

# LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Wednesday 23 October 2019  
Time: 10.00 am  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors McLoughlin, Naghi and M Rose

Councillor Joy (Substitute Member)

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## **AGENDA**

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. Application for Review of a Premises Licence Upmart  
Newsagent, 56 Gabriels Hill, Maidstone, Kent, ME15 6JJ 1 - 39

## **ALTERNATIVE FORMATS**

The reports included in Part I of this agenda can be available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on [democraticservices@maidstone.gov.uk](mailto:democraticservices@maidstone.gov.uk) or 01622 602899**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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**Issued on Tuesday 15 October 2019**

*Alison Broom*

**Alison Broom, Chief Executive**

**Agenda Item No:** 1 – Summary of Report

**Licence Reference** 19/03259/REVIEW  
**Report To:** LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)

**Date:** 8<sup>TH</sup> OCTOBER 2019  
**Report Title:** UPMART NEWSAGENT, 56 GABRIELS HILL, MAIDSTONE, KENT,  
ME15 6JJ

## Application for Review of a Premises Licence

**Report Author:** Lorraine Neale

- Summary:**
1. The Applicant for Review – Chief Inspector Quiller on behalf of Kent Police
  2. Type of application applied for: Review of a Premises Licence.
  3. Grounds for Review

### PREVENTION OF CRIME AND DISORDER PUBLIC SAFETY PREVENTION OF PUBLIC NUISANCE

The premise licence holder (PLH) of Upmart news is believed to have failed in the Licensing Act objectives of crime and disorder, public safety and prevention of public nuisance, in that on two occasions on 5<sup>th</sup> June and 13<sup>th</sup> June 2019 the Police witnessed the premises sell alcohol to individuals who were intoxicated. (Appendix A). The Police licensing officer engaged with the designated premises supervisor (DPS) on behalf of the PLH to resolve the issue. The suggestion was to attach suitable conditions by submitting a minor variation to the licensing department. The premises failed to submit an application and the Police believe that the DPS and PLH are not prepared or willing to take reasonable measures to prevent incidents of this type recurring.

**Affected Wards:** High Street Ward

**Recommendations:** **The Committee is asked to determine the application and decide whether to take such steps as members consider appropriate for the promotion of the licensing objectives.**

**Policy Overview:** The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority'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.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application it is **appropriate** to consider the rights of both the licence holder and the applicant together with other parties, such as **“responsible authorities” and/or “interested parties”** (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for 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  
Home Office Guidance Document issued under section 182 of The Licensing Act 2003 as amended  
Maidstone Borough Council Statement of Licensing Policy

**Contacts:** Mrs Lorraine Neale at: [lrraineneale@maidstone.gov.uk](mailto:lrraineneale@maidstone.gov.uk) – tel: 01622 602528

**Report Title: UPMART NEWSAGENT, 56 GABRIELS HILL, MAIDSTONE, KENT, ME15 6JJ**

**Application for Review of a Premises Licence**

**Purpose of the Report**

4. The report advises Members of an application for the review of a premises licence, brought by Chief Inspector Quiller on behalf of Kent Police in respect of the premises Upmart Newsagent, 56 Gabriels Hill, Maidstone, Kent, ME15 6JJ

**Issue to be Decided and Options**

1. Members must, having regard to the application and any relevant representations, take such steps mentioned below as members consider appropriate for the promotion of the licensing objectives.
2. The steps are:
  - To modify the conditions of the licence (including for a period not exceeding 3 months);
  - To exclude a licensable activity from the scope of the licence (including for a period not exceeding 3 months);
  - To remove the designated premises supervisor;
  - To suspend the licence for a period not exceeding 3 months;
  - To revoke the licence.
  - To issue a warning or caution.
  - To take no action.

**Background**

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
  - The prevention of crime and disorder;
  - Public Safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
4. The current premises licence was granted on 22<sup>nd</sup> February 2013 a copy is attached as Appendix B
5. The application has been correctly advertised with a notice displayed on the premises and at the Council offices for the required period.
6. The applicant is requesting that the Sub-Committee:-
  - 1) attach conditions reducing hours permitted for sale of alcohol to 11:00 – 00:00 daily .

- 2) Attach conditions 1. – 16 as follows, found at appendix A, application for review.
- I. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
  - II. 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
  - III. 3. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
  - IV. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
  - V. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to a member of police staff at the front counter at Maidstone Police Station, by the next day that the front counter is open (Monday to Friday).
  - VI. A member of staff who can operate the CCTV will be on duty at all times the premises are open to the public and will be able to provide the Police and local authority with a copy of CCTV, upon request.
  - VII. At least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.
  - VIII. No beer, lager, cider, perry or spirit mixer above 5.5% ABV will be sold.
  - IX. No single can sales of beer, lager or cider will be made only 4/6 pack sales.
  - X. All persons that sell or supply alcohol to customers must have licensing training.
    - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
    - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
    - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
    - d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
  - XI. A refusal recording system will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
    - a. Time of refusal
    - b. Item refused
    - c. Name of description of the person refused
    - d. Reason for Refusal
    - e. Name of staff member making the refusal.

- XII. The refusal system will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
- XIII. A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.
- XIV. The premises license holders will adopt a 'Challenge 25' policy and all staff that are involved in the sale or supply of alcohol will be fully trained in this policy and such training recorded.
- XV. 'Challenge 25' signs will be prominently displayed.
- XVI. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card.

3) suspend for a period of up to 3 months – to allow training of staff and implementation of the measures necessary to comply with the premises licence.

- 7. Members are advised that they may only modify premises licences if it is appropriate to **promote the licensing objectives.**
- 8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

**Chapter 2 Licensing Objectives –Para 2.1 to 2.6 crime and disorder, para 2.7 to 2.14 public safety and para 2.15 to 2.21 public nuisance.**

**Chapter 10 Conditions attached to Premises Licences**  
**Chapter 11 Reviews**

- 9. Relevant policy statements **contained in The Licensing Authority's Statement of Licensing Policy (Jan 2016);**

#### 17.9 CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage "vertical drinking"
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) 'wind down' or 'drinking up' period allowed for after the cessation time of

entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.15 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

#### 17.16 CONDITIONS TO PROMOTE PUBLIC SAFETY.

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs.
- (iii) Cinemas
- (iv) Theatres.
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

## 17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premise
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (iv) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (v) Availability of public transport to and from the premises
- (vi) Delivery and collection times and locations.
- (vii) Impact of external security or general lighting on residents
- (viii) History of management of and complaints about the premises
- (ix) Applicant's previous success in preventing Public Nuisance.
- (x) Outcomes of discussions with the relevant Responsible Authorities.
- (xi) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

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 1998 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 to prevent, crime and disorder in its area”

### **Implications Assessment**

- 10 The decision should be made with regard to the Home Office Guidance and the Licensing Authority'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.

## Conclusion

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

## List of Appendices

- 12 Appendix A Application for Review
- Appendix B Premises Licence
- Appendix C Plan of the premises
- Appendix D Plan of the area
- Appendix E Human Rights Article
- Appendix F Order of Proceedings

## Appeal

**13. The applicant, any interested party and the licence holder may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All appeals must be lodged with the Magistrates' Court.**

Contact:	<b>Senior Licensing Officer</b>
Email:	<a href="mailto:lorryneale@maidstone.gov.uk">lorryneale@maidstone.gov.uk</a>

**RESTRICTED (when complete)****Application for the review of a premises licence or club premises certificate 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 Chief Inspector Quiller**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below** (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> UPMART NEWS 56 Gabriels Hill Maidstone Kent	
<b>Post town</b> Maidstone	<b>Post code (if known)</b> ME15 6JJ
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Kavitha Sivothyayan	
<b>Number of premises licence or club premises certificate (if known)</b> 13/00201/LAPRE	

**Part 2 – Applicant details**

I am

**Please tick yes**

- 1) an interested part (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete ( C ) below)

**3 a member of the club to which this application relates (please complete (A) below)**

**RESTRICTED (when complete)**  
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**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in a applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Please tick yes

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**RESTRICTED (when complete)**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>Kent Police Maidstone Police Station Palace Avenue Maidstone Kent Police ME15 6NF</b>
Telephone number (if any) <b>07870157540</b>
E-mail address (optional) <b>james.williams@kent.police.uk</b>

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Kent Police are requesting a review of this premises licence under the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and public safety at Upmart News, Gabriels Hill, Maidstone.

Mr Vegavanavel Sivothayan is the designated premise supervisor and Kavitha Sivothayan is the premise licence holder.

The premises is located Gabriels Hill, Maidstone which is within the Town Centre, where a public spaces protection order (PSPO) is currently in force.

The premise trades as a convenience store and off licence. There is a premises licence which permits the sale of alcohol off premises between 06:00hrs and 00:00hrs Monday to Sunday.

The area outside the convenience store is a hotspot for street drinking, disturbances and associated anti-social behaviour. There are benches located near to the store where persons engaged in street drinking congregate, once they have made a purchase.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**Please provide as much information as possible to support the application**

(please read guidance note 2)

On Wednesday the 5th of June 2019 at 13:17hrs PCSO 60545 COSTIN was on duty in Gabriels Hill, Maidstone. PCSO COSTIN saw a male enter UPMART NEWS, and from his demeanour formed an opinion this male was drunk. The male exits the store a few minutes later with a can of high strength lager in his hand. At this point, PCSO COSTIN engages the male who is slurred in his words, very unstable on his feet and falls into PCSO COSTIN.

PCSO COSTIN then enters the store and speaks to a female member of staff confirming she had served the male.

Please see appendix 1.

A warning letter was issued within a few days of the offence being committed. The warning letter was given to Mr SIVOTHAYAN the Designated Premises Supervisor advising that a sale of alcohol to a drunk male had taken place within the store. Mr SIVOTHAYAN was to pass the letter onto the Premises Licence Holder advising that an offence had been committed in the store under Section 141 of the Licensing Act 2003 to sell or attempts to sell alcohol to a person who is drunk, or allows alcohol to be sold to such a person.

Please see appendix 2.

Subsequently, a Police Fixed Penalty Notice was issued on 20th June 2019 to a female member of staff who sold the alcohol to the above male, for the above offence.

On Thursday the 13th of June 2019 at 11:20hrs PC 11799 HUGHES and PC 13349 MATTHEWS were on duty in Gabriels Hill, Maidstone. PC HUGHES and PC MATTHEWS had seen a female enter UPMART NEWS whom they had already taken alcohol from about 10 minutes prior. PC HUGHES had taken the alcohol away due to her drunkenness, her behaviour, and because the area is subject to a public spaces protection order. PC HUGHES entered the store and a male member of staff was bagging up alcoholic cans for the female. PC HUGHES informed the staff member to stop the sale due to the female being drunk. PC MATTHEWS engages the female and tells her she is intoxicated.

Please see appendix 3.

The following day a Fixed Penalty Notice was issued to a male member of staff with regards to the above incident, committing an offence under Section 141 of the Licensing Act 2003 - Sells or attempts to sell alcohol to a person who is drunk.

A warning letter was issued within a few days of the offence being committed. The warning letter was given to Mr SIVOTHAYAN the Designated Premises Supervisor advising that an attempt sale of alcohol to a drunk female had taken place within the store on Thursday the 13th of June 2019. Mr SIVOTHAYAN was to pass the letter onto the Premises Licence Holder.

Please see appendix 4.

The Designated Premises Supervisor Mr SIVOTHAYAN informed PC WILLIAMS that his wife was the Premises Licence Holder Kavitha SIVOTHAYAN and they reside at the same address.

Between 7th June and 1st July the Maidstone Police Officer with licensing responsibilities conducted a number of visits to the premises and engaged with the Designated Premises Supervisor on behalf of the Premises Licence Holder.

PC WILLIAMS attended in person and discussed at length with Mr SIVOTHAYAN the ongoing issues at the store and the failure to promote the licensing objectives, and that a minor variation to the premises licence should be considered. This would allow the Premises Licence Holder to address these issues by attaching conditions to the licence, a list of conditions were provided to Mr SIVOTHAYAN to pass onto the Premises Licence Holder on 20th June.

PC WILLIAMS asked Mr SIVOTHAYAN to discuss the minor variations over the weekend with the Premise Licence Holder as a matter of priority so that these conditions could be applied to the Licence. See Appendix 5.

PC WILLIAMS made contact Monday morning with the Licensing authority who confirmed they had not received any correspondence in relation to Upmart News. PC WILLIAMS then contacted MR SIVOTHAYAN to ask if they had reached any decision and MR SIVOTHAYAN stated they required more time. PC WILLIAMS gave another week and contacted MR SIVOTHAYAN who again stated they required more time.

The Premises Licence Holder has declined to take this course of action and Kent Police believe that having

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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

exhausted all avenues with the Premises Licence Holder that seeking a review of the premises licence is now the only option left open.

It is evident that this premises has become a preferred location for the purchase of alcohol by persons engaged in street drinking in the early morning. Some of these persons who have been purchasing alcohol on a regular basis have become aggressive, begging and acting in an anti-social manner, hanging around and sitting on the benches which are located near Gala bingo and The Mall shopping centre.

PCSO 56498 WAYLAND has worked as a Police Community Support Officer in Maidstone Town Centre for 9 years. See Appendix 6. In that time she has come to know many persons regularly engaged in street drinking by name due to her daily interactions along with other team members. PCSO WAYLAND, PCSO 57793 CHAINEY and PCSO 60545 COSTIN regularly witness first hand or are called over the town centre radio or towards each other in relation to street drinkers being drunk or abusive to members of the public or each other. The officers direct route into the town centre is Gabriels Hill. This has become a common occurrence within the town centre and due to this problem a public spaces protection order was granted to assist and help tackle this ongoing problem and since that time PCSO WAYLAND has issued 18 fixed penalty notices and given over 100 verbal warnings.

Kent Police do not believe the Designated Premises Supervisor and the Premises Licence Holder at this premises are prepared or willing to take any reasonable measures to prevent this, and as such are not upholding the licensing objectives.

Kent Police seek the attachment of the conditions listed below, a reduction in the hours permitted for the sale of alcohol to 11:00 – 00:00 daily and in addition would ask for consideration to be given to a suspension of the premises licence for a period of up to three months to allow training of staff and implementation of the measures necessary to comply with the premises licence, this would also give the premises a period to reset and allow it to continue running in a positive manner in the future.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
3. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
4. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
5. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to a member of police staff at the front counter at Maidstone Police Station, by the next day that the front counter is open (Monday to Friday).
6. A member of staff who can operate the CCTV will be on duty at all times the premises are open to the public and will be able to provide the Police and local authority with a copy of CCTV, upon request.
7. At least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.
8. No beer, lager, cider, perry or spirit mixer above 5.5% ABV will be sold.
9. No single can sales of beer, lager or cider will be made only 4/6 pack sales.

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10. All persons that sell or supply alcohol to customers must have licensing training.
- Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
  - Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
  - Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
  - Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
11. A refusal recording system will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
- Time of refusal
  - Item refused
  - Name of description of the person refused
  - Reason for Refusal
  - Name of staff member making the refusal.
12. The refusal system will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
13. A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.
14. The premises license holders will adopt a 'Challenge 25' policy and all staff that are involved in the sale or supply of alcohol will be fully trained in this policy and such training recorded.
15. 'Challenge 25' signs will be prominently displayed.
16. The only proof of age that will be accepted by staff will be a photographic driving licence, a passport or a 'PASS' marked proof of age card.

**RESTRICTED (when complete)**  
**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

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

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

- 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

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 FLASE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Sign [Redacted Signature] .....

Date 03/09/2019 .....

Capacity KENT POLICE LICENSING .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e mail address your e mail address (optional)</b>	

Notes for Guidance

- The ground(s) for review must be based on one of the licensing objectives.
- Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- The application form must be signed.
- An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

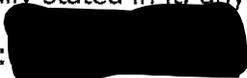
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Statement of: **James COSTIN**

Age if under 18: **018** (if over 18 insert 'over 18') Occupation: **PCSO**

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: 

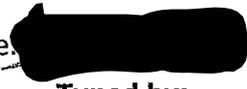
Date: 02/08/2019

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Wednesday the 5th of June 2019 at 13:17hrs I was uniformed duty on foot partol in Gabriels Hill, Maidstone. I have been a Police Community Support Officer for 1 year and currently work in Maidstone Town Centre. As I was in Gabriels Hill my attention was drawn to a White Male who I immedaiteley recongised to be one of the street drinkers. From his demeanour I formed the opinion this male was drunk as he was unsteady on his feet as he entered Upmart News. I began to record the incident via my body worn camera.

The male was in the store for a few minutes and then stumbled out of the doors with a high strength can of lager. I approached the male who was clearly drunk as he smelt of intoxicating liquor and he was swaying about.

I said to him "PUT IT IN YOUR POCKET MATE?" in a slurred voice he replied "YEAH, YEAH". I then said "YOU'VE HAD QUITE A BIT TODAY HAVENT YOU YEAH, I'M HONEST WITH YOU, BE HONEST WITH ME, KEPT IT IN YOUR

Signature: 

Signature witnessed by:

**Typed by:**

Continuation page 2

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46	46/YY/	/19
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Continuation statement of: **James COSTIN**

POCKET, KEEP IT SAFE?" He replied "YEAH, YEAH". At this point the male fell into me and I said "MATE GO AND SIT DOWN". The male tried to joke about me tripping him over. I then said "GO AND SIT SOWN AND SOBER UP CARL". I then entered the store and saw a female member of staff behind the till area. I said "HI THERE DID YOU JUST SERVE THAT MALE THERE?"

"YES"

"RIGHT OK, THANK YOU VERY MUCH".

I left the store and reported the incident to PC 11187 WILLIAMS the Licensing Officer. <sup>5660545</sup>

Signature

  
**Typed by:**

Signature witnessed by



**Kent  
Police**

Working to keep **Kent** safe

**Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF  
Telephone 101**

Dear Mr SIVOTHAYAN

On Wednesday the 5<sup>th</sup> of June 2019, officers witnessed a drunk male leave your premise whilst under the influence in possession of an alcoholic drink.

It is an offence under **Section 141 of the Licensing Act 2003. To sell or attempts to sell alcohol to a person who is drunk, or allows alcohol to be sold to such a person.**

On this occasion a record will be made and should this occur again a form of prosecution may take place.

If you have any further questions in relation to this visit please do not hesitate in contacting myself.

Regards,

PC 11187 James WILLIAMS

Licensing Officer

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 46 46/YY/ /19

Statement of: **Paul HUGHES**Age if under 18: **018** (if over 18 insert 'over 18') Occupation: **Police Officer 11187**

This statement (consisting of 3 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: **Paul HUGHES**Date: **02/08/2019**Tick if witness evidence is visually recorded  (supply witness details on rear)

On Thursday the 13th of June 2019 at 11:20hrs I was on uniformed duty with PC 13349 MATTHEWS in GABRIELS HILL, MAIDSTONE. My attention was drawn to a female street drinker who is well known in the town centre, enter Upmart News. This raised a few concerns about her intentions. Only 10 minutes prior to her entering the store I consifacted alcholo off her as she was drunk and clearly under the influence as she was slurred in her words and her deamour was that of a drunk person.

I commenced recording of my body worn camera. I entered the store and saw a male member of staff behind the till area bagging up cans of high strength larger. I said "YOU CANT BE SERVING HER, SHE IS DRUNK". She replied "I'M NOT DRUNK". I said "YOU ARE DRUNK, YOU CANT BE SERVING HER SHES INTOXICATED. YOU ARE DRUNK". She replied "I'M NOT DRUNK, I'VE ONLY HAD ONE CAN TODAY". I said "YOU'VE HAD MORE THAN ONE CAN WHAT ABOUT

Signature: **Paul HUGHES**

Signature witnessed by:

**Typed by:**

Continuation page 2

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46	46/YY/	/19
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Continuation statement of: **Paul Hughes**

THE OTHER ONE?" She replied "YOU TIPPED IT AWAY IT WAS A FULL CAN, I'M LEAVING". I said "YOU CANT BE SERVING HER MATE, OUT OF TOWN YOU GO". She replied "I'M LEAVING, I'M GOING HOME". I said "GOOD, YES THAT'S FINE, YOUR NOT BUYING THEM HERE YOU'VE HAD TOO MUCH TO DRINK". She replied "I HAVENT HAD TOO MUCH TO DRINK, JUST BECAUSE I SAT ON THE FLOOR TO MAKE A PHONE CALL".

PC MATTHEWS then said to her "YOUR PORTRAYING YOU'VE HAD A LOT TO DRINK, YOU'RE COMING ACROSS YOU'VE HAD A LOT TO DRINK". She replied "I'VE HAD ONE, I'VE HAD ONE, I HAVEN'T, YOUR WINDING ME UP. BASICALLY WHAT IT WAS I WENT IN THE POLISH SHOP AND I BROUGHT TWO. YEAH SO I'VE HAD ONE". I said "WELL YOU SEEM INTOXICATED TO ME VANESSA". She replied "NO I'M NOT. YOU TIPPED AWAY THE WHOLE CAN"

PC MATTHEWS then said "YOU CANT DRINK IN TOWN, YOU WERE DRINKING IN TOWN, YOU WERE SITTING ON THE FLOOR". She replied "I'M LEAVING NOW. I'VE ONLY HAD ONE, THAT'S ALL I'VE HAD IS ONE. DONT SAY I'M INTOXICATED WHEN FULL WELL I'M NOT".

Signature **Paul HUGHES**  
Typed by:

Signature witnessed by

Continuation page 3

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Continuation statement of: **Paul Hughes**

The remainder of the conversation is about how much she had consumed and leaving town. Throughout the interaction the female was slurred in her words and would sway from side to side.

It was clear and in my opinion she was clearly drunk and under the influence of intoxicating liquor as she smelt of it.

The female left town and I later informed PC 11187 WILLIAMS the Licensing Officer about the incident.

Signature **Paul HUGHES****Typed by:**

Signature witnessed by



**Kent  
Police**

Working to keep **Kent** safe

**Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF  
Telephone 101**

Dear Mr SIVOTHAYAN

On Thursday the 13<sup>th</sup> of June 2019, officers attended your premise and prevented the sale of alcohol to a drunk female.

It is an offence under **Section 141 of the Licensing Act 2003. To sell or attempts to sell alcohol to a person who is drunk, or allows alcohol to be sold to such a person.**

On this occasion a record will be made and should this occur again a form of prosecution may take place.

If you have any further questions in relation to this visit please do not hesitate in contacting myself.

Regards,

PC 11187 James WILLIAMS

Licensing Officer



**Kent  
Police**

Working to keep **Kent** safe

**Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF  
Telephone 101**

Dear SIVOTHAYAN

In relation to recent police involvements and offences being committed under the Licensing Act.

I make the following recommendations in relation to variation on your licence.

Current conditions

- Sale of Alcohol 06:00 – 00:00
- CCTV to be fitted to a standard agreed by the Police that complies with the CCTV code of Practice (latest edition), produced by the Information Commissioners Office, with all public areas, including all access and egress points covered.
- The CCTV system shall be maintained and serviced on a regular basis and records kept to that effect.
- CCTV shall be operational at all times that the premises are open for trading.
- Images will be retained for a period of at least 31 days by whatever means the licence holder deems appropriate
- 

Proposed changes

- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.



**Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF  
Telephone 101**

- Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
- Equipment must be maintained in good working order, be correctly time and date stamped, recordings **MUST** be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
- The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
- In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time
- A member of staff who can operate the CCTV will be on duty at all times the premises are open to the public and will be able to provide the Police and local authority with a copy of CCTV, upon request.
- At least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.
- Sale of Alcohol 12:00-00:00
- No beer, lager, cider, **perry** or spirit mixer above 5.5% ABV will be sold.
- No single can sales of beer, lager or cider will be made only 4/6 pack sales.
- All staff paid or unpaid who will be making sales of alcohol will be trained with the internal "due diligence" training manuals or will complete a minimum of the BII Level 1 ARAR course; prior to making sales of alcohol.



**Kent  
Police**

Working to keep **Kent** safe

**Maidstone Police Station  
Palace Avenue  
Maidstone  
Kent  
ME15 6NF  
Telephone 101**

- Refresher training will take place every quarter
- All staff will have individual training records that detail the date and nature of training (or certificate if a BII course has been taken)
- All staff to receive training in relation to the conditions applicable to this premises licence
- All training will be documented and will be made available to the responsible authorities on request along with the content of the training (not applicable if a BII course has been taken as certificates will be made available)
- All records will be kept for a period of 2 years.
- All persons that sell or supply alcohol to customers must have licensing training.
- Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
- Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
- Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

Regards,

PC 11187 James WILLIAMS

Licensing Officer

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 46 46YY/ /19

Statement of: **Caroline WAYLAND**Age if under 18: **018** (if over 18 insert 'over 18') Occupation: **PCSO**

This statement (consisting of 2 page 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: Date: **26/07/2019**Tick if witness evidence is visually recorded  (supply witness details on rear)

I have been a Police Community Support Officer for 13 years and I have been working in MAIDSTONE TOWN CENTRE for 9 years. I have come to deal with all sorts of incidents in the town from low level anti-social behaviour to major incidents.

The most common issues we face in the town centre is theft, beggars and street drinkers. We receive various reports from members of the public face to face and reports over the town centre radio about rowdy street drinkers.

We leave the police station on foot patrol and walk up GABRIELS HILL, heading into the town centre. I would say that it is common on a daily basis early mornings or afternoons to see street drinkers sat either on the benches located outside GALA BINGO or THE MALL really intoxicated. At first the interactions were pleasant and they would hand over the alcohol for us to throw away which generally is cider bottles, single cans of high strength. As

Signature: 

Signature witnessed by:

**Typed by:**

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Continuation statement of: **Caroline WAYLAND**

the interactions became more and more the aggression levels would increase and certain times we would call for police assistance.

We would confiscate alcohol on a regular basis and they never seemed to care. They would go into whatever venue was nearby and would purchase more alcohol whilst drunk.

Due to this increase of anti-social behaviour a Public Spaces Protection Order was granted which was put in place to cover the town centre. Since this has been granted I would say I have given at least 100 verbal warnings and issued 18 Fixed Penalty Notices. 

Signature   
**Typed by:**

Signature witnessed by

# PREMISES LICENCE

The Licensing Act 2003  
Schedule 12, Part A



Premises Licence Number	13/00201/LAPRE
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## Part 1 – Premises Details

<b>Postal address of premises , or if none, ordnance survey map reference or description, including Post Town &amp; Post Code</b>	
Upmart Newsagent 56 Gabriels Hill Maidstone Kent ME15 6JJ	
<b>Telephone number</b>	None given

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
Sale or Supply of Alcohol

<b>Times the licence authorises the carrying out of licensable activities</b>	
Sale or Supply of Alcohol	
Every Day	06:00 - 00:00

<b>The opening hours of the premises</b>	
Every day	06:00 - 00:00

<b>The non-standard opening hours of the premises</b>
Not applicable

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

Licence Number: 13/00201/LAPRE  
Issue Date: 06/03/2013

Page 1 of 4

Licence issued by:  
The Licensing Partnership P.O. Box 128 Sevenoaks Kent TN13 1GP  
Telephone number: 01732 227004

## Part 2

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

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

None provided

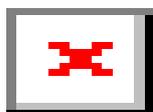
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Vegavanavel Sivothayan

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: DA/PER/773/2009

Licence Authority: Dartford Borough Council



Neil Harris  
Head of Democratic Services  
Maidstone Borough Council

Licence Number: 13/00201/LAPRE  
Issue Date: 06/03/2013

Page 2 of 4

Licence issued by:  
The Licensing Partnership P2, Box 182 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.

**Annex 2 – Embedded conditions**

Not applicable

**Annex 3 – Conditions consistent with the Operating Schedule**

CCTV to be fitted to a standard agreed by the Police that complies with the CCTV code of Practice (latest edition), produced by the Information Commissioners Office, with all public areas, including all access and egress points covered.

The CCTV system shall be maintained and serviced on a regular basis and records kept to that effect.

CCTV shall be operational at all times that the premises are open for trading.

Images will be retained for a period of at least 31 days by whatever means the licence holder deems appropriate.

The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom, DVD, memory stick or any other appropriate means of the image within 48hrs of the initial request being made by either the Police or Local Authority.

The Premises will become members of the Maidsafe Radio System and a member of staff on site, will monitor the radio system at all times that they are open for trading.

A refusal recording system will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:

Time of refusal  
 Item refused  
 Name of description of the person refused  
 Reason for Refusal  
 Name of staff member making the refusal

The refusal system will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.

The premises will work with the local Police to identify and tackle any anti social issues that arise within or around the premises during operating hours.

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

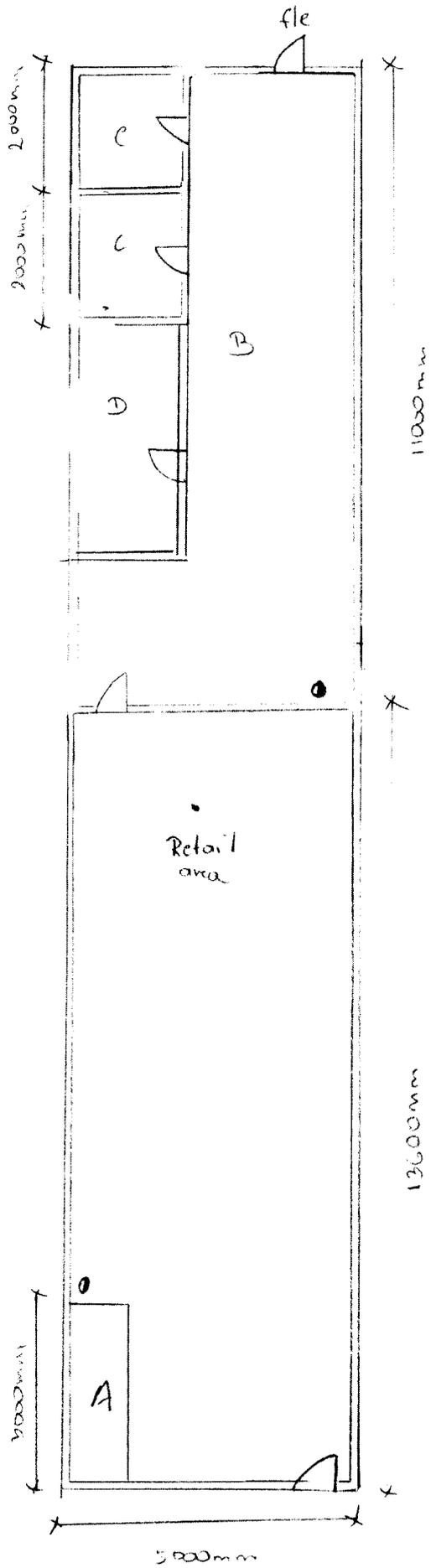
Not applicable

**Annex 5 – Plans**

Please see attached

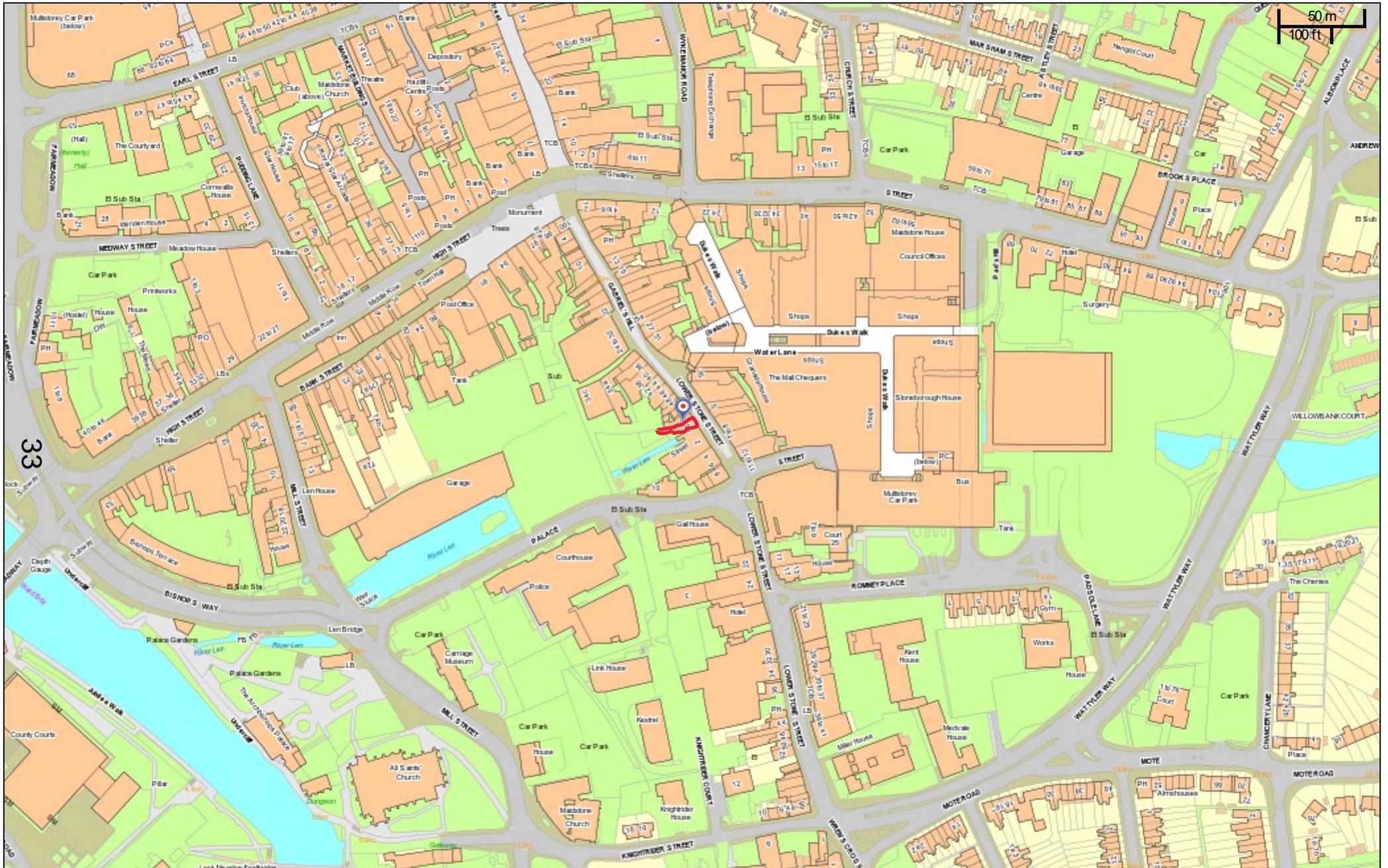
Scale 1:100

- A - COUNTER
- B - STORE ROOM
- C - TOILET
- fle - FIRE EXIT
- FIRE EXTINGUISHER
- D - KITCHEN



Ultimate Super Store

56 GABRIEL HILL  
HE15 6JJ  
MAGLIONE RENT



Enter map title  
Scale: 1:3000  
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## 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 the Review of a Premises Licence or Club Premises  
Certificate**

## **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
- The licence/certificate holder (and any representative)
- The applicant for review\* (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.

\* Not applicable following a closure order.

- **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 licence/certificate holder 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 for Review

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

### ii) Responsible Authorities (where applicable)

<b>RESPONSIBLE AUTHORITY</b>	<b>Tick if applicable</b>
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 for review, the licence/certificate holder, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or their 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 for review, the licence/certificate holder, 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.

#### **iv) The Licence/Certificate Holder**

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

## **Closing Speeches**

In the following order:

- The applicant for review**
- Each responsible authority**
- Each interested party**
- The licence/certificate holder**

## **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 invite the legal advisor to remain with the sub-committee during its deliberations.

- 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 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. The decision of the sub-committee does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- The hearing is formally closed.