

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Friday 13 July 2012
Time: 11.00 am
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Grigg, Parvin and Yates

Legal Representative: Mrs Jayne Bolas

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Democratic Services Manager - A premises licence to be granted under the Licensing Act 2003 for Earls, 30 Earl Street, Maidstone, Kent, ME14 1PS 1 - 64

Continued Over/:

Issued on 29 June 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 12/01688/LAPRE

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

Date: 25TH JUNE 2012

**Report Title: EARLS
30 EARL STREET
MAIDSTONE
KENT
ME14 1PS**

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

Report Author: Lorraine Neale

Summary:

1. The Applicant – Sanjay Raval
2. Type of authorisation applied for: a Premises Licence under the Licensing Act 2003. (Appendix A)

Affected Wards: High Street

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 appropriate 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
Home Office Supporting Guidance – Pools of Licensing Conditions.
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: EARLS, 30 EARL STREET, MAIDSTONE, KENT, ME14 1PS

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 Sanjay Raval, in respect of the premises Earls, 30 Earl Street, Maidstone, Kent, ME14 1PS in respect of which 1 representation (Appendix C) has been received from a Responsible Authority. There have been no representations received from Interested Parties.

Issue to be Decided

Members are asked to determine whether to 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

1. The relevant sections are Part 3 ss 16-21, 23 & 24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
3. 1 representation was received from a Responsible Authority

The table below illustrates the relevant representation which has been received

Responsible Authority/Interested Party	Licensing Objective	Associated Documents	Appendix
Kent Police	Crime & Disorder Public Safety Public Nuisance	Letter	C

4. The premises has a current licence for the ground and second floors, Appendix E. The current licence holder is the applicant and the current DPS is the proposed DPS. The Police indicate that the old licence will be surrendered if this application is successful but there is no indication of this by the applicant. It is possible for two premises licences to be held in respect of the same premises. It would be necessary for the licence holder to be clear on which licence he is operating under.

5. The current licence hours are shown at appendix E and the proposed hours for a new licence at appendix A. The differences are an additional hour Fri and Sat to 03:00 for **B) Films (Indoors only)**, **C) Indoor Sporting Events (Indoors only)**, **E) Live music (Indoors only)**, **F) Recorded music (Indoors only)**, **G) Performances of dance (Indoors only)**, **H) Anything similar to E, F, or G (Indoors only)**, **I) Facilities for making music (Indoors only)**, **J) Facilities for dancing (Indoors only)** and **M) Sale or Supply of Alcohol (On & Off the premises)**. An additional hour Fri and Sat to 03:30 for **L) Late Night Refreshment (Indoors only)** and an additional 30 minutes to 3:30 Friday and Saturday for **O) Opening Hours**.

The times of the same amounts on the same days are applied for for non standard times.except for the new year extension for Late Night Refreshment. The Police have not raised any objection in relation to the additional times applied for the new licence.

6. The Police representation in respect of this application (Appendix C) states that that the schedule 4 conditions on the current licence were fundamental in resolving the issues arising from the premises lack of customer control at that time and the Kent Police believe that if a new licence is issued without those conditions being attached all the previous problems the premises had will resume. The Police have also provided a statement from Maidstone Borough Councils, Licensing Enforcement Officer, Stephen Noble in support of their representation.(Appendix D) The following conditions were attached to the existing licence following a Police application for review, at a Hearing on 24.09.2009.

1. There shall be no consumption of alcohol outside the premises other than in the terraced area on the first floor shown on the submitted plans
2. There shall be no glass outside.
3. All soft drinks for outside consumption shall be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.
4. The Police or Local Authority will be provided with a recording by way of tape, CD Rom or any other means of a CCTV image immediately upon request.
5. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of the police or local authority.
6. Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect persons walking by and not to cause obstructions.

The application before members has an operating schedule which offers the following:-

Prevention of Crime and Disorder

1. CCTV must be installed in and around the location of the premises with particular attention as to the siting of cameras covering all entrances and exits, public areas, areas where the public, club members and guests may congregate to gain entry or leave the premises and all other areas where the public, club members and guests may have access.
2. A sign or written notice shall be displayed in all public areas informing those persons at the premises or entering or leaving the premises that they will be subject to recording by means of CCTV or other recording device.
3. All CCTV cameras and recording equipment, including video tapes, shall be well maintained, kept in good working order and be subject to regular testing and inspection.
4. Where CCTV has not been installed, or there are specific requirements for further CCTV coverage in or around the premises, guidance must be sought from the Chief Officer of Police, officers or other representatives of, the Police Authority
5. Any Recording made (during the hours⁴ open to the public) via the use of CCTV or other recording

equipment, must be of a continuous nature and shall be retained and stored securely for a six month period. All recording, howsoever made, must be stored securely for one month, the first day of storage being the last date of the continuous recording. Each video tape/recording material shall be labelled with the following;

(i) The date(s) of the recording period(s).

(ii) The time(s) the recording period(s) began and concluded including any breaks in the recording of the video tape/recording material. Where breaks in recording occur, all reasons for the said breaks

(iii) The name(s) and position(s) of all persons entering the above information, illustrating the date(s) and recording period(s) each person is responsible for.

(iv) Where a “working video tape” and a ‘copy video tape’ is made from a master video tape material, each “working video tape” and “copy video tape” must be labelled with information concerning all date(s) and time(s) copying took place, the name(s) and position(s) of all persons which made the “working video tape” and the “copy video tape” and reasons copies were made.

(v) The location of all master video tapes/recordings materials and copies. Footnote:
all video tapes! recording material shall be accessible at all times to members of the Police Authority, Licensing Authority, or other responsible Authorities.

(vi) Warning sign: All video tapes/recording materials shall be kept in a safe and secure location and should not be accessible to members of the public or any other unauthorised persons.

(vii) Warning Sign: All video tapes! recordings materials must be kept for a minimum of one month, All video tapes/recording materials must be stored securely for a minimum period of one month, the first day of storage being the last date of the continuous recording. All video tapes/recording materials shall be stored in accordance with subsection (vi) above.

Public Nuisance

The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

(1) Activity control

a. Performances of Music, Film, Amplified Speech or Sound. All doors and windows to be shut after 23.00hrs,

b. After 22.00hrs sound levels will be regularly monitored from the outside to ensure there is no noise nuisance being created.

c. The level of music/sound shall be controlled so that no noise is discernible at the façade or inside the nearest noise sensitive dwellings.

d. Prominent, clear notices shall be displayed at all exits! in the beer garden! outside areas, requesting customers to respect the needs of local residents and leave the premises and the area quietly.

e. A ‘freephone’ taxi line! Telephone numbers for local taxi companies must be available to assist with the peaceful dispersal of patrons from the premises.

Protection of Children from harm

Anyone who appears to be under 18 and is attempting to purchase alcohol in the licensed premises/club or is consuming alcohol in the licensed premises/club shall, upon request, provide any member of staff of the licensed premises/club with adequate and acceptable proof of age.

Proof of age may be illustrated by a:-

- Connexions card — as promoted by Kent trading Standards and Kent Police.
- ‘New type’ driving licence with photograph.
- Valid UK Passport
- Official identity card issued by HM armed forces.

It may be acceptable for children under the age of 18 to consume alcohol as a part of a meal whilst under adult supervision. In this instance, it may not be necessary to require proof of age.

The operating schedule mirrors that of the existing licence at annex 2 but with the removal of the following:

The DPS, manager or other responsible person will ensure that the premises will become a member of 'Pubwatch' or any other similar group if established.

The DPS, manager or other responsible person in charge of the premises shall liaise and comply with the Local Police Authority regarding their drugs policy, and will allow the use of IONTRAK machines or other drug/illicit substance detection device or method, at all times.

Staff shall receive training on the prevention of drug abuse.

All staff shall be trained in Licensing Law and Health and Safety.

Public Safety

Health and Safety Risk assessments shall be carried out prior to the Premises licence being effective and a copy retained for inspection upon request by an officer of the local Licensing Authority, Police or Fire Authority or other relevant person.

Fire Risk assessments shall be carried out prior to the Premises Licence being effective and a copy retained for inspection upon request by an officer of the local Fire Authority, Licensing or Police Authority or other relevant person.

7. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 & 9 Premises Licences & Determining Applications

Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.

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**

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.

9. 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 appropriate 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”.

10. **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.

11. **Human Rights**

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

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

12. **Conclusion**

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

13. **List of Appendices**

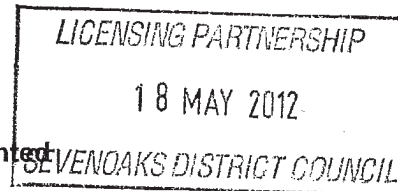
Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Police Representation
Appendix D	Statement of Stephen Noble
Appendix E	Existing Premises Licence
Appendix F	Plan of area
Appendix G	Human Rights Articles
Appendix H	Order of Proceedings

14. **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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APPENDIX A



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 MR SANJAY RAVAL

(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 EARLS PUBLIC HOUSE 30 EARL STREET			
Post town	MAIDSTONE, KENT	Post code	ME14 1PS
Telephone number at premises (if any)		01622 751286	
Non-domestic rateable value of premises		£50,000	

Part 2 - Applicant Details

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

- | | | | |
|----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i. as a limited company | <input 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Raval			First names Sanjay		
I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes					
Current postal address if different from premises address		120 High Street			
Post Town	Rochester, Kent			Postcode	ME1 1JT
Daytime contact telephone number		01634 832366			
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			
2	0	0	5	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			
1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note1)

Licensed Premises – public house. Please see attached plans.

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

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"/>
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 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)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Film and/or video shows or relays may be provided from time to time whether of a musical and/or sporting nature or otherwise and whether forming the principal entertainment offered or as ancillary to other entertainment, e.g. music and dancing.		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	01:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Fri	07:00	03:00			
Sat	07:00	03:00	<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) Please refer to box M for non-standard timings.		
Sun	07:00	00:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3) Such indoor sporting events as may be undertaken on the premises from time to time including, for example, pool, snooker etc.
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	07:00	00:00	
Thur	07:00	01:00	<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) Please refer to box M for non-standard timings.
Fri	07:00	03:00	
Sat	07:00	03:00	
Sun	07:00	00:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place 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					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The applicant wishes to be able to provided both live amplified and unamplified music and singing as may from time to time compliment the range of entertainment being provided at the premises whether as the principal entertainment or in conjunction with dancing and/or any other permitted activity.		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Fri	07:00	03:00			
Sat	07:00	03:00			
Sun	07:00	00:00			
			<u>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</u> (please read guidance note 5) Please refer to box M for non-standard timings.		

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity. Recorded music will only be provided outside within the seasonal times outlined below.		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	07:00	01:00			
Fri	07:00	03:00	<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) Please refer to box M for non-standard timings.		
Sat	07:00	03:00			
Sun	07:00	00:00			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The applicants wish to provide such performance of dance as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	07:00	01:00			
Fri	07:00	03:00			
Sat	07:00	03:00	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) Please refer to box M for non-standard timings.		
Sun	07:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Anything of a similar description and not specified elsewhere in this application.	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	07:00	00:00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	07:00	00:00	Please give further details here (please read guidance note 3) The applicant wishes to provide such other entertainment of a like kind as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity.	
Wed	07:00	00:00		
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Thur	07:00	01:00		
Fri	07:00	03:00		
			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 (please read guidance note 5) Please refer to box M for non-standard timings.	
Sat	07:00	03:00		
Sun	07:00	00:00		

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> All necessary equipment and/or instruments	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon	07:00	00:00	<u>Please give further details here</u> (please read guidance note 3) The applicant wishes to have the facility for the provision of making music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity	
Tue	07:00	00:00		
Wed	07:00	00:00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	07:00	01:00		
Fri	07:00	03:00	<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) Please refer to box M for non-standard timings.	
Sat	07:00	03:00		
Sun	07:00	00:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> See plan of premises		
Day	Start	Finish			
Mon	07:00	00:00	<u>Please give further details here</u> (please read guidance note 3) The applicant wishes to be able to provide facilities for dancing as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity		
Tue	07:00	00:00			
Wed	07:00	00:00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur	07:00	01:00			
Fri	07:00	03:00	<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) Please refer to box M for non-standard timings.		
Sat	07:00	03:00			
Sun	07:00	00:00			

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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The applicants wish to be able to provide facilities for late night refreshment as may be required from time to time to compliment the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity		
Mon	23:00	00:30			
Tue	23:00	00:30			
Wed	23:00	00:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	01:30			
Fri	23:00	03:30			
Sat	23:00	03:30	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) Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Hallowe'en – all the above until 03:30		
Sun	23:00	00:30			

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	01:00	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) Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Hallowe'en – all the above until 03:00 hours.		
Fri	07:00	03:00			
Sat	07:00	03:00	From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Sun	07:00	00:00			

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

Name Mr David Greenslade	
Address 30 Market Street Maidstone Kent	
Postcode	ME14 1QA
Personal Licence number (if known) MAID0185/LP/0957	
Issuing licensing authority (if known) Maidstone Borough 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)

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	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) Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Hallowe'en – all the above until 03:30. From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
Mon	07:00	01:00	
Tue	07:00	01:00	
Wed	07:00	01:00	
Thur	07:00	02:00	
Fri	07:00	03:30	
Sat	07:00	03:30	
Sun	07:00	01:00	

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)

Please refer to that attached continuation sheet.

b) The prevention of crime and disorder

As above.

c) Public safety

As above.

d) The prevention of public nuisance

As above.

e) The protection of children from harm

As above.


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	17. MAY 2012.
Capacity	Applicant's Solicitor/Advocate

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)

Dadds LLP Licensing Solicitors
Crescent House, 51 High Street

Post town	Billericay, Essex	Post code	CM12 9AX
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Telephone number (if any)	01277 631 811
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

CONTINUATION SHEET

Prevention of Crime and Disorder

1. CCTV must be installed in and around the location of the premises with particular attention as to the siting of cameras covering all entrances and exits, public areas, areas where the public, club members and guests may congregate to gain entry or leave the premises and all other areas where the public, club members and guests may have access.
2. A sign or written notice shall be displayed in all public areas informing those persons at the premises or entering or leaving the premises that they will be subject to recording by means of CCTV or other recording device.
3. All CCTV cameras and recording equipment, including video tapes, shall be well maintained, kept in good working order and be subject to regular testing and inspection.
4. Where CCTV has not been installed, or there are specific requirements for further CCTV coverage in or around the premises, guidance must be sought from the Chief Officer of Police, officers or other representatives of, the Police Authority
5. Any Recording made (during the hours open to the public) via the use of CCTV or other recording equipment, must be of a continuous nature and shall be retained and stored securely for a six month period. All recording, howsoever made, must be stored securely for one month, the first day of storage being the last date of the continuous recording. Each video tape/recording material shall be labelled with the following;
 - (i) The date(s) of the recording period(s).
 - (ii) The time(s) the recording period(s) began and concluded including any breaks in the recording of the video tape/recording material. Where breaks in recording occur, all reasons for the said breaks.
 - (iii) The name(s) and position(s) of all persons entering the above information, illustrating the date(s) and recording period(s) each person is responsible for.
 - (iv) Where a "working video tape" and a "copy video tape" is made from a master video tape material, each "working video tape" and "copy video tape" must be labelled with information concerning all date(s) and time(s) copying took place, the name(s) and position(s) of all persons which made the "working video tape" and the "copy video tape" and reasons copies were made.
 - (v) The location of all master video tapes/recordings materials and copies. Footnote: all video tapes/ recording material shall be accessible at all times to members of the Police Authority, Licensing Authority, or other responsible Authorities.
 - (vi) Warning sign: All video tapes/recording materials shall be kept in a safe and secure location and should not be accessible to members of the public or any other unauthorised persons.

- (vii) Warning Sign: All video tapes/ recordings materials must be kept for a minimum of one month, All video tapes/recording materials must be stored securely for a minimum period of one month, the first day of storage being the last date of the continuous recording. All video tapes/recording materials shall be stored in accordance with subsection (vi) above.

Public Nuisance

The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

(1) Activity control

- a. Performances of Music, Film, Amplified Speech or Sound. All doors and windows to be shut after 23.00hrs,
- b. After 22.00hrs sound levels will be regularly monitored from the outside to ensure there is no noise nuisance being created.
- c. The level of music/sound shall be controlled so that no noise is discernible at the façade or inside the nearest noise sensitive dwellings.
- d. Prominent, clear notices shall be displayed at all exits/ in the beer garden/ outside areas, requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- e. A 'freephone' taxi line/ Telephone numbers for local taxi companies must be available to assist with the peaceful dispersal of patrons from the premises.

Protection of Children from harm

Anyone who appears to be under 18 and is attempting to purchase alcohol in the licensed premises/club or is consuming alcohol in the licensed premises/club shall, upon request, provide any member of staff of the licensed premises/club with adequate and acceptable proof of age.

Proof of age may be illustrated by a:-

- Connexions card – as promoted by Kent trading Standards and Kent Police.
- 'New type' driving licence with photograph.
- Valid UK Passport
- Official identity card issued by HM armed forces.

It may be acceptable for children under the age of 18 to consume alcohol as a part of a meal whilst under adult supervision. In this instance, it may not be necessary to require proof of age.

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

SANJAY RAVAL

[name of applicant]

concerning the supply of alcohol at

EARLS PUBLIC HOUSE
30 EARL STREET
MAIDSTONE
KENT
ME14 1PS

[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

MAID0185/LP/0957

[insert personal licence number, if any]

Personal licence issuing authority

MAIDSTONE BOROUGH COUNCIL

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

Signed



Name (please print)

MR DAVID GREENSLADE

Date

20-04-12

18 MAY 2012

Consent of individual to being specified as premises supervisor

MR DAVID GREENSLADE

I

[full name of prospective premises supervisor]

of

EARLS
30 MARKET STREET
MAIDSTONE
KENT
ME14 1QA

[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

NEW PREMISES LICENCE

[type of application]

by

SANJAY RAVAL

[name of applicant]

relating to a premises licence

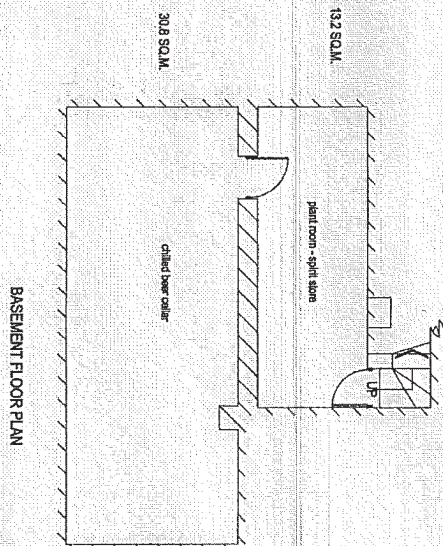
[number of existing licence, if any]

for

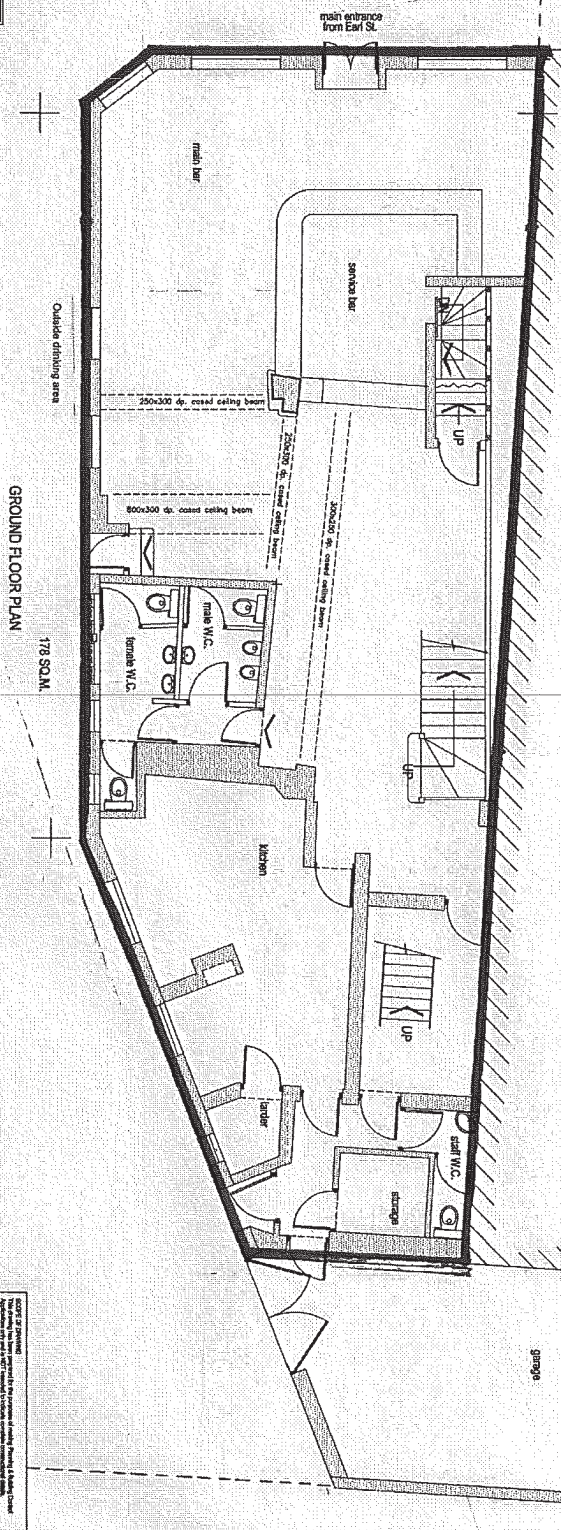
EARLS PUBLIC HOUSE
30 EARL STREET
MAIDSTONE
KENT
ME14 1PS

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

APPENDIX B



BASEMENT FLOOR PLAN



GROUND FLOOR PLAN

D Area within which licensable activities shall take place

63 SOL.M

35

PLANS APPROVED	
Planning ref.	X
Building Regulations ref.	X

[illegible][illegible]

15/6/12.

APPENDIX C


**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

- 8 JUN 2012

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. ME15 6NF
E-mail address	Licensing.midkent@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	Earls
Address of premises:	30 Earl Street Maidstone Kent
Date application received by police	17/05/2012
Date representation sent to Licensing Authority	08/06/2012
<i>Must be within 28 days of receipt –</i> <small>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</small>	

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 checked="" 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

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: ...08.\06.\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 reason for the representation and detail the evidence supporting it:

A new application has been received for Earls, 30 Earl Street, Maidstone. The application is to allow Licensable activities to be carried out at the premises between:

Sunday -> Wednesday = 07:00hrs to 00:00hrs
Thursday = 07:00hrs to 01:00hrs
Friday & Saturday = 07:00hrs to 03:00hrs

The licensable activities requested are Films, indoor sporting events, live/recorded music, dance, "similar" description and the supply of alcohol.

The application also requests late night refreshment with the requested times running to 30 minutes after the above times.

In fact the premises already has a Premises licence, (No. 11/01302/LAPRE) which currently allows for the same activities and similar operating hours the only difference being that on Fridays and Saturdays the activities must stop at 02:00hrs. This current licence also covers the first floor which does not appear on the new application.

Therefore we have received a new application simply to extend the premises licence by 1 hour on Fridays and Saturdays and to remove the first floor from the licensed area.

Although this would normally be covered by way of a simply variation it is our understanding that it has been confirmed that a new application is desired and that the old licence will be surrendered upon successful application.

Kent Police are aware that this New Application is significantly lacking in conditions when compared to the existing Licence.

Starting in 2008 Kent Police started to log a number issues at the premises, many of which centred around the use of the seating area at the front of the premises. The issues included, drunken persons being found on premises, fights, serious assaults, CCTV not working, customers at the front of the premises blocking the road to traffic and abusive behaviour to both attending Police and passing members of the public. Despite meetings with management and warnings to the premises the situation did not improve and in August 2009 the premises was taken to review. The DPS at the time was the current DPS, David Greenslade.

Included with this representation is a copy of that review (Appendix A).

As a result of this review, Maidstone Licensing Committee imposed several conditions on the premises:

- *There shall be no consumption of alcohol outside the premises other than in the terraced area on the first floor shown on the submitted plans.*
- *There shall be no glass outside.*
- *All soft drinks for outside consumption shall be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.*
- *The Police or Local Authority will be provided with a recording by way of tape, CD ROM or any other suitable means of CCTV image immediately upon request.*
- *Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of the Police or Local Authority.*
- *Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect persons walking by and not to cause obstructions.*

Quite simply these conditions worked and the number of incidents at the premises dropped off significantly.

This New Licence Application makes no reference to these conditions, it is clearly wishing simply to go back to the days before the review.

Kent Police are therefore raising these representations as, other than a passing of time nothing has changed, it is the same premises with the same DPS. The Licensing Committee felt it necessary to impose those conditions then and there is nothing in the New Application to show how those issues, (which were clearly a negative impact on the Licensing Objectives) are to be avoided or resolved.

Mr Greenslade (DPS) has approached the Police several times enquiring how he could open up the front of the premises again, each time he has been told that he needs to do something to address the problems that occurred. There appears to be nothing in this New Application that covers this.

In the time leading up to the review Mr Greenslade was involved in several meetings with the Police, more than enough warning was given that if the situation didn't improve a review would be launched and yet he was either unable or unwilling to control the front of the premises. Again Kent Police can not see what has changed now. Why or how will he suddenly be able to control this troublesome area when he couldn't before.

For Kent Police not to make representations against this New Application would be effectively to go against the Licensing Sub Committee. Kent Police believe the evidence shows that it was exactly the correct thing then and believe that nothing has changed. There is nothing to suggest that the environment which lead to the problems in the first place has gone away, the problems were simply stopped by the imposition of Licence Conditions. A removal of these conditions without any other steps to control the issues will simply lead to them returning.

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

Kent Police have no objection to the extra hour requested in the New Application.

However they believe that if a New Licence is granted then it should have the same conditions as the old one, after all nothing else has changed.

APPENDIX A

(B) Details of Responsible Authority Applicant

Kent Police Palace Avenue Maidstone Kent ME15 6NF
Telephone number (if any) 01622 604403/01622 604402 (PC Barbara Murray)
Email address (optional) licensing.midkent@kent.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | Please tick one or more boxes |
|--|-------------------------------|
| 1 The prevention of crime and disorder | X |
| 2 Public safety | |
| 3 The prevention of public nuisance | X |
| 4 The protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

The review is being applied for due to the continued lack of control of customers sitting outside on the footpath to the front of the premises. People walking past are subjected to intimidation, jeering and general abuse. Customers have also been allowed to walk off away from the premises carrying glasses.

In addition since 17th March 2009 there have been a series of public order incidents associated with the premises, with one incident resulting in an assault of Grievous Bodily Harm where a person was injured by a bottle or glass. There have been 2 further incidents that have involved glasses from the pub.

Meetings have been held with the DPS however the problems have reoccurred and it is the opinion of the police that conditions are necessary to control the conduct of the customers.

A XIGW.39A

Please provide as much information as possible to support the application (please read guidance note 2)

Earls is a town centre licensed premises. The trade is largely wet led, although there are very successful live music nights, which attracts a very mixed client base, and food is served during the day. It is on a busy thoroughfare leading to the main shopping area and there are several other licensed premises nearby, although only one of these is another public house. All the rest are restaurants.

There are tables and chairs situated at the front of the pub on Earl Street where the customers are in the habit of sitting and standing to smoke and drink. This area has become an extension of the pub.

During 2008 there were several complaints from members of the public to both the police and Maidstone Borough Council concerning the conduct of those customers who used the tables and chairs at the front of the public house. The complaints were about the footpath being blocked by customers, who refused to move and were abusive. Passers by also complained of being shouted at and intimidated by those standing and sitting in this area. Police officers also complained of being abused by customers standing outside and in some instances of customers trying to obstruct officers when trying to deal with incidents in Earl Street.

Both PC Barbara Murray and Stephen Noble have witnessed the intimidating and rowdy behaviour of customers using the seating area.

On 10th October 2008 a meeting was held with David Greenslade, the DPS, PS Ian Jones, PC Barbara Murray and Stephen Noble. The above was explained to Mr Greenslade and concern was expressed over the supervision of the customers using the seating area. It was acknowledged that when problems were brought to the notice of the staff action was taken, but it appeared too often that customers carried on with anti social behaviour and intimidation with no staff having any knowledge of it. Mr Greenslade agreed to ensure that his staff supervised the area more closely and that the number of tables and chairs would be reduced to stop the obstruction of the footpath.

The number of tables was reduced and no incidents were reported over the wintertime. However since the fine weather has begun complaints have been passed to both the police and council, again about the behaviour of the customers outside on the footpath. Local businesses have expressed their concern that customers are reluctant to walk down Earl Street past the pub. This is especially true of Saturday afternoons and Bank Holidays. One shop manager stated that one of his customers had parked his car outside the pub on a weekend afternoon and come back and found that customers had put their beer glasses on the roof. Several other shops said that customers have complained they are intimidated by the shouting and jeering that customers indulge in, especially if young women walk by.

In addition to the general complaints about customers outside of the pub there have been several disturbances at the premises since April.

07/03/2009 at 1630 hours – Two persons were seen to walk along Market Buildings towards the High Street carrying glasses. They were drunk and abusive towards shopkeepers and the town centre PCSO had to remove the glasses from them.

16/04/2009 at 1844 hours – Report of a large fight involving 20 persons at the pub.

16/04/2009 at 2050 hours – Report of a group of youths at the premises causing problems. One male arrested for drunk and disorderly.

16/05/2009 at 2045 hours - Police carried out a licensing visit during Operation Ibis. PC Murray and PS Jones spoke to the DPS, Dave Greenslade, about two drunks. One was being led out of the bar area by another person and was having difficulty walking and the other was standing outside on the footpath with a pint drink in his hand. PC Murray spoke to the man and saw that he was unsteady on his feet, his speech was slurred and he was swaying from side to side as he stood. He was drunk. Mr Greenslade was told that neither person should be served any more alcohol.

16/05/2009 at 2130 hours – An assault (GBH) occurred at the premises where a person was bottled or glassed. The CCTV was not working at the time of the offence in the pub.

27/05/2009 at 2030 hours – Person arrested for a public order offence. The male was ejected from Ashes, made threats to the door staff that he would be back to ‘cut’ them. The male then walked to Earls, picked up an empty glass from an outside table and, carrying the glass, began walking back to Ashes, where he was arrested.

14/06/2009 at 0012 hours – Report from patrol that there was a disturbance at the pub and two males had been throwing glasses around.

It is the opinion of the police that the DPS at Earls is unable to control the customers outside of the premises. In addition there have been several incidents involving glasses or bottles, one of which resulted in a serious injury. In order to ensure there are no further serious injuries and to control the customers who sit and stand outside of the pub drinking, the police ask that the committee impose the following conditions under the

- Prevention of crime and disorder, and
- The prevention of public nuisance

objectives: -

1. No off sales.
2. No open vessels, bottles or other type of containers will be allowed outside of the licensed premises other than within the area marked ‘Terrace seating’ on the first floor of the submitted plans.
3. All drinking vessels will be polycarbonate.
4. All bottled drinks to be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.
5. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
6. CCTV shall be operational at all time that members of the public and/or staff are on the premises.
7. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.

8. The Police or Local Authority will have access to these images at any reasonable time.
9. The Police or Local Authority will be provided with a recording by way of tape, CD Rom or any other means of the image, immediately upon request.
10. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.
11. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect persons walking by and not to cause an obstruction.

Have you made an application for review relating to this premises before
If yes, please state the date of that application

Please tick yes

☐

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick yes

X

X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: **Ian Jones**Age if under 18: **018**(if over 18 insert 'over 18') Occupation: **Police Sergeant**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: **I Jones**Date: **12th August 2009**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the police officer responsible for the policing of Maidstone Town Centre. I have held this position for nearly three years. This role involves dealing with all commercial premises in the town centre and the crime associated with them. I have a responsibility to reduce and detect crime.

As part of my role I have dealings with many pubs and clubs. The crime and disorder associated with them is of great concern to me. I have put together many policing operations to promote the licensing objectives and to reduce the alcohol fuelled and drug crime that often occurs in the town centre. I have an overview of all licensed premises and I have an awareness of those premises that produce increased amounts of disorder.

One such premise is Earls in Earl Street, Maidstone. I have visited this pub on many occasions as part of routine licensing operations, calls relating to disorder, and visits to the manager, David Greenslade. When I have been in full uniform passing the premises on foot I have been subject to verbal abuse from customers inside and outside the pub. On one occasion in the Summer of 2008 I was on foot outside the pub when a male shouted some abuse at me. I spoke to this male who was unsteady on his feet and smelt very strongly of intoxicants, he was drunk. I then spoke to the partner of Mr Greenslade and she stated that it was his birthday, by way of excuse. I did not accept this and told her that he must not be served any more alcoholic drink due to his state. Another example is on 16th May this year I was in uniform outside the pub and saw and extremely drunken

Signature: **I Jones**

Signature witnessed by:

Typed by: **IJ**

Continuation page 2

URN

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Continuation statement of: **Ian Jones**

male with a partially full pint glass in his hand. Another drunken male was being led out of the bar.

Mr Greenslade was spoken to about these issues.

Last year I dealt with two complaints from members of the public trying to use the footpath, one with a child in a buggy. Both raised issues of drunks that were patrons of the pub blocking access on the pavement. Both complainants stated that they had been abused by those drunks when they asked them to move. I had dealings with Councillor Fran Wilson in relation to this issue as she passed me the details of one of the complainants.

I have spoken to many police officers about the premises. Many of the officers have been subject to verbal abuse from drunken people in the pub, but also drunken people outside. Many officers have complained that patrons outside the pub also overspill into the road in Earl Street. I have witnessed this when off duty. I was sitting outside Mexxa Mexxa with my wife and children in May this year and saw patrons of the pub with pint glasses in hand standing in the road. A French registered camper van vehicle came up the road and turned round outside the Hazlitt Theatre. The people in the road did not move and it was very clear that the camper van due to its size was having difficulty. It was clear to me that they were being deliberately obstructive and anti-social by not simply giving way. When I had finished at Mexxa Mexxa I walked up Earl Street with my family. On seeing the pavement obstructed by people, rather than have my family subjected to any kind of abuse, I walked them into the road around the drunken people.

I compare Earls to other similar type premises in the town and Earls is the only establishment where I have encountered issues of these types to any greater extent. I have had many meetings with Mr Greenslade and he presents as very supportive of the police. However, I would comment that I am not sure that he takes what the police and council licensing officers have to say seriously as the same kinds of issues reoccur time after time.

Signature

I Jones**Typed by: IJ**

Signature witnessed by

STATEMENT OF WITNESS
(Cj Act 1967,s9,MC Act 1980. Ss5A(3)(a) and 5B, MC Rules 1981 r70)

STATEMENT OF: Stephen William Noble

AGE OF WITNESS (If over 18, enter Over 18): Over 18

OCCUPATION OF WITNESS: Licensing Enforcement Officer

The following statement consisting of 4 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 28th June 2012

Signed -----

I am the above named person. I am a Licensing Officer employed at Maidstone Borough Council and have been for over 9 years. My job involves the administering and processing of Premises Licence applications, particularly the enforcement of all conditions attached to them and applying legislation included in the Licensing Act 2003.

In late 2008 and early 2009 I had dealt with or had reported to me various incidents and complaints involving the customers and patrons of Earls public house, Earl St, Maidstone, Kent, ME14 1QA.

These included fights, instances of verbal abuse and intimidation of passers by, obstruction of the pavement and road and drunken behaviour directly outside the premises.

Various meetings were held with myself, PC Barbara Murray (the then Police Licensing Officer), Sgt Ian Jones and the owners and manager of Earls Sanjay Raval and David Greenslade. Despite these meetings and advisory visits to the premises, the issues continued. As a result, Kent Police applied for a Review of the Premises Licence held by

Earls. Following the evidence presented at the Review Hearing, the committee determined a number of conditions which included the following:-

There shall be no consumption of alcohol outside the premises other than in the terraced area on the first floor shown on the submitted plans; And also, There shall be no glass outside.

Following the implementation of these and other conditions, the drunken and anti social activity that occurred outside the premises has stopped. The footpaths and areas outside the premises are now kept clear apart from the occasional group of smokers. I have received no further complaints from those who live or work in the vicinity of Earls or those who happen to walk past the premises in the course of their daily business.

On the afternoon of Friday the 12th of August 2011 I was walking past Earls when I saw that there was a large group of people sitting at tables and standing on the pavement outside Earls. Some of them were drinking what appeared to be beer and other alcoholic drinks from glasses. I could see that the group of people had become large enough to block the pavement and that people were having to walk into the road to get past.

I watched for a short time and could clearly see there was the consumption of what appear to be alcohol taking place outside the premises. This was in direct breach of the conditions imposed by the Licensing Committee at the Review Hearing in 2009.

I entered Earls and spoke to Mr David Greenslade, the manager and Designated Premises Supervisor.

I asked him why people were outside drinking when he had conditions on the licence which prohibited that specific activity. He told me that he had received a licence which did not have those conditions on if following an application for a transfer of the Premises Licence. I explained to Mr Greenslade that he should understand the conditions imposed by the Licensing Committee still stand and that it must be an administrative error. Mr Greenslade was quite obstructive and said that whilst he had this licence without the conditions on it he would continue to allow the consumption of alcohol to continue.

I told Mr Greenslade that the conditions could not be removed without an application for a variation of licence and that he should get those persons who were drinking outside, back inside. I told him that although the conditions may be missing from this newly issued licence he should be fully aware the conditions are still valid. Once again he stated he would be operating as per the licence that was sent to him.

I returned to the office and confirmed it had indeed been an administrative error and made arrangement for a new Premises Licence, showing the full set of conditions to be sent to Mr Greenslade, however it was not possible to issue a new licence before the end of business. Therefore I made a decision to monitor the situation over that weekend with a view to pursuing any issues that came to light.

On the afternoon of Saturday the 13th of August 2012 I again saw a large group of people outside the premises consuming alcohol. The group was larger than the day before and again covered the entire front of the premises. Once again people were forced out into the road to get past the group and as I made further observations throughout the afternoon, the group were becoming more and more boisterous and on occasion those outside were shouting to those inside the premises and occasionally using swear words.

On Monday the 15th of August I hand delivered the amended Premises Licence for Earls showing the full conditions imposed by the Licensing Committee following the review in 2009. Following receipt of the new licence, Mr Greenslade complied with all conditions and I subsequently chose to take no further formal action. Since that time, there have been no further instances of groups congregating outside the premises and the premises has operated as per the conditions on the licence.

As a result, and using the evidence gathered from that August weekend it is my honest opinion that should conditions be removed from the Premises Licence for Earls which restrict the consumption of alcohol outside the premises, it is only a matter of time before the same issues of drunken and anti social behaviour occur again. It was clear from what I observed during those two afternoons that the great majority of customers had come outside onto the pavement to consume alcohol where there was a distinct lack of control or supervision.

I will say that Mr Greenslade is a very good manager and supervises his customers very well when they are inside the premises. The problems clearly arise when those customers go outside onto the pavement where their behaviour is not monitored by any member of staff, particularly during warm or dry days. In my view, the conditions applied by the Licensing Committee in 2009 are still appropriate and fully promote the licensing objectives as set out in the Licensing Act 2003.

I make this statement of my own free will and can confirm it is a true and accurate account of events. I am happy to attend any hearing or court and present this evidence in person if required.

(Signed) -----

APPENDIX E

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



Premises Licence Number	11/01302/LAPRE
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Part 1 – Premises Details

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

Earls
30 Earl Street
Maidstone
Kent. ME14 1PS

Telephone number 01622 751286

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films
Indoor sporting events
Live music
Recorded music
Performances of dance
Anything similar to E, F, or G
Facilities for making music
Facilities for dancing
Sale or Supply of Alcohol
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Films

Sunday to Wednesday	07:00 - 00:00
Thursday	07:00 - 01:00
Friday and Saturday	07:00 - 02:00

Indoor sporting events

Sunday to Wednesday	07:00 - 00:00
Thursday	07:00 - 01:00
Friday and Saturday	07:00 - 02:00

Live music

Sunday to Wednesday	07:00 - 00:00
Thursday	07:00 - 01:00
Friday and Saturday	07:00 - 02:00

Recorded music

Sunday to Wednesday	07:00 - 00:00
Thursday	07:00 - 01:00
Friday and Saturday	07:00 - 02:00

Licence Number: 11/01302/LAPRE
Issue Date: 15/08/2011

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Licence issued by:
The Licensing Partnership P.O. Box 51 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Performances of dance		
	Sunday to Wednesday	07:00 - 00:00
	Thursday	07:00 - 01:00
	Friday and Saturday	07:00 - 02:00
Anything similar to E, F, or G		
	Sunday to Wednesday	07:00 - 00:00
	Thursday	07:00 - 01:00
	Friday and Saturday	07:00 - 02:00
Facilities for making music		
	Sunday to Wednesday	07:00 - 00:00
	Thursday	07:00 - 01:00
	Friday and Saturday	07:00 - 02:00
Facilities for dancing		
	Sunday to Wednesday	07:00 - 00:00
	Thursday	07:00 - 01:00
	Friday and Saturday	07:00 - 02:00
Sale or Supply of Alcohol		
	Sunday to Wednesday	07:00 - 00:00
	Thursday	07:00 - 01:00
	Friday and Saturday	07:00 - 02:00
Late Night Refreshment		
	Monday to Wednesday	23:00 - 00:30
	Thursday	23:00 - 01:30
	Friday and Saturday	23:00 - 02:30
Non-standard timings for licensable activities		
Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Halloween – all the above until 02:00 hours.		
For Late Night Refreshment: Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Halloween – all the above until 02:30.		
On New Years Day to extend from 23:00 hours until 00:00 hours or 01:00 hours or 02:00 hours dependant on day of the week.		

The opening hours of the premises		
Sunday to Wednesday	07:00 - 01:00	
Thursday	07:00 - 02:00	
Friday and Saturday	07:00 - 03:00	

The non-standard opening hours of the premises		
Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Halloween all the above until 03:00.		
From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		

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

Part 2

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

Mr Sanjay Raval
120 High Street
Rochester
Kent ME1 1JT

Email address: info@srvenues.co.uk

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

Registered Business Number 5656340

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

Mr David Greenslade
Earls
30 Market Street
Maidstone
Kent. ME14 1QA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: MAID0185/LP/0957
Licensing Authority: Maidstone Borough Council



Neil Harris
Democratic Services Manager
Maidstone Borough Council

Licence Number: 11/01302/LAPRE
Issue Date: 15/08/2011

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Licence issued by:
The Licensing Partnership P.O. Box 52 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Annex 1 – Mandatory conditions

The supply of alcohol

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

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

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

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

5. The responsible person shall ensure that -

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

(i) beer or cider: ½ pint;

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

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

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

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

The DPS, manager or other responsible person will ensure that the premises will become a member of 'Pubwatch' or any other similar group if established.

CCTV must be installed in and around the location of the premises with particular attention as to the siting of cameras covering all entrances and exits, public areas, areas where the public, club members and guests may congregate to gain entry or leave the premises and all other areas where the public, club members and guests may have access.

A sign or written notice shall be displayed in all public areas informing those persons at the premises or entering or leaving the premises that they will be subject to recording by means of CCTV or other recording device.

All CCTV cameras and recording equipment, including video tapes, shall be well maintained, kept in good working order and be subject to regular testing and inspection.

Where CCTV has not been installed, or there are specific requirements for further CCTV coverage in or around the premises, guidance must be sought from the Chief Officer of Police, officers or other representatives of, the Police Authority.

Any recording made (during the hours open to the public) via the use of CCTV or other recording equipment, must be of a continuous nature and shall be retained and stored securely for a six month period. All recordings, howsoever made, must be stored securely for one month, the first day of storage being the last date of the continuous recording. Each video tape/recording material shall be labelled with the following;

- (i) The date(s) of the recording period(s).
- (ii) The time(s) the recording period(s) began and concluded including any breaks in the recording of the video tape/recording material. Where breaks in recording occur, all reasons for the said breaks.
- (iii) The name(s) and position(s) of all persons entering the above information, illustrating the date(s) and recording period(s) each person is responsible for.
- (iv) Where a "working video tape" and a "copy video tape" is made from a master video tape material, each "working video tape" and "copy video tape" must be labelled with information concerning all date(s) and time(s) copying took place, the name(s) and position(s) of all persons which made the "working video tape" and the "copy video tape" and the reasons copies were made.
- (v) The location of all master video tapes/recordings materials and copies. Footnote: all video tapes/recording material shall be accessible at all times to members of the Police Authority, Licensing Authority, or other Responsible Authorities.
- (vi) Warning Sign: All video tapes/recording materials shall be kept in a safe and secure location and should not be accessible to members of the public or any other unauthorised persons.
- (vii) Warning Sign: All video tapes/recordings materials must be kept for a minimum of one month. All video tapes/recording materials recordings must be stored securely for a minimum period of one month, the first day of storage being the last date of the continuous recording. All video tapes/recording materials shall be stored in accordance with subsection (vi) above.

The DPS, manager or other responsible person in charge of the premises shall liaise and comply with the Local Police Authority regarding their drugs policy, and will allow the use of IONTRAK machines or other drug/illicit substance detection device or method, at all times.

Staff shall receive training on the prevention of drug abuse.

All staff shall be trained in Licensing Law and Health and Safety.

Public Safety

Health and Safety Risk assessments shall be carried out prior to the Premises licence being effective and a copy retained for inspection upon request by an officer of the local Licensing Authority, Police or Fire Authority or other relevant person.

Fire Risk assessments shall be carried out prior to the Premises Licence being effective and a copy retained for inspection upon request by an officer of the local Fire Authority, Licensing or Police Authority or other relevant person.

Public Nuisance

The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

Activity Control

Performances of Music, Film, Amplified Speech or Sound All doors and windows to be shut after 23.00hrs,

After 22.00hrs sound levels will be regularly monitored from the outside to ensure there is no noise nuisance being created

The level of music/sound shall be controlled so that no noise is discernible at the façade or inside the nearest noise sensitive dwellings.

Prominent, clear notices shall be displayed at all exits / in the beer garden/outside areas, requesting customers to respect the needs of local residents and leave the premises and the area quietly.

A 'freephone' taxi line/Telephone numbers for local taxi companies must be available to assist with the peaceful dispersal of patrons from the premises.

Protection of Children from Harm

Anyone who appears to be under 18 and is attempting to purchase alcohol in the licensed premises/club or is consuming alcohol in the licensed premises/club shall, upon request, provide any member of staff of the licensed premises/club with adequate and acceptable proof of age.

Proof of age may be illustrated by a:-

Connexions card – as promoted by Kent trading Standards and Kent Police.

'New type' driving licence with photograph.

Valid UK Passport

Official identity card issued by HM armed forces.

It may be acceptable for children under the age of 18 to consume alcohol as part of a meal whilst under adult supervision. In this instance, it may not be necessary to require proof of age.

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

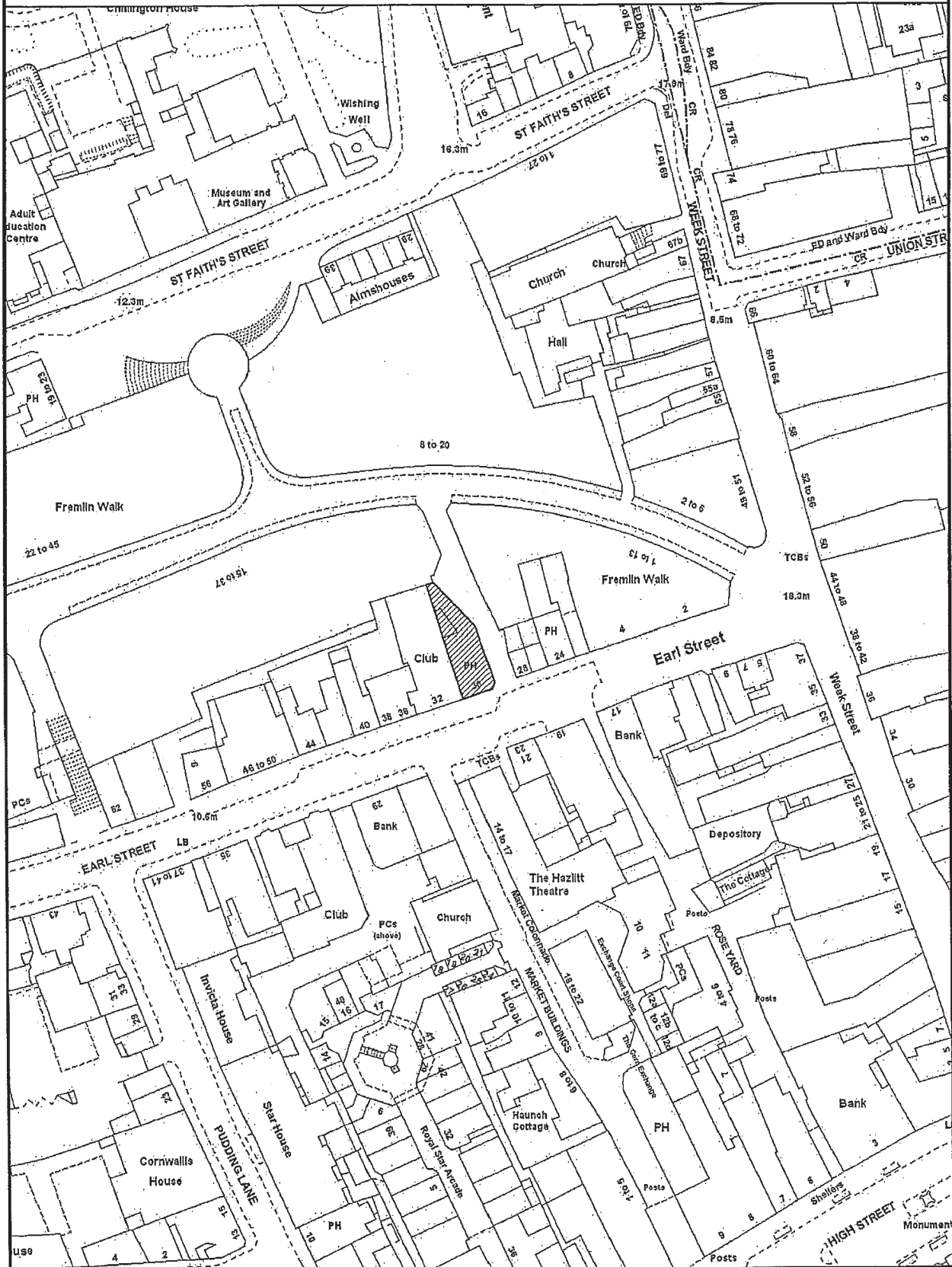
1. There shall be no consumption of alcohol outside the premises other than in the terraced area on the first floor shown on the submitted plans
2. There shall be no glass outside.
3. All soft drinks for outside consumption shall be supplied in plastic bottles or decanted into plastic or polycarbonate vessels.
4. The Police or Local Authority will be provided with a recording by way of tape, CD Rom or any other means of a CCTV image immediately upon request.
5. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of the police or local authority.
6. Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect persons walking by and not to cause obstructions.

Annex 5 – Plans

Please see attached

APPENDIX F

30 Earl Street



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Appendix G

HUMAN RIGHTS

Article 8

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

Article 1 of the First Protocol

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

Article 6(1)

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

Article 10

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

**LICENSING AUTHORITY:
MAIDSTONE BOROUGH COUNCIL**

**Licensing Act 2003 Sub-Committee Hearing Procedure of
Applications for New Premises Licences/Club Premises Certificates and
Variations to existing licences and certificates**

Introduction and Procedure

i) Introductions

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

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

ii) Procedural Matters

• **Procedure**

The Chairman will:

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

• **Submissions**

The Chairman will:

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

- **Discussion and cross-examination**

The Chairman will:

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

- **Disruptive Behaviour**

The Chairman will:

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

- **Reading of Papers**

The Chairman will:

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

- **Draft Conditions**

The Chairman will:

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

- **Witnesses**

The Chairman will:

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

The Hearing

Outline of the Application and Representations

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

i) The Applicant

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

ii) Responsible Authorities (where applicable)

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

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

iii) Interested Parties

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

Closing Speeches

In the following order:

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

End of Hearing

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

The Decision

The Chairman shall declare in public session:

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