

**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
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<b>Number of premises licence or club premises certificate (if known)</b> 13/00201/LAPRE
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**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)**  
**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**(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 Premises 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

**RESTRICTED (when complete)**

**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.

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

10. 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.
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:
- 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.
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

**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.