

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Monday 17 December 2012

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Gibson, Mrs Gooch and Parvin

Legal Representative: Mrs Jayne Bolas

Page No.

- | | |
|--|--------|
| 1. Disclosures by Members and Officers | |
| 2. Disclosures of Lobbying | |
| 3. To consider whether any items should be taken in private because of the possible disclosure of exempt information | |
| 4. Report of the Democratic Services Manager - Application to Vary a Premises Licence under the Licensing Act 2003 for The Britannic Fish Bar, 54 Gabriels Hill, Maidstone, Kent, ME15 6JJ | 1 - 48 |

Continued Over/:

Issued on 4 December 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 12/03771LAPRE

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

Date: 28TH NOVEMBER 2012

**Report Title: BRITANNIC FISH BAR
54 GABRIELS HILL
MAIDSTONE
KENT
ME15 6JJ**

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

Report Author: Lorraine Neale

Summary:

1. The Applicant – Bayram Ali Kanik
2. Type of authorisation applied for: To vary a Premises Licence under the Licensing Act 2003. (Appendix A)
3. To add one hour to late night refreshment on Fridays and Saturdays, from the current 04:00 to 05:00.

Affected Wards: High Street

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

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

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

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is 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: **BRITANNIC FISH BAR, 54 GABRIELS HILL, MAIDSTONE, KENT, ME15 6JJ**

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

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003, made by Bayram Ali Kanik, in respect of the premises Britannic Fish Bar, 54 Gabriels Hill, Maidstone, Kent, ME15 6JJ in respect of which 1 representation (Appendix C) has been received from a Responsible Authority. There have been no representations received from Interested Parties.

Issue to be Decided

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

Background

1. The relevant sections are Part 3 s13 and 34 -36 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	Letter	C

4. The premises has a current licence, Appendix D. The current licence holder is the applicant, there is no DPS as the premises does not sell alcohol.
5. The current licence hours are shown at appendix D and the proposed hours for L) Late Night Refreshment (Indoors only) are to extend the hours from Monday – Sunday 23.00 -04.00 to Sunday- Thursday 23.00 -04.00 and Fridays & Saturdays 23.00 -05.00
6. The Police representation in respect of this application (Appendix C) states that they have evidence these premises have in fact been trading beyond their allowed hours already and this has come to light due to incidents that have occurred at these premises after 04.00 hours. If

incidents are already occurring whilst unlawfully trading after hours it is reasonable to assume that they will continue to occur if allowed to legitimately trade until 05:00 hours. The Police cannot see how adding conditions to the licence could promote the prevention of Crime and Disorder and ask that this extension is not granted.

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 (8.43 onwards) & 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**

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.

9. Options

Legal options open to members –

- a) MODIFY the conditions of the licence.
- b) REJECT the whole or part of 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	Existing Premises Licence
Appendix E	Plan of area

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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12/03771/WAPRE

02MBC 2549

£190 PAID

CASH.

25/10/12

SW

The Licensing Partnership
PO Box 182
Sevenoaks
TN13 1GP



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We BAYRAM ALI KANIK
(Insert name(s) of applicant)

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

Premises licence number MAID0185/LPRM/1136

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
BRITANNIC FISH BAR
54 GABRIELS HILL

Post town MAIDSTONE

Post code ME15 6JJ

Telephone number at premises (if any) 01622 751798

Non-domestic rateable value of premises £12250-

Part 2 – Applicant details

Daytime contact telephone number 07984152432

E-mail address (optional) cemcan@talktalk.net

Current postal address if different from premises address		11E YEOMAN LANE BEARSTED	
Post Town	MAIDSTONE	Postcode	ME14 4BX

Part 3 - Variation

Please tick yes

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



If not do you want the variation to take effect from

Day Month Year

12	12	2012
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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

~~Take-away and restaurant Britannic Fish Bar~~
~~St Gabriels Hill, Maidstone shop that has~~
~~been in operation for 25 years.~~

~~My premises has 24 hours recordable~~
~~CCTV cameras covering inside and outside.~~

INCREASE TRADING HOURS FOR HOT FOOD
 BY ONE HOUR ON FRIDAY AND SATURDAY

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

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Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input 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)

☒

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<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"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Wed				
Thur			<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)	
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
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 the performance of live music</u> (please read guidance note 4)	
Thur				
Fri			<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)	
Sat				
Sun				

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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 the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

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

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>							
			<table border="1"> <tr> <td> <u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2) </td> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>		<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>		Outdoors	<input type="checkbox"/>
<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>								
	Outdoors	<input type="checkbox"/>								
	Both	<input type="checkbox"/>								
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)							
Mon										
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)							
Wed										
Thur			<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)							
Fri										
Sat										
Sun										

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Provision of hot food and drinks (non-alcoholic) as per current operation of these premises.		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			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)		
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun					

M

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

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p>
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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	<div style="position: relative; height: 300px;"> <div style="position: absolute; top: 0; right: 0; width: 100%; height: 100%; border-left: 1px solid black; border-bottom: 1px solid black;"></div> </div>
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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)

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

Please tick yes

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



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

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

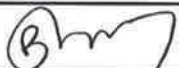
Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	25/10/2012
Capacity	LICENCE HOLDER (APPLICANT)

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

Signature	
Date	
Capacity	

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

BAYRAM ALI KANIK
11E YEOMAN LANE
BEARSTED

Post town	MAIDSTONE	Post code	ME14 4BX
Telephone number (if any)	07984152432		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) cemcan@talktalk.net			

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

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

This is a takeaway establishment which has been operating in this capacity for 25 years. Myself operated these premises for the past 7 years.

b) The prevention of crime and disorder

The premises are well run and have not been a source of crime or disorder in the past 7 years while myself been in charge of the premises.
CCTV is in operation inside and outside.

c) Public safety

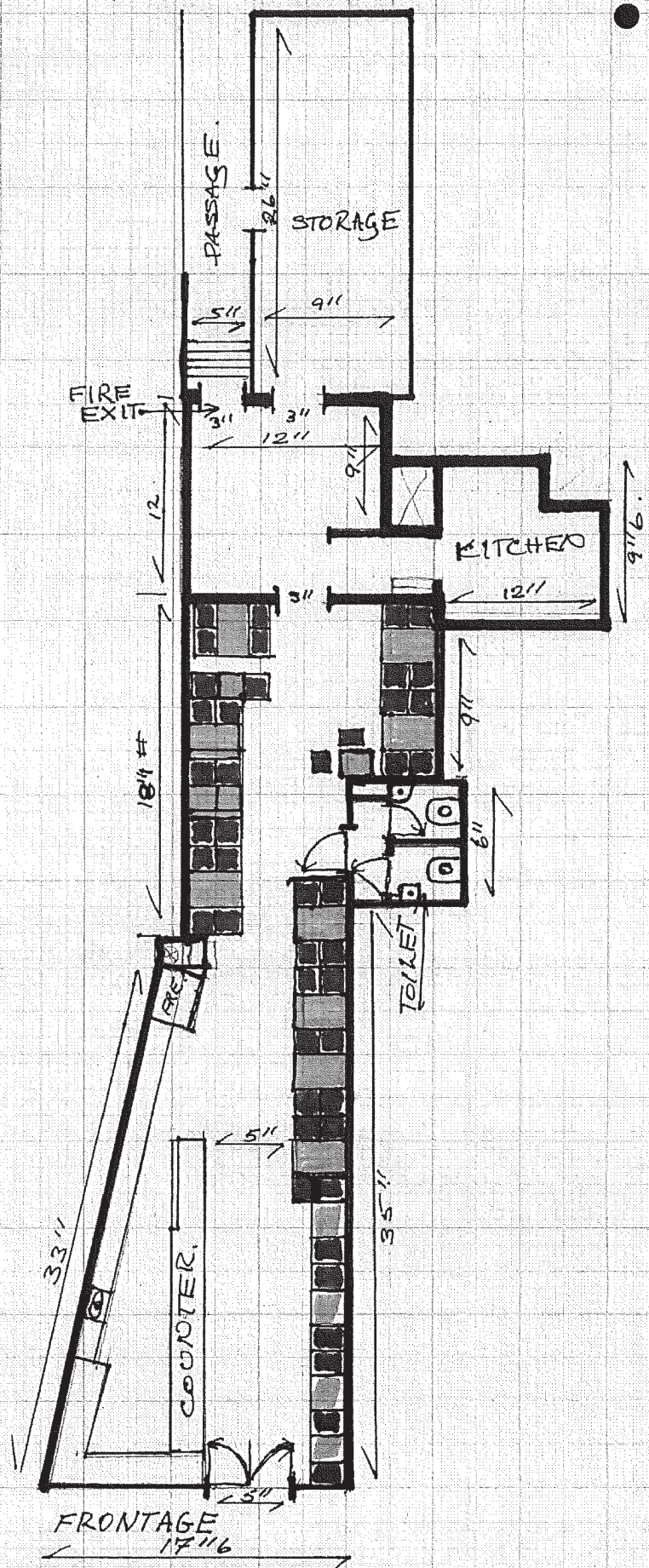
The applicant (myself) happy to work with the fire officer and health and safety officer. The premises possess a valid fire certificate.
The premises has CCTV for inside and outside.

d) The prevention of public nuisance

The premises have not been known by myself to be the cause of any nuisance in the past.
Staff will Advise Customers to leave The Premises Quietly.

e) The protection of children from harm

These are shop premises.



BRITANNIC. FISH. BAR. 54 GABRIELS HILL. MALDSTONE.

KENT. MEIS
655

Licensing Act 2003

Notice of application to vary a Premises Licence

Notice is hereby given that Bayram Ali Kanik has applied to Maidstone Borough Council on 25 October 2012 for the grant of a premises licence to use the premises at Britannic Fish Bar, 54 Gabriels Hill, Maidstone, Kent. ME15 6JJ. To vary the licence in respect of the hours. Namely: Friday and Saturday 23:00 to 05:00

Any person who wishes to make a representation in relation to this application must give notice in writing of his/her representation by 22 November 2012 stating the grounds for making said representation to: Maidstone Borough Council Licensing Office, Maidstone House, King Street, Maidstone, Kent ME15 6JQ. The Register of Record of Application can be viewed by members of the public during office hours at Maidstone Borough Council Licensing Office, or accessed online by visiting [://pa.sevenoaks.gov.uk/online-licensing/](http://pa.sevenoaks.gov.uk/online-licensing/) Representation shall be made in writing. It is an offence knowingly or recklessly to make a false statement in connection with an application for a premises licence. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

From: Claire Procter <claire.procter@downsmail.co.uk>

To: cemcan@talktalk.net

Subject: FW: PN Advert proof

Date: Wed, 24 Oct 2012 18:15

Attachments: Britanic_fish_bar_Public_Notice_dcx5.qxd_Layout_1.pdf (14K)

Dear Mrs Kanik

Please find attached a copy of your advertisement for to include in your application. The publication date for the edition is 2 November

Kind Regards

Claire

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

Confirmation of Application of Advertisement

Name of Applicant:

Name of Premises:

I / ~~We~~ confirm that we have submitted for publication an advertisement of our application for a Premises Licence in (name of newspaper/newsletter/circular or similar document)

.....DOWNSMAIL.....

which is due for release on

.....2nd November.....

Signed



Dated

25/10/2012

COPY OF ADVERTISEMENT ATTACHED

YES/NO

17/12/12

LAST Leps 22/11/12

LAST day 20/12/12

Can't have it before 6th



**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
20 NOV 2012

Details of person making objection

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

Details of premises representation is about

Name of Premises:	Britannic Fish Bar
Address of premises:	54 Gabriel's Hill Maidstone Kent ME15 6JJ
Date application received by police	26/10/2012
Date representation sent to Licensing Authority	20/11/2012

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

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

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

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input 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.

Kent Police can not see how conditions can promote the prevention of crime and disorder. Kent Police believe that an extension means that crime and disorder will simply happen for longer.

Signed: Neil Barnes

Date: .20/11/212 .

Print name:PC Neil Barnes.....

Force Number: 10051

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

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

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

Kent Police raise this objection in respect to a variation submitted for the Britannic Fish Bar, 54 Gabriel's Hill, Maidstone. The variation being to extend their hours of business so that they may serve late night refreshments until 05:00hrs on Saturday and Sunday. (Their current licence allowing them to serve until 04:00hrs). Kent Police believe that this extension will cause crime and disorder thereby undermining the first licensing objective. It should also be accepted that crime and disorder during the night time economy is predominantly *violence against the person* and therefore the Public Safety licensing objective will also be undermined.

Kent Police have evidence that the premises have in fact been trading after their allowed hours anyway and this has come to our attention due to incidents of disorder at the venue after 04:00hrs. As a result of this evidence Kent Police served a written formal warning to the premises at 12:05hrs on Thursday 4th October 2012, warning them that if they continue to serve after 04:00hrs they would be prosecuted. At the time the staff at the venue stated that they shut by 04:00hrs and if their doors were still open after that time, it would be for cleaning out. Although Kent Police can evidence some inaccuracy in the employee's statement as they have been trading after 04:00hrs, the comment does show that the staff are aware of the time that they were meant to shut.

If these incidents are already occurring whilst unlawfully trading after hours, it is reasonable to assume that they will continue to occur if allowed to legitimately trade until 05:00hrs.

Around 04:30hrs on Sunday the 30th September 2012 Police officers dealt with a fight in the premises, the Officers were outside the premises when they heard shouting from within. They noticed some males fighting/scuffling inside the premises and they also noted that there were a number of customers ordering food or waiting to be served. The officers went inside the shop and physically ejected those involved. However during this whole incident the staff continued to serve customers making no attempt to resolve the situation themselves other than indicate to the Officers some of those involved.

At 04:34hrs on Saturday the 19th May 2012 Police were called to the venue by staff reporting a disturbance. They reported that there was a drunken male in the premises refusing to leave and demanding food. He had apparently been in the premises for up to 2 hours.

At 04:20hrs on Saturday the 24th March 2012 staff called Police to the venue re a disturbance this time reporting that a drunken customer was in the premises swearing at staff. The Police operator has recorded that a "loud disturbance heard in the background" The male then started punching a window, however no damage was caused.

The venue is located at the bottom of Gabriel's Hill and is therefore on a main exit from the town centre for people leaving after a night out. In particular they are very close to the Roadhouse Night Club which closes at 04:00hrs.

Late night refreshment venues clearly attract pub and club customers on their way home. These people are often under the influence of alcohol. (In fact all of the incidents listed above involved drunken people) The venues cause these drunken people to stop exiting the town, while they order and await their food. This is a very common flash point for assaults and disorder, as drunken people are effectively kept together longer, often in a tightly packed area.

In addition to this, the variation application form offers nothing to show a promotion of the objectives. As can be seen from the incident on the 30/09/12 the staff can not be relied upon to either deal with disorder or to attempt to contact the Police when it occurs.

The Licensing Act makes it clear that we are to promote the licensing objectives. The first of which is the prevention of crime and disorder. Kent Police do not see how this extension can promote that objective, it can only allow disorder to continue. It is far better to get people out of town and dispersed as quickly as possible.

At the moment the venue has one condition to it's licence which is to have a "radio with a panic button to alert Police of any trouble". Assuming this to mean the Nite Net radio system, Kent Police have confirmed that the premises did have one but stopped using it several years ago.

Therefore we are being asked to allow an extension to a premises who have been operating outside their licence hours already, they appear not to have been complying with their one and only condition and there is evidence that the staff tolerate disorder. Kent Police do not think that this extension should be granted.

Premises Licence

Maidstone Borough Council
Licensing Section
London House
5-11 London Road
Maidstone
Kent
ME16 8HR

Premises Licence Number – MAID0185/LPRM/1136

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description	
Britannic Fish Bar 54 Gabriels Hill Maidstone Kent	
Post Town Maidstone	Post Code ME15 6JJ
Telephone Number 01622 751798	
Where the licence is time limited the dates	
N/A	
Licensable activities authorised by the licence:-	
<ul style="list-style-type: none">• Late night refreshment	
The times the licence authorises the carrying out of licensable activities:-	
<ul style="list-style-type: none">• Late night refreshment Monday – Sunday – 07.00 – 04.00	
The opening hours of the premises	
Monday – Sunday – 07.00 – 04.00	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies	
N/A	

(1) Insert licensing authority details

Part 2

Name, (registered) address, telephone number and E-mail (where relevant) of holder of premises licence

Bayram Ali Kanik
32 Peverel Drive
Maidstone
Kent
ME14 4PS

Tel: 07984 152432

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

N/A

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

N/A

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

N/A

N/A

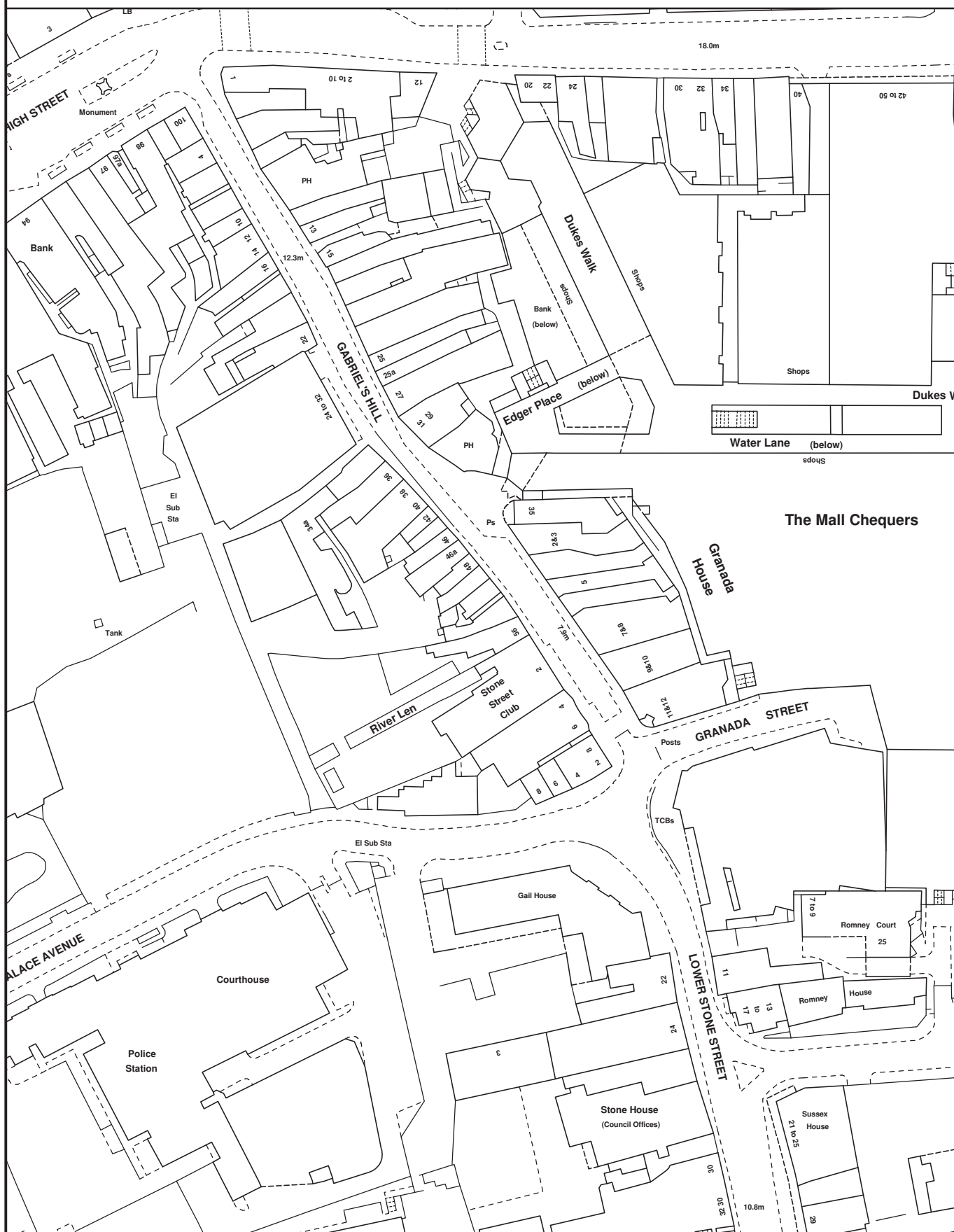
The premises are to have a radio with a panic button to alert police of any trouble

N/A

See attached

N/A

BRITANNIC FISH BAR, 54 GABRIEL'S HILL, MAIDSTONE, ME15 6JJ.



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Appendix F

HUMAN RIGHTS

Article 8

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

Article 1 of the First Protocol

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

Article 6(1)

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

Article 10

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

**LICENSING AUTHORITY:
MAIDSTONE BOROUGH COUNCIL**

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

Introduction and Procedure

i) Introductions

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

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

ii) Procedural Matters

• **Procedure**

The Chairman will:

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

• **Submissions**

The Chairman will:

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

- **Discussion and cross-examination**

The Chairman will:

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

- **Disruptive Behaviour**

The Chairman will:

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

- **Reading of Papers**

The Chairman will:

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

- **Draft Conditions**

The Chairman will:

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

- **Witnesses**

The Chairman will:

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

The Hearing

Outline of the Application and Representations

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

i) The Applicant

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

ii) Responsible Authorities (where applicable)

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

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

iii) Interested Parties

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

Closing Speeches

In the following order:

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

End of Hearing

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

The Decision

The Chairman shall declare in public session:

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