

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003 SUB COMMITTEE**

**MINUTES OF THE MEETING HELD ON WEDNESDAY 23 OCTOBER**  
**2019**

**Present:** Councillor Naghi (Chairman), and  
Councillors Joy, and M Rose

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor McLoughlin.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Joy was present as a Substitute for Councillor McLoughlin.

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Naghi be elected Chairman for the duration of the meeting.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

5. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

6. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed.

7. APPLICATION FOR REVIEW OF A PREMISES LICENCE UPMART  
NEWSAGENT, 56 GABRIELS HILL, MAIDSTONE, KENT, ME15 6JJ

The Chairman requested that all those persons participating in the hearing identified themselves as follows:-

Chairman – Councillor David Naghi  
Committee Member – Councillor Mrs Joy  
Committee Member – Councillor M Rose

Legal Advisor – Mr Robin Harris

Committee Clerk – Mrs Caroline Matthews

Licensing Officer – Mrs Lorraine Neale

Licence Holder – Mr Sivothayan  
Representing the Licence Holder - Mrs Gill Sherratt

Each responsible authority – PC 11187 James Williams (Kent Police)

All parties confirmed that they were aware of the Sub-Committee hearing procedure and that each party had received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable timeframe.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (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.

The Sub-Committee confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

The Chairman enquired whether any draft conditions had been agreed between the licence holder and any other parties for the Sub-Committee to consider.

PC Williams advised that a revised set of conditions had been agreed and provided a copy to the Sub-Committee whilst the Legal Officer highlighted the changes made from the original conditions submitted.

The Chairman invited any questions from either party to which there were none.

The Chairman asked if there were any final remarks from either party.

Mrs Sherratt, representing the applicant/licence holder advised that Mr Sivothayan accepted the failings and would move forward positively.

The Chairman then asked if Members had any final questions for any party.

In response to a question from a Member, Mr Sivothayan advised that the proportion of sales made in the shop for alcohol was 40%.

The Legal Officer asked for clarification in regard to Condition 1 in the papers which requested that the hours permitted for sale of alcohol be reduced to 11.00 to 00.00 daily. PC Williams confirmed that he was content for the opening hours to remain as they are currently.

The Legal Officer confirmed that there were no further matters to be raised or resolved.

The Chairman then adjourned the meeting for deliberation and requested that the Legal Officer remained to assist them.