6NF

For attention of MBC Licensing Dept.

Please find included a signed agreement from Mr Ahmet Arslan agreeing to Kent Police's proposed conditions to the licence for 61 Union Street, Maidstone.

On the understanding that these conditions are added to the licence, Kent Police now wish to withdraw their representations.

Yours sincerely

*Send PDF
to MBC*

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

In response to the representations submitted by Kent Police against the Licence Application for 61 Union Street, I am happy for the suggested conditions to be added to the Licence.

Signed 

Date ~~24.1.2012~~ 4.2.12.

Name AHMET ARSLAN



**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)

Details of person making objection

Name of Chief Officer of Police	Chief Inspector Adrian Futers
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone
E-mail address	Licensing.midkent@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	
Address of premises:	61 Union Street Maidstone Kent
Date application received by police	25/12/2011 3/2/2012
Date representation sent to Licensing Authority	19/01/2012 4/2/2012
<p><i>Must be within 28 days of receipt –</i> The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</p>	

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 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

APPENDIX D

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

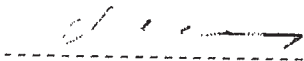
Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

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

The Police seek the attachment of the following conditions to assist in the prevention of crime and disorder.

Please see attached sheet.

Signed:



Date:

4/2/12.^m
~~...19.01.2012...~~

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:

A licence application has been received for 61 Union Street, Maidstone to permit licensable activities between 15:00hrs and 04:00hrs each day. The activities have been listed as the sale of alcohol (On premises only), regulated entertainment (Confined to the exhibition of films) and the provision of late night refreshments.

In conversation with the applicants it is our understanding that the premises will be used as a "Turkish Coffee Shop" and on top of the licensable activities requested, overseas football matches will be televised and some form of card games will be allowed.

It is on this basis that Kent Police submit these representations

The venue is located within the town centre area and on one of the main exit routes. The road is very busy with people walking out of town at the end of a night out. Unfortunately by their very nature these people are often under the influence of drink which can cause problems. These people also have a tendency to try and obtain yet more alcohol. The premises intends to serve alcohol up to 04:00hrs which means that it will be one of the later opening premises in town. It should also be noted that there are many residential buildings near to the premises.

The venue is located within the town centre alcohol control zone which indicates that it has already been proved that alcohol has a negative impact in the area.

Kent Police believe that the licensing objectives will be undermined by:

Drunken persons causing problems when they try to get into the premises to obtain yet more alcohol.

Customers causing noise issues when they are outside smoking

Customers causing noise issues when they leave the premises late at night.

It is therefore at risk of having a negative impact on both the crime and disorder objective as well as the public nuisance objective.

Statistically last year, there was an average of 11 calls a month to the Police of a crime or disorder nature within 200m of the venue during the planned hours of business. This shows that although the premises may intend to uphold the Licensing Objectives rigorously it will be vulnerable to troublesome persons during it's hours of operation.

Although the operating schedule makes mention to several things in regards to the issues raised. Kent Police believe that more detail and substance are required to promote the Licensing Objectives.

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 all access and egress points covered.
2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
3. CCTV shall be operational at all times that members of the public and or staff are on the premises.
4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
5. The Police or Local Authority will have access to these images at any reasonable time and in any case within 48 hours of the request for the image being made.
6. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom, 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. There will be no admittance or re-admittance to the premises after 23:00hrs, except for the customers who have left the licensed premises for the purpose of smoking.
8. A personal licence holder will be present at all times that the premises are trading for the sale of alcohol.
9. Customers will not be permitted to take drink or refreshment into the smoking area after 23:00hrs.
10. The disposal of bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00hrs and 07:00hrs to minimise disturbance to nearby occupiers.

11. 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.

12. 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.

13. Signage will be displayed in the smoking area and at the exit of the venue asking customers to be considerate of the neighbours.

14. Staff will manage the smoking area to make sure that no more than two (2) customers at a time are using it and that they are not causing a noise issue.

15. Door and windows will remain closed after 23:00hrs at times when the premises are showing films, sporting events or allowing games to be played.

APPENDIX E

61 UNION STREET, MAIDSTONE, KENT, ME14 1ED



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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.