



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION
REVIEW**

Application Ref No: 19/03259/Review

Applicant: Chief Inspector Quiller, Kent Police

Premises Upmart 56 Gabriels Hill Maidstone Kent ME15 6JJ

Date(s) of hearing: 23rd October 2019

Date of determination: 23rd October 2019

Committee Members: [Chairman]: Councillor D Naghi
Councillor D Joy
Councillor M Rose

Legal Advisor in attendance at hearing(s): Robin Harris, Interim Team Leader
(Contentious), MKLS

Licensing Officer in attendance at hearing(s): Lorraine Neale

This was an application for:

Review

of a

Premises Licence

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Name: Kent Police

Legal or other representative: PC James Williams

Responsible Authorities

None

Other Persons

None

Witnesses and legal representatives in support of other persons

- **N/A**

Licence Holder

Name: Kavitha Sivothyayan

Legal or other representative: Gill Sherratt

Witnesses and legal representatives in support of the licence holder

Representations considered in the absence of a party to the hearing:

- **N/A**

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account specifically the following provisions of the Licensing Act 2003 and the Regulations thereto:

Sections 51

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 10 which relates to conditions attached to licences;
Chapter 11 which relates to reviews.

The Committee has taken into account its Statement of Licensing Policy:

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):
N/as

**C: Determination:
The Committee has decided to:**

- Modify conditions of the premises licence.

If so, state the modified conditions: See attached sheets.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee were satisfied that the conditions agreed between all parties were appropriate and proportionate to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

There were no representations relating to this licensing objective.

PRINT NAME (CHAIRMAN): Cllr David Naghi

Signed [Chairman]:

A copy of the original document is held on file

Date:

Conditions to be added to the Premises Licence

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 and in line with the requirements of the Data Protection Act.
4. The premises licence holder must ensure at all times the 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 and in line with the requirements of the Data Protection Act.
5. 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 reasonable request and in line with the requirements of the Data Protection Act.
6. No beer, lager or cider products above 7% ABV will be sold at the premises.
7. 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. -

8. A refusal recording system (which can be paper or electronic) 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 or description of the person refused

d. Reason for Refusal

e. Name of staff member making the refusal.

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

10. 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.

11. 'Challenge 25' signs will be prominently displayed.

12. 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.