

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Thursday 22 June 2017

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Garten, Mrs Hinder and Joy

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 Head of Housing and Community Services -
Application to transfer a premises licence under the Licensing
Act 2003 for Capitol Express, 11 Snowdon Parade, Snowdon
Avenue, Maidstone, Kent, ME14 5NS
- 1 - 33

Continued Over/:

Issued on 14 June 2017

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**

- | | | |
|----|---|----------|
| 5. | Report of the Head of Housing and Community Services -
Application to vary a premises licence to specify an individual as
designated premises supervisor under the Licensing Act 2003
for Capitol Express, 11 Snowdon Parade, Snowdon Avenue,
Maidstone, Kent, ME14 5NS | 34 - 62 |
| 6. | Report of the Head of Housing and Community Services - Street
Trading Consent – Susan Clark | 63 - 114 |

Agenda Item 4

Agenda Item No:	1 – Summary of Report
Licence Reference Report To:	17/01684/LAPRE LICENSING SUB – COMMITTEE (UNDER THE LICENSING ACT 2003)
Date:	12TH JUNE 2017
Report Title:	CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS Application to: Transfer a premises licence under the Licensing Act 2003
Report Author:	<u>Lorraine Neale</u>
Summary:	<ol style="list-style-type: none">1. The Applicant – Snowden Food Store Limited2. Type of authorisation applied for: To transfer a premises licence under the Licensing Act 2003. (Appendix A)3. Grounds of police objection: Kent police have no confidence that the first licensing objective of crime and disorder will be promoted if this transfer is allowed. The premises have previously failed 2 test purchases in the last 4 years and that this transfer is an attempt to suggest that significant changes have been made to the business in order to negate the necessity for further action. (Appendix B)
Recommendations:	The Committee is asked to determine the application and decide whether to transfer the licence.
Policy Overview:	The decision should be made with regard to Home Office 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 necessary to consider the rights of the applicant.
Background Papers:	Licensing Act 2003 Home Office Guidance Document issued under section 182 of The Licensing Act 2003 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: CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS

Application to: Transfer a premises licence under the Licensing Act 2003

Purpose of the Report

1. The report advises Members of an application to transfer a premises licence under the Licensing Act 2003, made by Snowden Food Store Limited, in respect of the premises Capitol Express, 11 Snowdon Parade, Snowdon Avenue, Maidstone, Kent, ME14 5NS to which a representation has been received from the Kent Police, a copy of which is shown in the appendices at the end of this report.

Issue to be decided and options

Members must, having regard to the application and the police objection notice, decide whether to grant the application or reject the application if members consider it necessary for the promotion of the crime prevention objective to do so.

The relevant statutory provisions are section 42 to 46 inclusive of the Licensing Act 2003.

The Secretary of State's Guidance at paragraphs 8.97 – 8.100 is relevant, particularly paragraphs 8.99 -8.100 which states:

8.99 In exceptional circumstances where the chief officer of police believes the transfer may . The police can object where,undermine the crime prevention objective, the police may object to the transfer, The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in a licensed premises, Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers,

8.100 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement)

Background

2. The application to transfer the premises licence is attached at Appendix A.
3. The objection notice of the police is attached at Appendix B.
4. **Members are advised that they may only reject the application if members consider it necessary for the promotion of the crime prevention objective to do so.**
5. The relevant section of **The Guidance issued under section 182 of The Licensing Act 2003 is Chapter 8: paragraphs 8.97 – 8.100**

6. There is no particular relevant chapter within the Licensing Authority's Statement of Licensing Policy.
7. 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 functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”

Implications Assessment

8. The decision should be made with regard to the Home Office Guidance. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
9. **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

10. 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

11. Appendix A Application Form
- Appendix B Police objection notice
- Appendix C Premise Licence (amended)
- Appendix D Plan of the Premises
- Appendix E Plan of the area
- Appendix F Human Rights Articles
- Appendix G Order of Proceedings

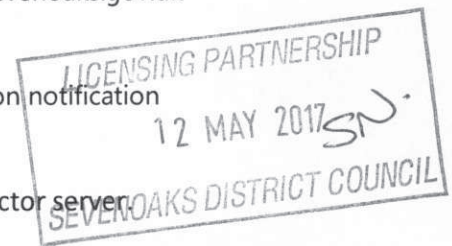
Appeal

12. The applicant or the Chief Officer of Police 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 by bring an appeal.

Contact:	Senior Licensing Officer
Email:	lorraineneale@maidstone.gov.uk

Janet Lockie

From: Uniform_Service_Request_Connector-Licensing@sevenoaks.gov.uk
Sent: 12 May 2017 12:56
To: Licensing
Subject: Uniform LI Connector: Transfer Licensing application notification



A Uniform Licensing application is received for Transfer sent by the Licensing Connector server.

Application Reference Value: 17/01684/LAPRE Application Type: Review of licence Application Proposal: Consultees
Outstanding Application Address: 11 Snowdon Parade Snowdon Avenue Maidstone Kent ME14 5NS
Created: 12/05/2017 00:00:00

Message sent from host name WKIP-SOAP-15 by user LicensingConnectorService_LIVE at 12/05/2017 12:56:11.

You have been sent this message because your address is defined as a contact address in the Uniform Licensing Connector configuration. Contact your Uniform systems administrator if you no longer wish to receive this message.

The Licensing Partnership

Application to Transfer a Premises Licence

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

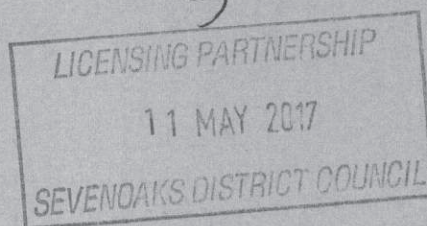
When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk



For Official Use Only

Title	Customer Name	Form Filename	
	SNOWDEN FOOD STORE LIMITED	Form Reference	SNOWDEN FOOD STORE LIMITED/
DOB	NINO	Caps Reference	
TEL			
Email			
Customer Address			
11 Snowden Parade			
Snowdon Avenue			
Maidstone			
Kent			
ME14 5NS			
Date Form Started	11/05/2017 15:18:08		
Date of E-signing			
Date Submitted			
Validation Ref			
Occupancy type			
Advisor Name (who started form)			
Advisor Department			
Self-Service			

Licensing Authority: **The Licensing Partnership**

Address

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

Application to Transfer a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes found on page 7 of this form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button. You will then need to complete the online payment process for the application to be complete.

You may wish to print and keep a copy of the completed form for your records.

For help or information about filling in this type of electronic form, click on the 'help' button.

Please note: You must send the original licence and consent form (Page 9) to the Council after you have submitted this application. Your application will not be deemed valid until these documents have been received.

I / We **SNOWDEN FOOD STORE LIMITED** apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

13/01249/REVIEW

Part 1 - Premises Details

[Click Here for Licence Lookup](#)

Postal address of premises or, if none, ordnance survey map reference or description

11 Snowdon Parade
Snowdon Avenue
Maidstone
Kent
ME14 5NS

Telephone number at premises (if any)

Please give a brief description of the premises

A sale of a bottle of WKD Blue (an alcohol based drink) and a pack of cigarettes was made to volunteers working with Trading Standards on 7th March 2013. The volunteers were aged 15 and 16 years old. Please see notepad for further information. The sale was made by Mr Bulent Ok, a brother of the premises licence holders Ferhat and Olcay Ok. This sale comes after a long history of complaints being made and advisory visits to the premises as detailed in the application.

Name of current premises licence holder

Mr Ferhat Ok and Ms Olcay Ok

Part 2 - Applicant Details

In what capacity are you applying for the premises licence to be transferred to you?

*Please make
selection with an "x"*

- | | |
|---|---|
| a) An individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

- | | |
|---|--|
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please make selection with an "x"

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a:
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

You do not have to fill in this part of the application form.

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Title

Surname

First names

Please make selection with an "x"

Are you 18 years old or over? ☐ Yes ☐ No

Date of birth

Current postal address if different from premises address

Daytime contact telephone number

Email address (optional)

You do not have to fill in this part of the application form.

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Title

Surname

First names

Please make
selection with an "x"

Are you 18 years old or over?

Yes

☐

No

☐

Date of birth

Current postal
address
if different from
premises address

Daytime contact telephone number

Email address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Snowden Food Store Limited
Address 11 Snowden Parade, Maidstone, United Kingdom, ME14 5NS
Registered number (where applicable) 10735196
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 02072413636
E-mail address (optional)

Part 3

*Please make selection
with an "x"*

Are you the holder of the premises licence under an interim authority notice?

Yes ☒ No ☐

Do you wish the transfer to have immediate effect?

☒ ☐

If not when would you like the transfer to take effect?

*Please make selection
with an "x"*

I have attached a scanned copy of the consent form (Page 9 of form) signed by the existing premises licence holder.

☒ ☐

If you have not attached the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

*Please make selection
with an "x"*

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Yes ☒ No ☐

*Please make selection
with an "x"*

I have attached a scanned copy of the premises licence.

Yes ☒ No ☐

If you can't attach the premises licence referred to above please give the reasons why not.

Licensing Authority: The Licensing Partnership
 Applicant(s): SNOWDEN FOOD STORE LIMITED

Ref:

Part 4 – Declaration (please read guidance note 3)

- ☒ I have attached the consent form (Page 9 of form) signed by the existing premises licence holder or included my statement as to why it is not attached.
- ☒ I have attached the premises licence, or the relevant part of it or explained why I have not attached it.
- ☒ I understand that I must return the original licence to the council. If this is not returned my application will not be valid.
- ☒ I understand that I must send the original consent form (Page 9 of form) to the council. If this is not sent, my application will not be valid.
- ☒ I understand that if I do not comply with the above requirements my application will be rejected
- ☒ I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Confirmation of the applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If completing on behalf of the applicant please state in what capacity.

Name Ms Aysen Ipek Kilic

Confirmation ☒ Date 11/05/2017

Capacity Licensing Consultant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Name

Confirmation ☐ Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

NARTS
 53 Stoke Newington High Street
 London N16 8EL

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance available online

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

The system could not be able to find the licence number.
The existing premises licence number is MAID0185/LPRM/1086

Please print this page.

I/We

Mr Ferhat Ok and Ms Olcay Ok

[Full name of premises licence holder(s)]

the premises licence holder of premises
licence number

13/01249/REVIEW

[insert premises licence number]

relating to

11 Snowdon Parade
Snowdon Avenue
Maidstone
Kent
ME14 5NS

[name and address of premises to which the application relates]

hereby give my consent for the transfer of
premises licence number

13/01249/REVIEW

[insert premises licence number]

to

[full name of transferee]

Signed

Name

SNOWDEN FOOD STORE LIMITED

Date

Please send this consent form to:

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

XML Specific

Application Type
Licence Case Type
Licence Status
XML Template
CAPS Reference

Payments request

CallingAppID
CallingAppRef
PaymentSourceCode

Customer Message

Response response

PaymentAuthorisationCode
IncomeManagementReceiptNumber
OriginatorsReference
CardScheme
CardType
PaymentAmount
ResponseCode
ResponseDescription
Number of payment lines

Service Message

Payment 1

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 2

Receipt Number
DueDate
PaymentType
Pay Description
XMLDescription
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 3

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 4

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 5

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Case Overview

Form file name:	<input type="text"/>	Current Date	<input type="text"/>
Form data set reference	SNOWDEN FOOD STORE LIMITED/	Date From	<input type="text"/>
Has been E-Signed	<input type="checkbox"/> Date/Time E-Signed <input type="text"/>		
Date/Time Submitted to main server	<input type="text"/>	Data Validation Reference	<input type="text"/>
Date/Time Submitted to external server	<input type="text"/>	Date/Time form Started	11/05/2017 15:18:08

Automatic Messaging

Receipt Email Address	<input type="text"/>	Notification Email Address	<input type="text"/>
Receipt Email Subject	<input type="text"/>	Notification Email Subject	<input type="text"/>
Receipt Email Message	<input type="text"/>	Notification Email Message	<input type="text"/>
Mobile Number	<input type="text"/>		

Case Notes

CRM Integration

CRM Case Ref

Form History

11/05/2017 16:03:10 | Received on Remote Server
11/5/2017 16:08:58 | Submitted | (anon,) | Application to Transfer a Premises Licence (1.0).wdf, 25536, Licence Inc Bexley, new | Ref: 025536-70511-696CV2V
11/05/2017 16:03:10 | Received on Remote Server
11/5/2017 16:08:58 | Submitted | (anon,) | Application to Transfer a Premises Licence (1.0).wdf, 25536, Licence Inc Bexley, new | Ref: 025536-70511-696CV2V

Form Database

Primary Record ID	<input type="text"/>	Secondary Record ID	<input type="text"/>
Department Name	<input type="text"/>	Form Status	<input type="text"/>
Depart Classification / Priority	<input type="text"/>	Search Field 3	11 Snowdon Parade Snowdon Avenue Maidstone Kent ME14 5NS
Dept Case Reference	<input type="text"/>		
Date Record Started	<input type="text"/>		
Date Last Modified	<input type="text"/>		

Current User

Title	<input type="text"/>	Surname	<input type="text"/>	First Name	<input type="text"/>	User Record Id	<input type="text"/>
Tel No	<input type="text"/>	Email address	<input type="text"/>		Address	<input type="text"/>	
User Classification	<input type="text"/>						
Portal Username	<input type="text"/>	Expert for this form	<input type="text"/>				

System Data

Pages active with dynamic paging	<input type="text"/>		
Data Locked for Editing	<input type="text"/>	Date of offline forms creation	<input type="text"/>
Type of form - ufx, wdf or txt	<input type="text"/>	If TXT - Optimised for screen-readers	<input type="checkbox"/>
Start page for expert users	<input type="text"/>	Print Collation Config	<input type="text"/>
		Enable high-quality print (WDF)	<input type="checkbox"/>
		Enable top controls on opening	<input type="checkbox"/>

Form Design Settings

Dynamic paging enabled	<input type="checkbox"/>	Use page titles for page menu	<input checked="" type="checkbox"/>	ESigning is available	<input type="checkbox"/>	After ESigning/Submission - go to page No?	<input type="text"/>	TXT form is available	<input checked="" type="checkbox"/>
Pages with forced error checking	<input type="text"/>								
Pages that override forced error checking	<input type="text"/>								
Last visible page:	Unregistered users	<input type="text"/>	Registered users	<input type="text"/>	Expert users	<input type="text"/>	Override for TXT version	<input type="text"/>	
Default branding file:	UK Revenues & Benefits Branding (1.0)				e.g. 'UK Revenues & Benefits Branding (1.0)'				
Shared Data Dictionary	Victoria Forms UK Licensing Data (1.0)				e.g. 'Victoria Forms UK Government Data (1.0)'				
HTML pages within WDF	<input type="text"/>								
	1,2,3,4,5,6,7								
					Page no for thumbnail <input type="text"/>				

Consent of premises licence holder to transfer

I/we **Mr Ferhat Ok**

[full name of premises licence holder(s)]

the premises licence holder of premises licence number

MAID0185 / LPRM / 1086
[insert premises licence number]

relating to

Capitol Express, 11 Snowden Parade, Kent, ME14 5NS

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

MAID0185 / LPRM / 1086

[insert premises licence number]

to

SNOWDEN FOOD STORE LTD
[full name of transferee].

Signed



Full Name

Mr Ferhat Ok

Date

31/03/2017

Consent of premises licence holder to transfer

I/we **Ms Olcay OK**

[full name of premises licence holder(s)]

the premises licence holder of premises licence number

MAID0185/LPRM/1086
[insert premises licence number]

relating to

Capitol Express, 11 Snowden Parade, Kent, ME14 5NS

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

MAID0185/LPRM/1086
[insert premises licence number]

to **Snowden Food Store Ltd**

[full name of transferee].

Signed

Full Name **Ms Olcay OK**

Date **31/03/2017**

Ms Olcay OK has refused to sign the document
she said she is no longer related to this
business.



Voice of Turkish & Kurdish Food Industry in Britain



Details of person making representation

Name of Chief Officer of Police	Chief Constable Alan Pughsley
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone.
E-mail address	neil.barnes@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	Capitol Express
Address of premises:	11 Snowdon Parade, Vinters Park Maidstone
Date application received by police	18/05/17 Must be received on the same day as the day application given to Licensing Authority.
Date representation given to Licensing Authority	25/05/17 Must be within 14 days of receipt. S42(7) Licensing Act 2003

The Chief Officer of Police has received an application for the transfer of a premises licence made under the provisions of Section 42 Licensing Act 2003, and under Section 42(6) of that Act asks the Licensing Authority to consider this objection in respect of the prevention of crime and disorder objective.

Complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because

Kent Police have received an application to transfer the Premises Licence for Capitol Express, 11 Snowden Parade, Maidstone from Mr Ferhat Ok to "Snowden Food Store Limited". Kent Police have spoken to the applicant's licensing consultants (NARTS, 53 Stoke Newington, High Street, London. N16 8EL) and have been told that Snowden Food Store Ltd is operated by Mr Bulent Ok who is Ferhat Ok's brother. Kent Police were also informed that Bulent Ok and Ferhat Ok own the premises on a 50/50 basis but Bulent Ok is in the process of buying out his brother who will then walk away from the business.

The premises has a history of problems and Kent Police believe that this application is simply a paperwork exercise in damage control. The venue has failed 2 test purchases in the last 4 years, the first in March 2013 when Mr Bulent Ok sold alcohol to a person under 18 and the second occasion in March 2017 when Mr Ferhat Ok sold alcohol to a person under 18. As a result of the most recent failed test purchase, Kent Police believe that this transfer is simply an attempt to suggest that significant changes have been made to the business in order to negate the necessity for further action. As well as being the co-owners, Bulent Ok and Ferhat Ok are the staff members at the premises, therefore they both have influence in the running of the premises and have a degree of responsibility.

This application simply transfers the licence from one partner who has failed a test purchase to the other partner who has also failed a test purchase. Kent Police have no confidence that the first licensing objective will be promoted if this transfer is allowed. A criminal offence was recently committed at the premises when Bulent Ok was already in a position of influence in the running of the business on top of that he himself has committed the same offence previously.

Please use separate sheets where necessary

Signed: PC Neil Barnes 10051

Date: .25\05\2017...

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 must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application under s 42(5) Licensing Act 2003.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period.

Premises Licence

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

APPENDIX C

Premises Licence Number – MAID0185/LPRM/1086

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description

CAPITOL EXPRESS, 11 SNOWDON PARADE

Post Town **MAIDSTONE**

Post Code **ME14 5NS**

Telephone Number **01622 688255**

Where the licence is time limited the dates

Not time limited

Licensable activities authorised by the licence:-

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:-

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.**
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.**
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d. On Good Friday, 8 a.m. to 10.30 p.m.**

The opening hours of the premises

Subject to relevant legislation

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off supplies only

(1) Insert licensing authority details

Part 2

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

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

Ms Olcay Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

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

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

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

MAID0185/LP/0483

Maidstone Borough Council

MC1 – The supply of alcohol

Licensing Act 2003 (c.17 Part 3, s.19)

MC1.1 – 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.**

MC1.2 – Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

N/A

N/A

As attached

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.**
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.**
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d. On Good Friday, 8 a.m. to 10.30 p.m.**










The above restrictions do not prohibit:

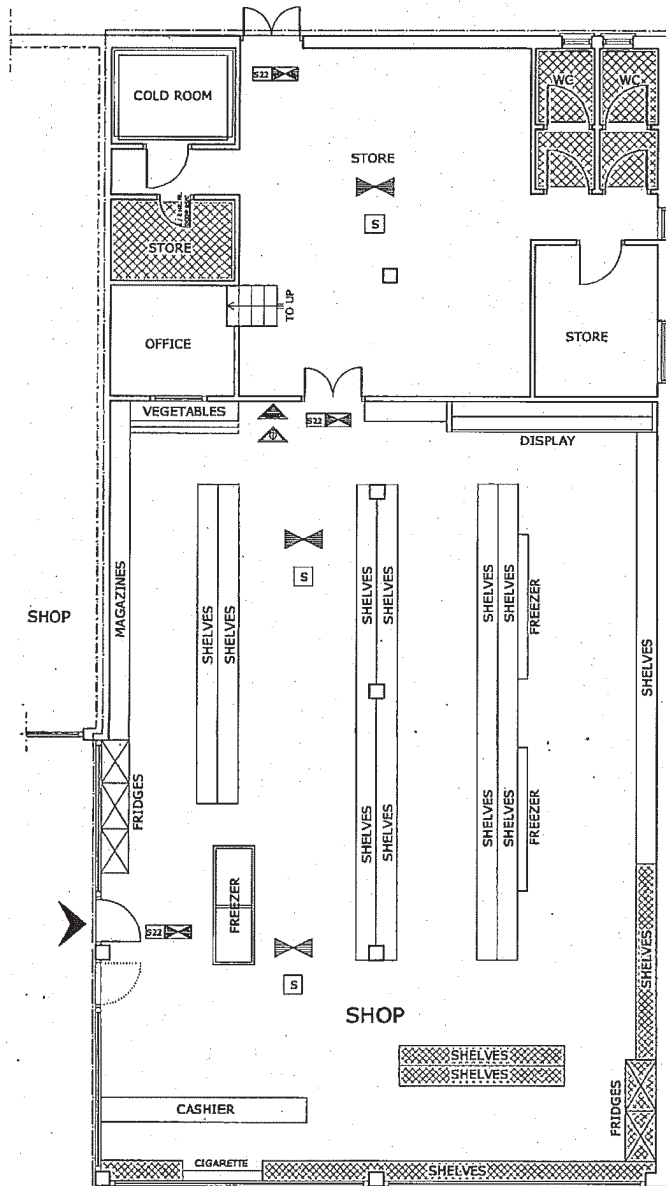
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;**
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;**
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;**
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

APPENDIX D

LEGEND

-  LIQUOR SALE
-  WC, PASSAGEWAY, ETC
-  LIQUOR STORAGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)



EXISTING GROUND FLOOR

27 JUL 2005

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CAPITOL EXPRESS
11 SNOWDON PARADE
MAIDSTONE
KENT ME14 5NS

EXISTING
 - GROUND FLOOR PLAN

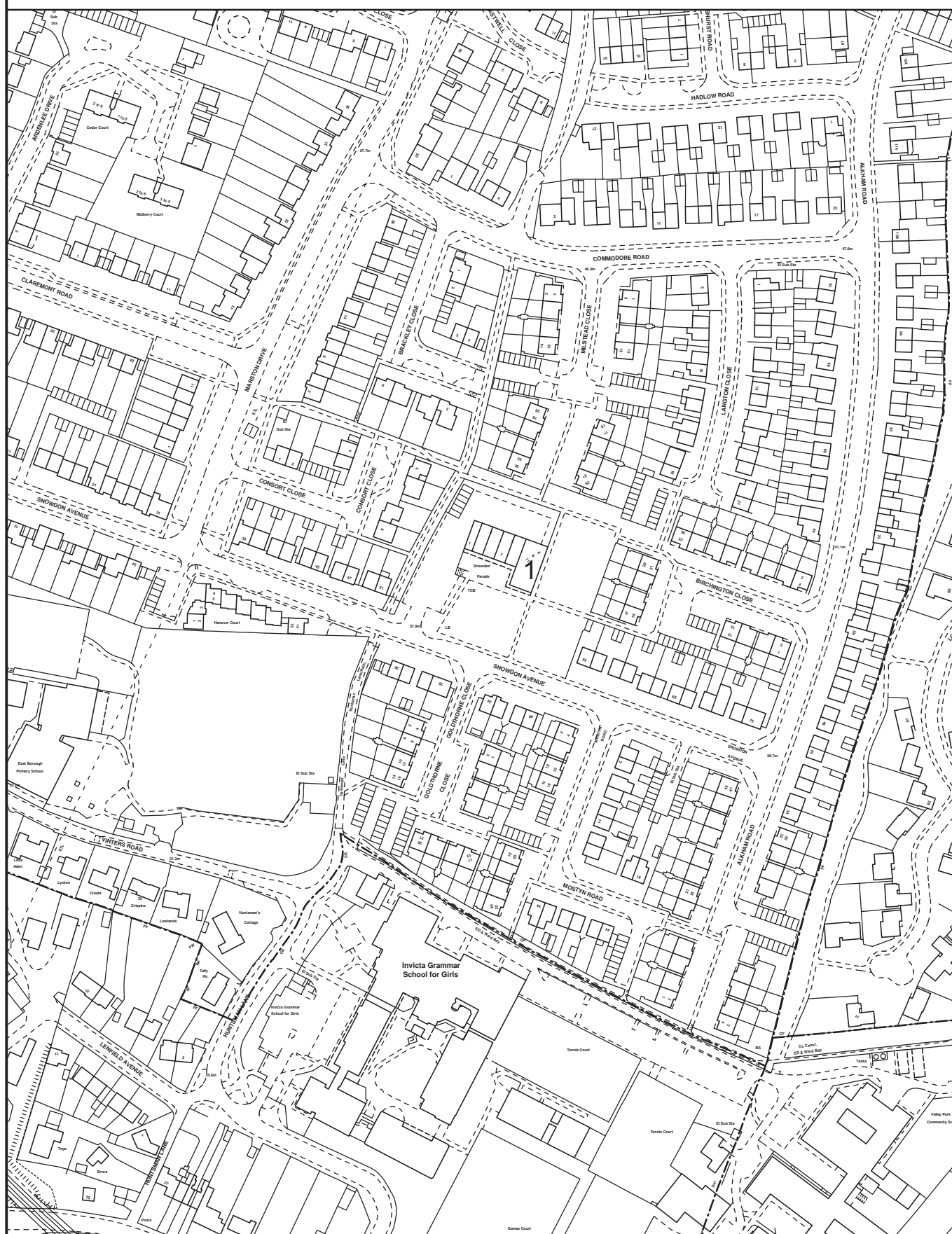
SCALE: 1/100	REF. NO : 271.05/01
DATE: JUNE. 05	DRG BY:- A.AY

ANVA LTD.

P.O. BOX 1827
 ILFORD. IG2 7WJ
 TEL: 020 8599 5036 FAX: 020 8586 4401
 MOBILE: 077 10942923 / 079 31393989

- 1 JUL 2005

CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, VINTERS PARK, MAIDSTONE, ME14 5NS



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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 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.

Agenda Item 5

Agenda Item No:1	1 – Summary of Report
Licence Reference Report To:	17/01684/LAPRE LICENSING SUB – COMMITTEE (UNDER THE LICENSING ACT 2003)
Date:	12TH JUNE 2017
Report Title:	CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS Application to: Vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003
Report Author:	<u>Lorraine Neale</u>
Summary:	<ol style="list-style-type: none">1. The Applicant – Snowden Food Store Limited2. Type of authorisation applied for: To vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003. (Appendix A)3. Grounds of police objection: It is the opinion of the Police that the licensing objectives would not be upheld if Bulent Ok becomes the designated premises supervisor, the variation changes a name on paper but does not change the ethos at the premises.(Appendix B)
Recommendations:	The Committee is asked to determine the application and decide whether to vary the licence.
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 necessary to consider the rights of the applicant.
Background Papers:	Licensing Act 2003 Home Office Guidance Document issued under section 182 of The Licensing Act 2003 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: CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, MAIDSTONE, KENT, ME14 5NS

Application to: Vary a premises licence to specify an individual as Designated Premises Supervisor under the Licensing Act 2003

Purpose of the Report

The report advises Members of an application to vary a premises licence to specify an individual as Designated Premises Supervisor under the Licensing Act 2003, made by Snowden Food Store Limited, in respect of the premises Capitol Express, 11 Snowdon Parade, Snowdon Avenue, Maidstone, Kent, ME14 5NS to which a representation has been received from the Kent Police, a copy of which is shown in the appendices at the end of this report.

Issue to be decided and options

Members must, having regard to the application and the police objection notice, decide whether to grant the application or reject the application if members consider it necessary for the promotion of the crime prevention objective to do so.

The relevant statutory provisions are section 37 to 40 inclusive of the Licensing Act 2003.

The Home Office Guidance at paragraphs 4.31 – 4.41 is relevant, particularly paragraphs 4.39 – 4.41 which states:

4.39 The police may object to the designation of a new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

4.40 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter **must** restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected..”

4.41 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.

Background

1. The application to vary the premises licence to specify an individual as designated premises supervisor is attached at Appendix A.

2. The objection notice of the police is attached at Appendix B.
3. **Members are advised that they may only reject the application if members consider it necessary for the promotion of the crime prevention objective to do so.**
4. The relevant section of **The Guidance issued under section 182 of The Licensing Act 2003** is **Chapter 4: paragraphs 4.31 – 4.41**
5. There is no particular relevant chapter within the Licensing Authority's Statement of Licensing Policy.
6. 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 functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”

Implications Assessment

7. The decision should be made with regard to Home Office Guidance. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
8. **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

9. 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

10.

Appendix A	Application Form
Appendix B	Police objection notice
Appendix C	Premise Licence
Appendix D	Plan of the Premises
Appendix E	Plan of the area
Appendix F	Human Rights Articles
Appendix G	Order of Proceedings

Appeal

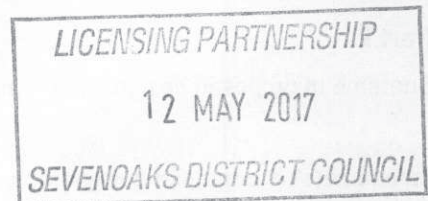
11. **The applicant or the Chief Officer of Police may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. Allany appeals must be lodged with the Magistrates' Court. Parties should be aware that they may incur an Adverse Costs Order should by bring an appeal.**

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
--------------------	---

Licensing Authority: *The Licensing Partnership*

Printed and signed
Declaration to be
returned to:

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP



Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes found at bottom of Page 4 of this form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help or information about filling in this type of electronic form, click on the 'help' button.

Please note: You must send the original licence and consent form (Page 7) to the Council after you have submitted this application. Your application will not be deemed valid until these documents have been received.

I/We Snowden Food Store Limited being the premises licence holder,
apply to vary a premises licence to specify the individual named in this application as the
premises supervisor under section 37 of the Licensing Act 2003

Premises licence reference number

13/01249/REVIEW

[Click here for Licence Lookup](#)

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

11 Snowdon Parade
Snowdon Avenue
Maidstone
Kent
ME14 5NS

Telephone number at premises (if any)

Description of premises (please read guidance note 1)

Mini Market, Off-licence and grocery store

Part 2

Surname of proposed designated premises supervisor

Ok

Forename(s) of proposed designated premises supervisor **Mr Bulent**

Mr Bulent

Personal licence number of proposed designated premises supervisor (if any)

Z01N17THEB/2

Issuing authority of that licence

L.B. Waltham Forest

Full name of existing designated premises supervisor (if any)

Mr. Ferhat Ok

Please make
selection with an "x"

Yes No

Yes

No

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

☒☐

I have attached a scanned copy of the premises licence or relevant part of it along with the declaration.

☒☐

(If you are not attaching the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to attach a scanned copy of the premises licence or relevant part of it

A Consent To Be Designated Premises Supervisor (DPS) Declaration.

Licensing Authority: The Licensing Partnership

Ref:

Applicant(s):

- I have attached a scanned copy of the consent form (Page 7) completed by the proposed premises supervisor ☒
- I have attached a scanned copy of the premises licence, or the relevant part of it or explanation ☒
- I will send the consent form (Page 7) completed by the proposed premises supervisor and current premises licence to the Council ☒
- I will give a copy of this form to the existing premises supervisor, if any ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

Please provide your email address for correspondence - required

licensing@narts.org.uk

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 NOTIFICATION

Part 5 - Confirmation (please read guidance note 2)

Confirmation of applicant or applicant's solicitor or other duly authorised agent (see guidance note 3). If confirming on behalf of the applicant please state in what capacity.

Name Confirmation ☒ Date Capacity, e.g. Licence Holder or Agent

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If confirming on behalf of the applicant please state in what capacity.

Name Confirmation ☐ Date Capacity, e.g. Licence Holder or Agent

Contact name (where not previously given) and address for correspondence associated with this application

NARTS
53 Stoke Newington High Street
N16 8EL

Telephone number (if any)

02072413636

Notes for Guidance

1. Describe the premises. For example the type of premises it is.
2. The application form must be confirmed.
3. An applicant's agent (for example solicitor) may confirm the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: Snowden Food Store Limited,

Date Submitted:

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

We have already got the Consent DPS form signed therefor instead of using your one I have enclosed the one we got. I believe this will be satisfactory.

Please print, sign and send to the address at the bottom of this page.

I,
[Full name of prospective premises supervisor]

of
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated
premises supervisor in relation to the application for:
[type of application]

by
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for
[name and address of premises to which the application relates]

and any premises licence to be granted or
varied in respect of this application made by
[name of applicant]

concerning the supply of alcohol at

[name and address of premises to which the application relates]

I can also confirm that I am applying for, intend to apply for or currently hold a
personal licence, details of which I set out below

Personal Licence Number

Personal Licence Issuing Authority

Signed

Name

Date

Please send this consent form to:

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

XML Specific

Application Type
Licence Case Type
Licence Status
XML Template
CAPS Reference

Payments request

CallingAppID
CallingAppRef
PaymentSourceCode

Customer Message

Response response

PaymentAuthorisationCode
IncomeManagementReceiptNumber
OriginatorsReference
CardScheme
CardType
PaymentAmount
ResponseCode
ResponseDescription
Number of payment lines

Service Message

Payment 1

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 2

Receipt Number
DueDate
PaymentType
Pay Description
XMLDescription
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 3

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 4

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Payment 5

Receipt Number
DueDate
PaymentType
Pay Description
XML Description
PaymentDue VAT
Paid
Payment Date
Fund
Reference

Case Overview

Form file name: Current Date
Form data set reference Date From
Has been E-Signed ☐ Date/Time E-Signed
Date/Time Submitted to main server Data Validation Reference
Date/Time Submitted to external server Date/Time form Started

Automatic Messaging

Receipt Email Address Notification Email Address
Receipt Email Subject Notification Email Subject
Receipt Email Message Notification Email Message
Mobile Number

Case Notes

CRM Integration

CRM Case Ref

Form History

12/05/2017 09:18:06 | Received on Remote Server
12/5/2017 09:24:29 | Submitted | (anon, .) | Application to Vary a Premises Licence and Specify Supervisor (1.0).wdf, 25541, Licence Inc Bexley, new | Ref: 025541-70512-92YNRC4
12/05/2017 09:18:06 | Received on Remote Server
12/5/2017 09:24:29 | Submitted | (anon, .) | Application to Vary a Premises Licence and Specify Supervisor (1.0).wdf, 25541, Licence Inc Bexley, new | Ref: 025541-70512-92YNRC4

Form Database

Primary Record ID Secondary Record ID
Department Name Form Status
Depart Classification / Priority
Dept Case Reference Search Field 3
Date Record Started
Date Last Modified

Current User

Title Surname First Name User Record Id
Tel No Email address Address
User Classification
Portal Username Expert for this form

System Data

Pages active with dynamic paging
Data Locked for Editing Date of offline forms creation Enable high-quality print (WDF) ☐
Type of form - ufx, wdf or txt If TXT - Optimised for screen-readers ☐ Enable top controls on opening ☐
Start page for expert users Print Collation Config

Form Design Settings

Dynamic paging enabled ☐ Use page titles for page menu ☒ ESigning is available ☐ After ESigning/Submission - go to page No? TXT form is available ☒
Pages with forced error checking
Pages that override forced error checking
Last visible page: Unregistered users Registered users Expert users Override for TXT version
Default branding file: e.g. 'UK Revenues & Benefits Branding (1.0)'
Shared Data Dictionary e.g. 'Victoria Forms UK Government Data (1.0)'
HTML pages within WDF Page no for thumbnail

The Licensing Partnership

Application to vary a Premises Licence to Specify an Individual as Designated Premises Supervisor

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

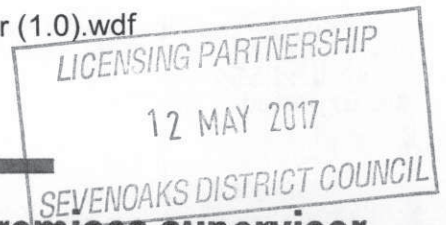
If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For Official Use Only

Title	Customer Name	Form Filename	
	Snowden Food Store Limited	Form Reference	Snowden Food Store Limited.
DOB	NINO	Notes	Caps Reference
TEL			
Email			
Customer Address			
11 Snowden Parade Snowdon Avenue Maidstone Kent ME14 5NS			
Date Form Started	12/05/2017 08:52:19		
Date of E-signing			
Date Submitted			
Validation Ref			
Occupancy type			
Advisor Name (who started form)			
Advisor Department			
Self-Service			



Consent of individual to being specified as premises supervisor

I **Mr Bulent Ok** of **21 St Patricks Court, Bridle Path IG8 9LF** [home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application

for **Variation of DPS** [type of application] by **Snowden Food Store Lmt** [name of applicant]

relating to a Premises Licence [number of existing licence, if any]

for **Capitol Express, 11 Snowdon Parade, Maidstone, Kent ME14 5NS** [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Snowden Food Store Lmt [name of applicant]

concerning the supply of alcohol at

Capitol Express, 11 Snowdon Parade, Maidstone, Kent ME14 5NS [name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number **Z01N17THEB/2**
[insert personal licence number, if any]

Personal licence issuing authority **L.B. Waltham Forest**
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Full Name **Mr Bulent Ok**

Date **11/05/2017**



**Kent
Police**

Chief Officer of Police Representation in relation to an application for **variation** of premises licence **to specify individual as premises supervisor** made under Part 3 **Section 37** Licensing Act 2003 (S37(5) Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Constable Alan Pughsley
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone.
E-mail address	neil.barnes@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about	
Name of Premises:	Capitol Express
Address of premises:	11 Snowdon Parade, Vinters Park Maidstone
Date application received by police	18/05/2017
Date representation sent to Licensing Authority	25/05/17

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? YES/NO

If yes, complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the prevention of crime and disorder objective because:

Kent Police have received an application to vary the Premises Licence for Capitol Express in Snowdon Parade, Maidstone. The application is to remove Mr Ferhat Ok as the Designated Premises Supervisor and replace him with his brother Mr Bulent Ok.

Kent Police have been informed by Mr Bulent Ok's licensing consultant that both he and Ferhat Ok co-own the premises each with a 50/50 stake. It was stated that Bulent Ok is in

the process of buying out Ferhat Ok and his brother will then walk away. Kent Police were also told that Bulent OK had in effect only been a sleeping partner in the business up until now, however Kent Police do not believe this to be the case with clear evidence that Bulent Ok has been working at the premises.

The premises failed a test purchase on the 7th March 2013 when Mr Bulent Ok sold alcohol to a person under 18. The test purchase operation was conducted by trading standards after a number of complaints had been received regarding underage sales at the premises. The premises failed another test purchase on the 21/03/17 and on this occasion Mr Ferhat Ok sold alcohol to a person under 18. Again this operation was only conducted after a number of complaints re underage sales were received.

Although the matter is still being investigated by Trading Standards it is highly likely that a Review of the premises licence will follow. It is Kent Police's view that this variation is simply trying to avoid that Review by stating that a fundamental change has been made to the staff and ownership of the premises since the last failed test purchase but in fact it is simply changing a name on the paperwork without changing anything of substance.

On the 18th April 2017 Trading Standards and Kent Police conducted a follow up visit to the premises and spoke to Ferhat Ok. He stated that he and his brother were the only people who worked at the premises. He also stated that Bulent Ok updates the till and can use the CCTV system, therefore although Mr Bulent Ok was not the designated premises supervisor or the premises licence holder at the time of the failed test purchases he clearly held a significant position and was not simply a sleeping partner.

Therefore this variation simply changes the Designated Premises Supervisor from one half of the set-up at the time of the failed test purchase to the other half. It simply changes the Designated Premises supervisor from one person who has failed a test purchase to another who has also failed a test purchase operation.

Kent Police can have no confidence that the licensing objectives will be upheld if Bulent Ok does become the designated premises supervisor, the variation changes a name on paper but does not change the ethos at the premises.

Please use separate sheets where necessary

Signed: 

Print name: PC Neil Barnes

Date: 25/05/17

Force Number: 10051

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

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

Premises Licence

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

APPENDIX C

Premises Licence Number – MAID0185/LPRM/1086

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description

CAPITOL EXPRESS, 11 SNOWDON PARADE

Post Town **MAIDSTONE**

Post Code **ME14 5NS**

Telephone Number **01622 688255**

Where the licence is time limited the dates

Not time limited

Licensable activities authorised by the licence:-

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:-

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.**
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.**
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d. On Good Friday, 8 a.m. to 10.30 p.m.**

The opening hours of the premises

Subject to relevant legislation

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off supplies only

(1) Insert licensing authority details

Part 2

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

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

Ms Olcay Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

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

Mr Ferhat Ok
11 Snowdon Parade
Maidstone
Kent
ME14 5NS

01622 688255

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

MAID0185/LP/0483

Maidstone Borough Council

MC1 – The supply of alcohol

Licensing Act 2003 (c.17 Part 3, s.19)

MC1.1 – 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.**

MC1.2 – Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

N/A

N/A

As attached

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.**
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.**
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.**
- d. On Good Friday, 8 a.m. to 10.30 p.m.**










The above restrictions do not prohibit:

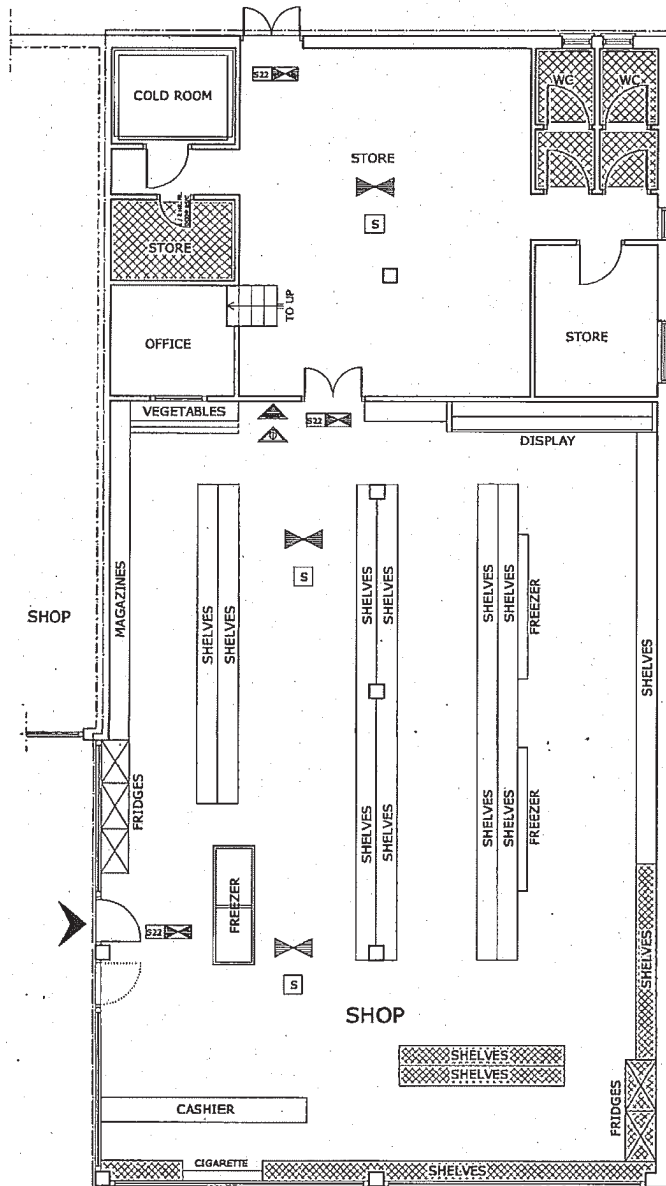
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;**
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;**
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;**
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

APPENDIX D

LEGEND

-  LIQUOR SALE
-  WC, PASSAGEWAY, ETC
-  LIQUOR STORAGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)



EXISTING GROUND FLOOR

27 JUL 2005

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CAPITOL EXPRESS
11 SNOWDON PARADE
MAIDSTONE
KENT ME14 5NS

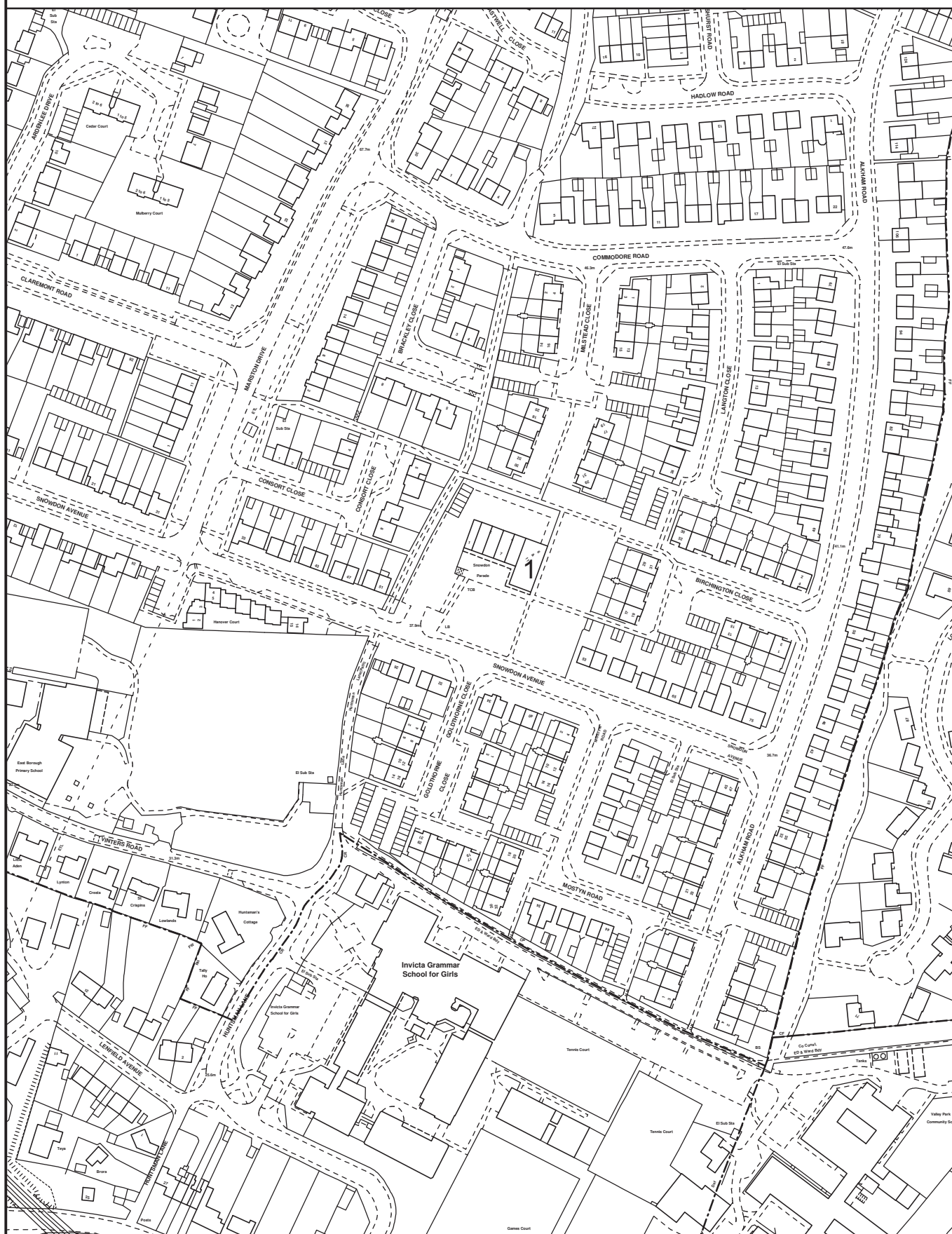
EXISTING
 - GROUND FLOOR PLAN

SCALE: 1/100	REF. NO : 271.05/01
DATE: JUNE. 05	DRG BY:- A.AY

ANVA LTD.

P.O. BOX 1827
 ILFORD. IG2 7WJ
 TEL: 020 8599 5036 FAX: 020 8586 4401
 MOBILE: 077 10942923 / 079 31393989

CAPITOL EXPRESS, 11 SNOWDON PARADE, SNOWDON AVENUE, VINTERS PARK, MAIDSTONE, ME14 5NS



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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 an Application to Vary the Designated Premises Supervisor following a Police objection

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 chief officer of police (and any representative)
- ✘ The applicant (and any representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ✘ Confirm that the 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 the 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.

- **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.

The Hearing

Outline of the Application and Police Objection notice

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

i) Chief Officer of Police

- ✘ Opening remarks by the Chief Officer of Police (or their representative).

- ✘ Evidence of the Chief Officer of Police and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant (or representative) and sub-committee members.
- ✘ If necessary, the officer (or their representative) may clarify any matter that arose during questioning.

ii) **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 the Chief Officer of Police (or representative) and sub-committee members.
- ✘ If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ✘ **The chief officer of police (or representative)**
- ✘ **The applicant (or representative)**

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, the police objection, 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 crime prevention licensing objective 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.
- ✕ The parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ✕ The 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.

Licensing Act 2003 Sub-Committee

22 JUNE 2017

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Street Trading Consent – Susan Clark

Final Decision-Maker	Licensing Committee
Head of Service	John Littlemore, Head of Housing and Community Services
Report Author	Lorraine Neale, Senior Licensing Officer
Classification	Non-exempt
Wards affected	Harrietsham

This report makes the following recommendations to the final decision-maker:

1. That Members give consideration to the application for a street trading consent by Susan Clark taking into account the consultation representation (Appendix B)

This report relates to the following corporate priorities:

- Securing a successful economy for Maidstone Borough -

Timetable

Meeting	Date
Licensing Act 2003 Sub-Committee	22 June 2017

Street Trading Consent – Susan Clark

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 That Members give consideration to the application for a street trading consent by Susan Clark (Appendix A) taking into account the consultation representation (Appendix B)
-

2. INTRODUCTION AND BACKGROUND

- 2.1 On the 12 April 2017 Susan Clark made an application for a new street trading consent to sell burgers, rolls and other snacks from a mobile van in Victoria's nightclub car park, Harrietsham, Maidstone. The application also includes a letter of permission from Victoria's nightclub for Susan Clark to site herself in their car park. The days and hours of operation she has applied for are Monday to Friday from 7.30 to 15.30. (Appendix A).
- 2.2 Consultations have been carried out, responses were received from the following and no objections have been received:-
- Kent Police
Environmental Enforcement
- 2.3 The consultation took place for 14 days from 13 April until 27 April 2017 and one representation was received.
- 2.4 The objection was received on 24 April 2017 from Harrietsham Parish Council, their main concern is that the siting of the van in the nightclub car park will cause highway safety issues on a busy trunk road (Appendix B).
- 2.5 On the 3 May 2017, the Head of Housing and Community Services wrote to Susan Clark informing her that he was unable to determine the application due to the objection received and informed her of her right to be heard by the Sub-Committee if she wished to do so. In an e-mail from Susan Clark (Appendix C) received on 8 May 2017 she has confirmed that she wishes for the matter to come before the Sub-Committee.
- 2.6 On the 17 May 2017, Susan Clark supplied documents in support of her application and these are attached as Appendix D.
-

3. AVAILABLE OPTIONS

- 3.1 To grant the consent
3.2 To grant the consent with additional/specific conditions attached
3.3 To refuse grant
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The application for consent should be determined as to fail to do so would not meet legal requirements and could be challenged.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The required 14 day consultation with all relevant parties and local business for the additional items took place from 13 April until 27 April 2017 and one representation was received as a result of that consultation.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Service or Manager]
Financial		[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal		[Legal Team]
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety		[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A Application form
 - Appendix B Copy of objection
 - Appendix C Susan Clark Appeal e-mail
 - Appendix D Susan Clark supporting documentation
 - Appendix E Street Trading Policy
 - Appendix F Hearing Procedure
-

8. BACKGROUND PAPERS

None



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR A STREET TRADING CONSENT

1. NAME OF APPLICANT a) SURNAME MR/MRS/MISS CLARK
 (BLOCK CAPITALS) b) FORENAME(S) SUSAN
2. ADDRESS OF APPLICANT COBHAM MANOR HALL
 (BLOCK CAPITALS) WATER LANE
MAIDSTONE
KENT ME14 3LU
3. TELEPHONE NUMBER 07809 204762
4. DATE OF BIRTH 28th MARCH 1958
5. NATIONAL INSURANCE NUMBER WA369499B
6. DETAILS OF THE ARTICLES/FOOD THAT YOU PROPOSE TO SELL SUSIESNACKS2017@gmail.com
BURGERS CHICKEN
Sausages Bacon
EGGS ROLLS
7. GIVE DETAILS OF THE EXACT SITE FROM WHICH YOU INTEND TO TRADE (ENCLOSE PLAN WITH SITE DETAILED) VICTORIAS CAR
PARK ME17 1BL
7. STATE PRECISELY THE DAYS OF THE WEEK AND HOURS THAT YOU INTEND TO TRADE. MON-TUES-WED-THURS
FRI 7.30 - 3.30
8. GIVE DETAILS:
 - a) IF A STALL/STRUCTURE/VEHICLE VEHICLE
 - b) OF THE APPROXIMATE DIMENSIONS OF THE STALL/STRUCTURE/VEHICLE 21 FOOT x 7 FOOT
 - c) THE VEHICLE REGISTRATION NUMBER(S) M386 HWK
 - d) COLOUR OF VEHICLE WHITE

- e) THE TRADING NAME YOU USE SUSIE'S SNACKS
- f) DO YOU INTEND TO USE CHIMES OR A LOUDSPEAKER NO
9. IF SELLING FOOD OR DRINKS:
- a) YOU NEED TO BE REGISTERED WITH THE ENVIRONMENTAL HEALTH DEPARTMENT IN RESPECT OF FOOD HYGIENE, ARE YOU SO REGISTERED? YES/NO Handstone
- (IF REGISTERED ELSEWHERE, PLEASE STATE WITH WHICH LOCAL AUTHORITY)
- b) STATE WHERE YOUR GOODS WILL BE STORED AT HOME WHEN NOT BEING OFFERED FOR SALE
10. STATE WHERE TRADE REFUSE WILL BE DEPOSITED IN BINS PROVIDED
NOTE: UNDER THE 1990 ENVIRONMENTAL PROTECTION ACT YOU ARE UNDER A DUTY OF CARE TO DISPOSE OF ANY REFUSE IN A CORRECT MANNER, FOR WHICH A CHARGE CAN BE LEVIED. AT VICTORIAS
11. IF NOT TRADING ON THE HIGHWAY, STATE WHETHER CONSENT HAS BEEN GRANTED FOR USE OF LAND AND PROVIDE PROOF OF CONSENT CONSENT PROVIDED
12. a) STATE WHETHER AN APPLICATION FOR A STREET TRADING LICENCE OR CONSENT HAS PREVIOUSLY BEEN MADE BY YOU (OR YOUR ASSISTANT(S) IF ANY) TO ANY OTHER LOCAL AUTHORITY. YES/NO
- b) IF YES, STATE WHETHER SUCH LICENCE OR CONSENT HAS BEEN:
- | | |
|-------|---------|
| (i) | GRANTED |
| (ii) | REFUSED |
| (iii) | REVOKED |
- c) IF ANY LICENCE OR CONSENT HAS BEEN REFUSED OR REVOKED GIVE DETAILS OF THE LOCAL AUTHORITY AND A BRIEF OUTLINE OF THE CIRCUMSTANCES
13. HAVE YOU BEEN CONVICTED OF ANY OF THE FOLLOWING OFFENCES INVOLVING:
- | | |
|---|--------|
| VIOLENCE | YES/NO |
| DISHONESTY/THEFT/HANDLING/BURGLARY | YES/NO |
| CONSUMER PROTECTION OR FAIR TRADING | YES/NO |
| PUBLIC HEALTH OR FOOD HYGIENE | YES/NO |
| CONTRAVENTIONS | YES/NO |
| PROHIBITED FROM RUNNING A FOOD BUSINESS | YES/NO |
- IF YES, PLEASE SPECIFY DETAILS GIVING DATE AND PLACE OF CONVICTION AND SENTENCE IMPOSED.
14. STATE THE NUMBER OF ASSISTANTS THAT WILL BE USED INCLUDING THEIR NAMES AND ADDRESSES AND DATES OF BIRTH. IF NONE, PLEASE WRITE "NONE".
- *** (SEE NOTE (a) BELOW)

(Assistants must be accompanied and supervised
by the Consent holder at all times)

15. ANY OTHER INFORMATION THAT YOU THINK IS
RELEVANT TO THIS APPLICATION.

*This car PARK is not used
during the week only used at
weekends. When I'm not there.*

16. IF A CONSENT IS GRANTED AND YOU HAVE A MOBILE VEHICLE (NOT A TRAILER),
DO YOU WISH TO BE INCLUDED ON THE KENT COUNTY COUNCIL'S EMERGENCY
PLAN LIST?

YES/NO

(IN THE EVENT OF AN EMERGENCY YOU MAY BE CONTACTED AT SHORT NOTICE
TO PROVIDE FOOD AND DRINK TO STRANDED LORRY DRIVERS PARKED ON THE
M20 MOTORWAY IN MAIDSTONE. THIS WOULD BE SUPERVISED BY THE POLICE)

We are asking you to complete this section as part of our equal opportunities monitoring. We wish to
ensure we are treating all sections of the population equally.

White	British	<input checked="" type="checkbox"/>	✓ Please tick box
	Irish	<input type="checkbox"/>	
	Any other white background including mixed white - Please state.....	<input type="checkbox"/>	
Mixed White	White & Black Caribbean	<input type="checkbox"/>	
	White & Black African	<input type="checkbox"/>	
	White & Asian	<input type="checkbox"/>	
	Any other mixed white background Please state.....	<input type="checkbox"/>	
Asian or Asian British	Indian	<input type="checkbox"/>	
	Pakistani	<input type="checkbox"/>	
	Bangladeshi	<input type="checkbox"/>	
	Any other Asian background Please state.....	<input type="checkbox"/>	
British African	Black or White African	<input type="checkbox"/>	
	Any other African background Please state.....	<input type="checkbox"/>	
Caribbean or Caribbean British	Black or White Caribbean	<input type="checkbox"/>	
Chinese or Other Ethnic Group	Chinese	<input type="checkbox"/>	
	Any other Ethnic Group Please state.....	<input type="checkbox"/>	

I, SUSAN CLARK, HEREBY APPLY FOR THE GRANT OF A STREET
TRADING CONSENT UNDER SCHEDULE 4 OF THE LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982 AND MAKE THE FOLLOWING
DECLARATION:-

DECLARATION

- a) THAT IF A CONSENT IS GRANTED I UNDERTAKE TO COMPLY WITH THE TERMS
AND CONDITIONS RELATING TO THE CONSENT. I UNDERSTAND THAT FAILURE BY
ME OR ANY OF MY ASSISTANTS EMPLOYED BY ME, WITH OR WITHOUT PAYMENT,
WILL RENDER BOTH ME AND MY ASSISTANTS LIABLE TO PROSECUTION AND MAY
ALSO RESULT IN THE REVOCATION OF MY CONSENT
- b) THAT I AM OVER 17 YEARS OF AGE
- c) THAT THE ANSWERS TO THE QUESTIONS ARE TRUE AND COMPLETE IN EVERY
WAY

L:\Street Trading General\Application Forms\Street Trading - General\Application - Street Trading General.doc

- d) THAT THE POLICE MAY MAKE ENQUIRIES INTO THIS APPLICATION AND MAY DIVULGE THE RESULTS TO THE MAIDSTONE BOROUGH COUNCIL
- e) THAT I HAVE READ AND UNDERSTOOD THE NOTES ATTACHED TO THIS APPLICATION FORM.

MAIDSTONE BOROUGH COUNCIL TAKES ITS OBLIGATIONS UNDER THE DATA PROTECTION LEGISLATION VERY SERIOUSLY AND WILL NOT DISCLOSE INFORMATION TO ANY UNAUTHORISED PERSON. INFORMATION MAY BE SHARED WITH OTHER SERVICES WITHIN THE COUNCIL OR DISCLOSED TO OTHER LOCAL AND PUBLIC AUTHORITIES OR GOVERNMENT AGENCIES THAT HAVE A LEGITIMATE REASON TO REQUEST THE DISCLOSURE E.G. THE PREVENTION AND DETECTION OF FRAUD. FOR FURTHER INFORMATION PLEASE SEE THE FOLLOWING LINK OR CONTACT NEIL HARRIS ON 01622 602020 OR VIEW THE WEBSITE AT

[HTTP://WWW.MAIDSTONE.GOV.UK/ADVICE AND BENEFITS/DATA PROTECTION AND FOL/ DATA PROTECTION ACT/NATIONAL FRAUD INITIATIVE - FA.ASPX](http://www.maidstone.gov.uk/advice-and-benefits/data-protection-and-fol/data-protection-act/national-fraud-initiative-fa.aspx)

SIGNED *Alan* DATED 12.4.17

PLEASE CHECK THAT YOU HAVE PROVIDED THE FOLLOWING:-

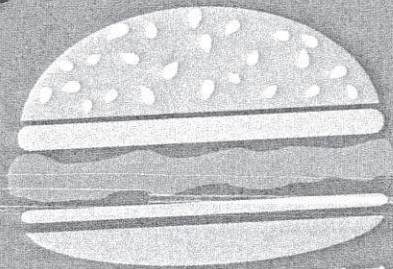
- i) **A DETAILED PLAN SHOWING THE EXACT LOCATION ON THE HIGHWAY/ROAD WHERE YOU INTEND TO TRADE, ONE FOR EACH LOCATION**
- ii) **THE CORRECT FEE**
 - up to 12 days £30.00
 - up to 30 days £65.00
 - up to 90 days £180.00
 - Full year consent £385.00

All cheques should be made payable to Maidstone Borough Council

PLEASE BRING THE COMPLETED FORM AND FEE TO: THE LICENSING TEAM, GATEWAY, KING STREET, MAIDSTONE, ME15 6JQ

ANY ASSISTANTS YOU PROPOSE TO EMPLOY SHOULD ACCOMPANY YOU.

SUSIE'S SNACKS



0771 6533718

Call today to pre order and pay on arrival!

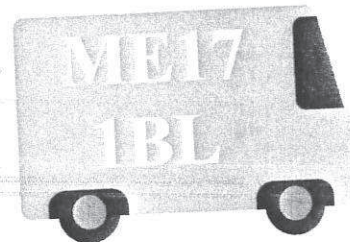
**ON THE A20 OUTSIDE DOWNTOWN
VICTORIA'S NR LENHAM VILLAGE**



Amazing Good Food & Drink To Go

**Fresh Local Bakery Bread Delivered Daily! All
Kentish Butcher Meats! Fresh Ground Italian
Espresso Coffee! All Made to Order!**

Breakfast & Lunch Meal Deals
Breakfast Bakery Baps, Bakery French Sticks,
Paninis, Fresh Cut Sandwiches
Omelettes, 97% Beef Steak Butchers Burgers
Italian Ground Fresh Coffee, Latte,
Cappuccino, Espresso, Americano





Maidstone Borough Council

Maidstone House

King Street

Maidstone

Kent

ME15 6JQ

10th April 2017

To whom it may concern

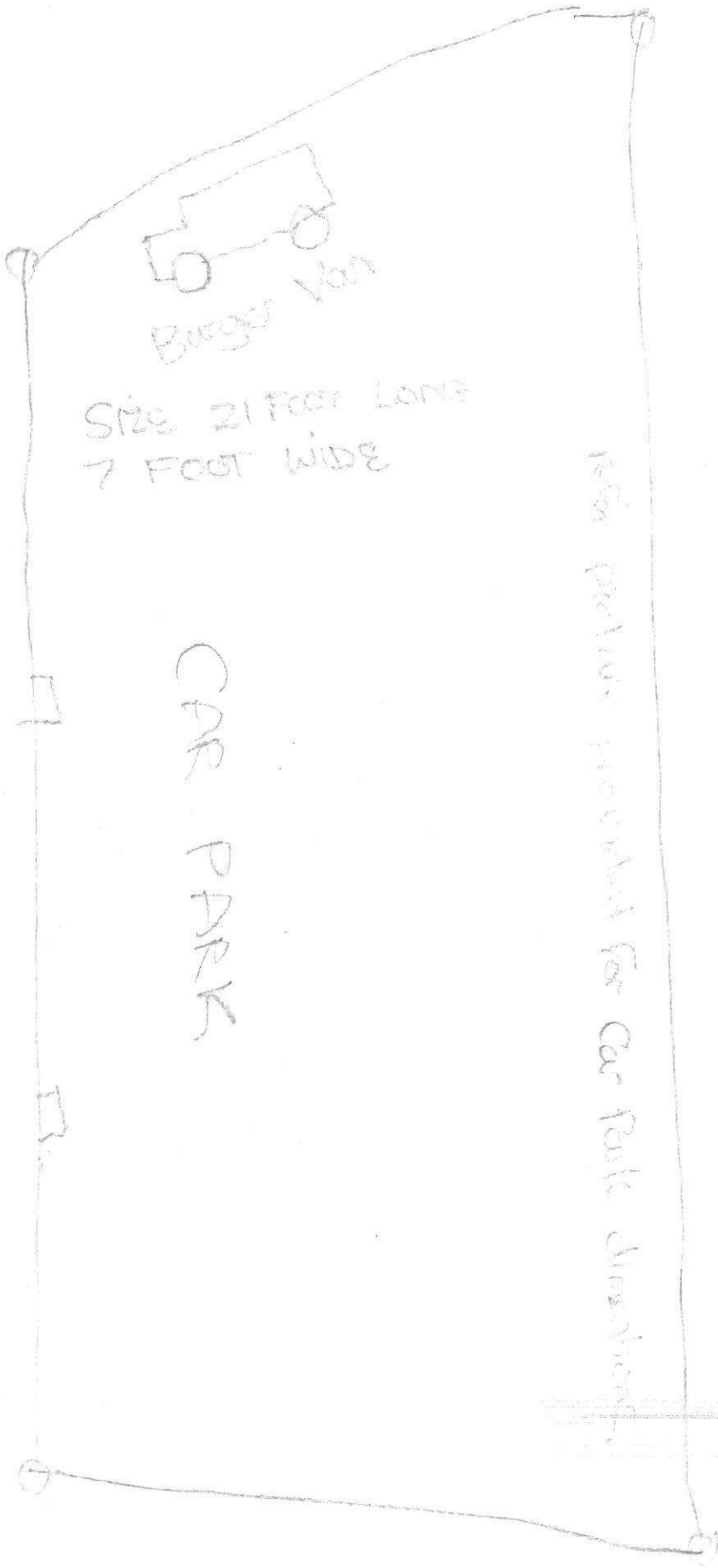
Please take this as confirmation that I give permission for Susan Clark, of Susies Snacks Burger Van , Cobham Manor Hall, Water Lane,Kent, ME14 3LU. To site her Burger Van on our premises. Location, front car park, Victorias Cabaret Club, Ashford Road, Harrietsham, Kent, ME17 1BL.

If you have any queries then please do not hesitate to contact me.

Yours faithfully

Spencer Holley

Director



Night Club

area provided for car park development

CAR PARK

Size 21 Foot Long
7 Foot Wide

Burger Van



Enlarged Head

Map. Satellite



www.marketforecs.com/forefinder.php

ints=%58%5051.24263580700443%2C0.6971919536590576%5D%2C%5851.24252162
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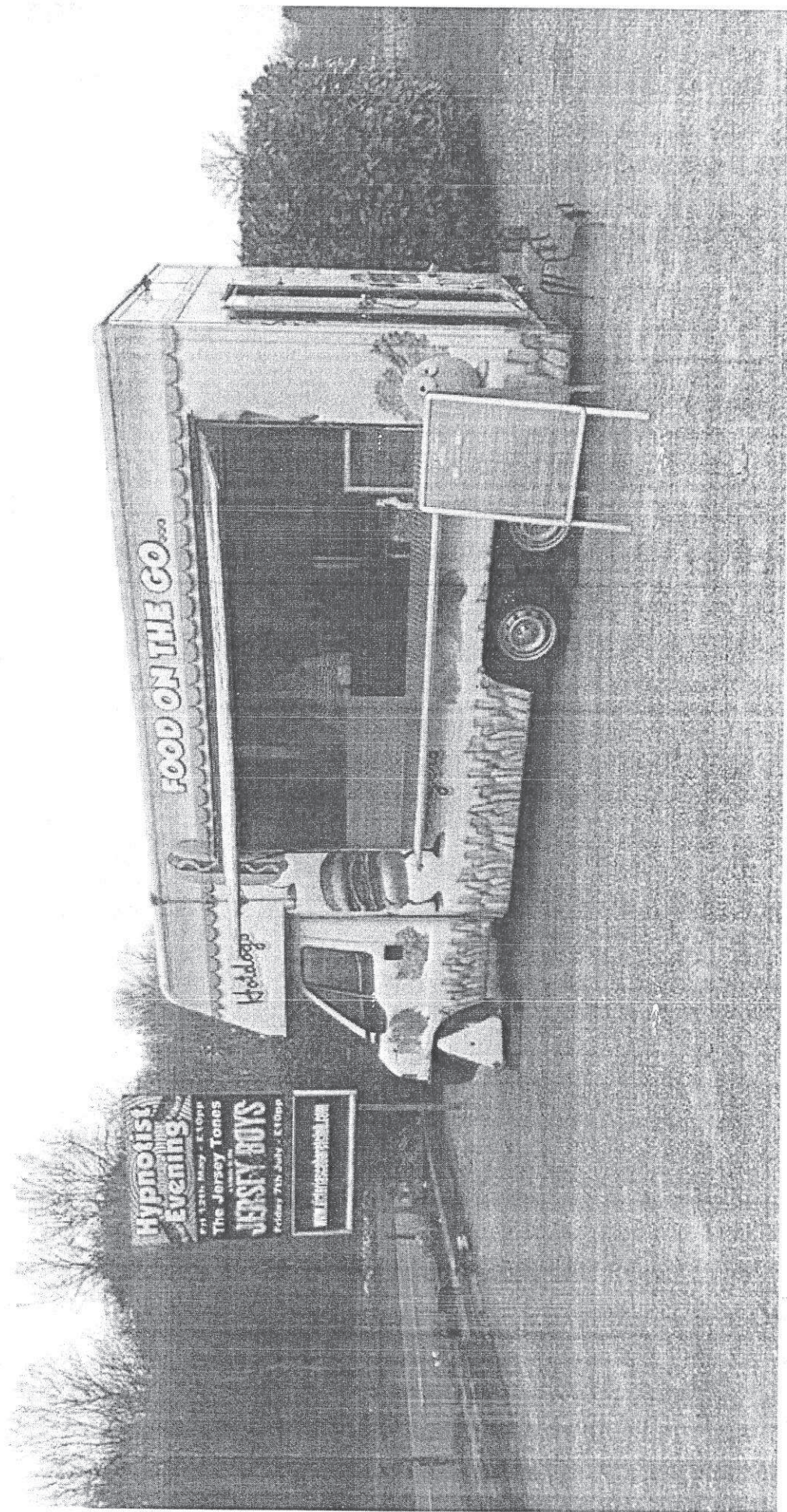
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Julie Wolfe

From: Julie Wolfe
Sent: 13 April 2017 15:18
To: Janetta Sams (Cllr); Tom Sams (Cllr); Harrietsham Parish Council (MBC); Lenham Parish Council (MBC); chris.seare@kent.gov.uk; barbara.westmacott@kent.gov.uk; Alan Howell; Caroline Smith; Martyn Jeynes; Michael Swoffer; west.division.licensing@kent.pnn.police.uk
Cc: Lorraine Neale; Louise Davis
Subject: Scanned Street trading consent application - Susan Clark / Victorias Car Park
Attachments: SharpScanner@mkip.org_20170413_142155.pdf

Good afternoon all

Please see attached the application received from Susan Clark to sell hot/cold food and drinks from her catering van at Victoria's car park. Attached is a site map, consent from land owners and advertisement.

I would appreciate any comments you wish to make regarding this application by 27th April 2017 at the latest.

Kind regards

Julie

Julie Wolfe
Licensing Administrating Officer
Licensing Team
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ t 01622 602255 e juliewolfe@maidstone.gov.uk w www.maidstone.gov.uk

Julie Wolfe

From: Amanda Broadhurst <harrietshampc@aol.com>
Sent: 24 April 2017 10:12
To: Julie Wolfe
Subject: Re: Scanned Street trading consent application - Susan Clark / Victorias Car Park

Appendix B

Dear Julie

Applicant: Susan Clark – Victoria's Car Park, Harrietsham, ME17 1BL

The Councillors have discussed the above street trading licence application and would ask that you refuse the request.

Victoria's Cabaret Club is situated on the A20 at the point where the 40mph speed limit increases to 60mph. Access on and off of the forecourt by articulated or other large vehicles will cause highway safety issues on a busy trunk road. Also, if the car park is busy, visitors to the food stall will be forced to park on a stretch of road which is unsafe for vehicles to park along.

There are already food provisions within the petrol garage located slightly further along the A20, at the junction of Marley Road, and Councillors do not feel that another food outlet is necessary.

Kind regards

Amanda

Mrs Amanda Broadhurst
Clerk
Harrietsham Parish Council

01622 850089
harrietshampc@aol.com

-----Original Message-----

From: Julie Wolfe <juliewolfe@maidstone.gov.uk>
To: Janetta Sams (Cllr) <JanettaSams@maidstone.gov.uk>; Tom Sams (Cllr) <TomSams@Maidstone.gov.uk>; Harrietsham Parish Council (MBC) <harrietshampc@aol.com>; Lenham Parish Council (MBC) <hello@lenhamparish.org.uk>; chris.seare <chris.seare@kent.gov.uk>; barbara.westmacott <barbara.westmacott@kent.gov.uk>; Alan Howell <AlanHowell@maidstone.gov.uk>; Caroline Smith <Caroline.Smith@MidKent.gov.uk>; Martyn Jeynes <MartynJeynes@maidstone.gov.uk>; Michael Swoffer <MichaelSwoffer@Maidstone.gov.uk>; west.division.licensing <west.division.licensing@kent.pnn.police.uk>
CC: Lorraine Neale <LorraineNeale@maidstone.gov.uk>; Louise Davis <louisedavis@maidstone.gov.uk>
Sent: Thu, 13 Apr 2017 15:18
Subject: Scanned Street trading consent application - Susan Clark / Victorias Car Park

Good afternoon all

Please see attached the application received from Susan Clark to sell hot/cold food and drinks from her catering van at Victoria's car park. Attached is a site map, consent from land owners and advertisement.

I would appreciate any comments you wish to make regarding this application by 27th April 2017 at the latest.

Kind regards

Julie Wolfe

From: Sue Clark <susiessnacks2017@gmail.com>
Sent: 08 May 2017 15:10
To: Julie Wolfe
Subject: susan clark susies snacks

I would like to take this case to the next stage of appeal i would like to proceed to the hearing before the members i am in the process of getting legal advice from highways advisor and accident reports from them i will follow up with this at a later date thank you

Susie's Snacks
Cobham Manor Hall,
Water Lane, Thurnham,
Maidstone,
Kent
ME14 3LU



Wednesday 17th May 2017

Licensing Department Maidstone Borough Council

Reference: Application for street traders licence for a catering van at Victoria's Cabaret Club
Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BL

Dear Ladies and Gentlemen of the sub committee or committee of the licensing department,

I am writing to you today to put forward my appeal for a street traders licence which was refused on the 3rd May 2017 .

Upon receiving your decision, I have noted the objection from Harrietsham parish council and the concerns they have about the business operating from Victoria's Cabaret Club car park.

- "Access on and off the forecourt by articulated or other large vehicles will cause highway safety issues on a busy trunk road"

An articulated lorry with a qualified professional driver would not attempt to pull into a location where parking could not be determined. Large vehicles such as coaches, limousines, delivery lorries under 7.5 Tonne already use the car park which is stated in our letter from Victoria's Cabaret Club [reference 1 a] and these vehicles have done so since 1972. I have collected data from crashmap.co.uk which shows "one slight incident" just past the entrance within the last eighteen years [reference 2 a] I have also determined the distance of view left and right upon exiting the car park [reference 3 a,b,c,d] I have taken pictures of the view from my car either way exiting the car park [reference 4 a and b] which clearly show an unobstructed view in both directions.

- "If the car park is busy, visitors to the food stall will be forced to park on a stretch of road which is unsafe for vehicles to park along"

Victorias Cabaret Club car park holds approximately 50 cars [reference 5 a,b,c,d] and as the Cabaret Club is closed Monday-Friday during our business trading, apart from the occasional delivery or customer arriving to make payment, the car park is predominantly empty. I struggle to foresee at any time there will be more than 50 cars using the car park at any one time, and this is also the opinion of the Cabaret Club manager. If there are any events planned for the Cabaret Club during my trading hours my business will be closed and relocated for this. Please reference the letter from the Cabaret Clubs manager Kerry Guest [reference 1 a] I have provided a copy of the Highways Code referencing street parking control signs and road markings [reference 6 a] as I believe this stretch of country road is a clearways, and as such drivers are not permitted to park or wait.

- "There are already food provisions within the petrol garage located slightly further along the A20, at the junction of Marley Road, and councillors do not feel that another food outlet is necessary"

Firstly I would like to state that the Texaco garage has not raised any objection to my business, and I feel that I provide a different service to the food provisions they already offer the public. The above comment by the Harrietsham Parish Council is opinion, not factual, and I would ask therefore that this is not taken into consideration for my licence application. In my opinion there is substantial local and passing trade to support more than one business offering food provisions.

I feel that the evidence I have provided should alleviate Harrietsham Parish Council's, and the licensing committee's concerns about my business operating from Victoria's Cabaret Club car park. I would ask of the Licensing Committee's to reconsider the refusal of my street traders licence upon the evidence provided.

Thank you in advance for your time and consideration.

Yours thankfully,

Susan Clark





Dear Sue

Re – Suzie's snacks Burger van

Following our conversation regarding your application for a street licence for here at Victorias, I am really bewildered as to the parish council's objection.

Victorias has been established since the 70s and I myself have been working here for 28 years, 15 of them as the Manager. The traffic flow includes, during the week our food and drink deliveries and every weekend we have Coaches, Limousines and Mini buses and we have never had any problems with access, neither have we had any reported accidents. I gather that the last reported accident on the road outside the club being a minor 18 years ago.

During the week we are closed when you are here and apart from the occasional delivery and customer coming to pay some money, the car park is predominantly empty. We have car parking facilities for 50 plus cars and as we have already agreed that if for some reason we were open in the day then you would be unable to open the Burger van.

Yours sincerely

Kerry Guest

[REF 1A]

Incident Details
 Date: 05/10/2011
 Severity: Slight
 Number of Vehicles Involved: 2
 Number of Casualties Involved: 2
[View Detailed Report](#)

A20

Ashford Rd

A20

Lenham Road Service Station

Dickley Ln

Dickley Ln

Incident Severity

- Slight
- Serious
- Fatal

8 results found

Location: ME17 1BL

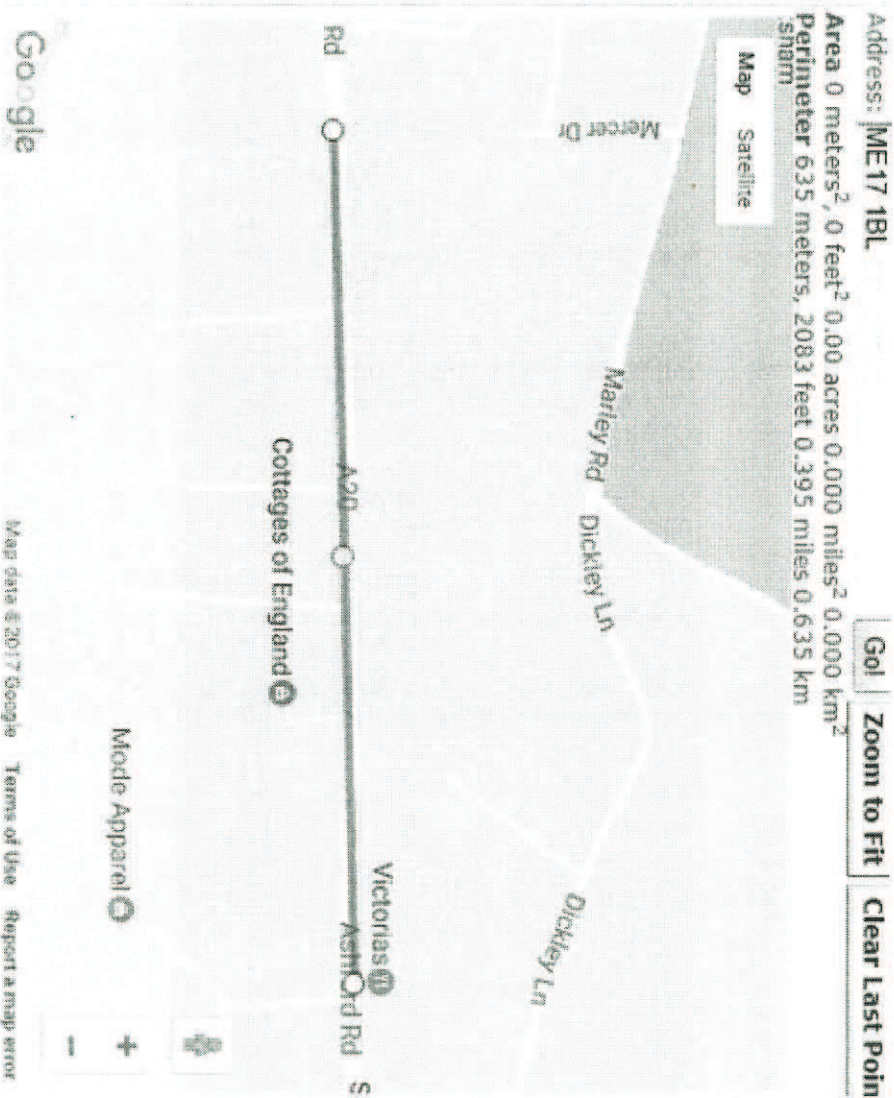
Years: 18 of 18 years selected

Severity: ☐ Fatal ☒ Serious ☒ Slight

Casualty Types: ☐ All Casualty Types

Vehicles Involved: ☐ All Vehicle Types

[REF 2A]



VIEWING DISTANCE EXITING CAR PARK TO THE RIGHT

[REF 3A]



SATELLITE VIEW

[REF 3B]



SATELLITE VIEW

[REF 3D]



RIGHT HAND VIEW



LEFT HAND VIEW



FRONT VIEW CAR PARK

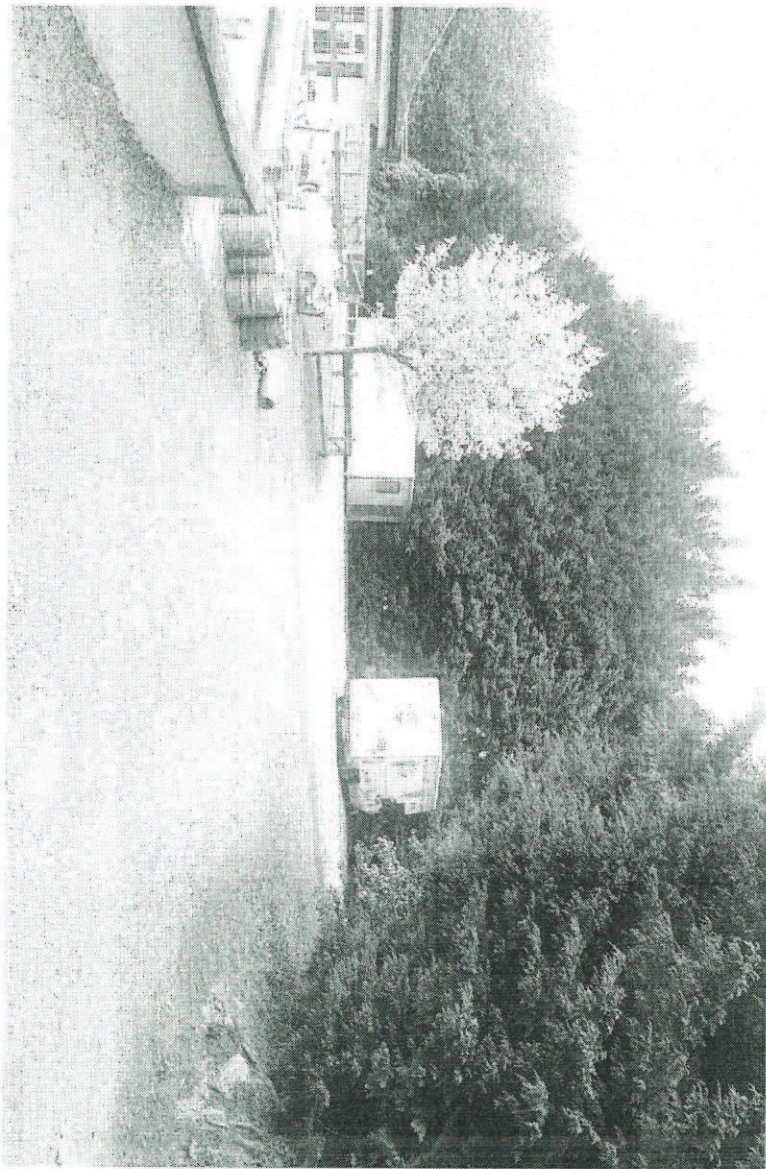
[REF 5A]



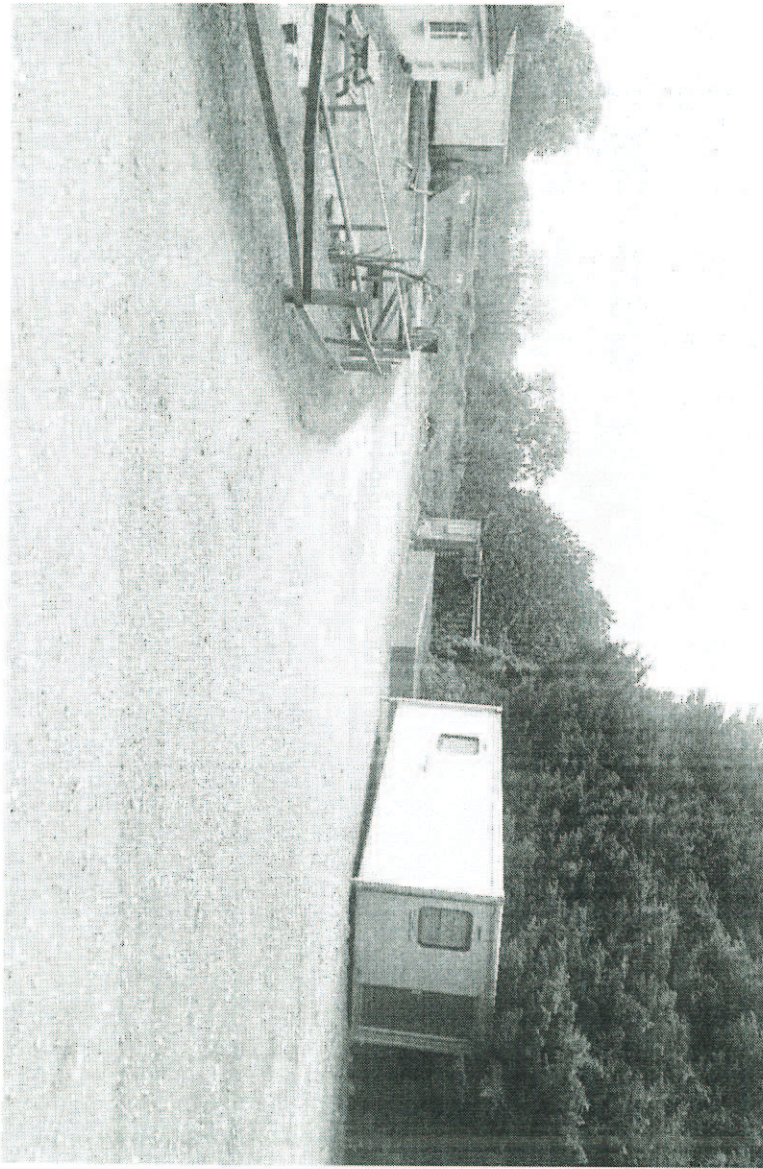
EXTENSION OF FRONT CAR PARK LEADING TO REAR CAR PARK

[REF 5B]

LEADING TO REAR CAR PARK



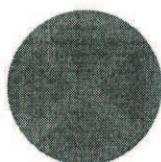
[REF 5 G]



REAR CAR PARK

[REF 57]

Clearways



The red cross means no stopping, not even to pick up or set down passengers. The sign is used to indicate a 24-hour clearway (usually on a rural road) or may be incorporated into other signs with the words "No stopping" (e.g. the "no stopping except local buses" sign at bus stops). On a 24-hour clearway, the prohibition of stopping applies only to the main carriageway. You may stop in a lay-by unless there are signs to say otherwise. A 24-hour clearway does not have any special road markings, but there should be smaller repeater signs at approximately one mile intervals.



**For
7 miles**

Start of 24-hour clearway (no stopping on main carriageway at any time for the distance shown)

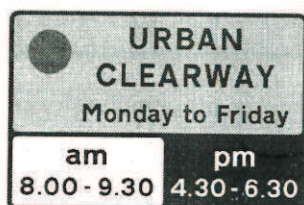


End

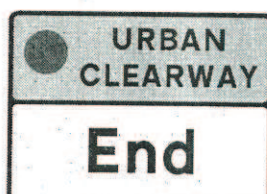
End of 24-hour clearway



This sign is used on a 24-hour clearway where waiting is prohibited on the verge or footway in addition to the prohibition of stopping on the main carriageway. The words "on verge or footway" may be varied to "on verge" or "on footway". Where the "no waiting" symbol is replaced by the red cross, stopping on the verge or footway is prohibited



In built-up areas, urban clearways may be provided. During the times the urban clearway is in operation, stopping is not allowed on the carriageway or verges, except to pick up or set down passengers. There are no special road markings, but the signs are repeated throughout the length of the clearway



End of urban clearway



STREET TRADING CONSENT POLICY

MARCH 2010

MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

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MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

1. Introduction

- 1.1 Maidstone Borough Council 'the Council' has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Since 1, September 1986, a Consent has been required before trading on any street in the Borough area.
- 1.2 Street trading is the selling, exposing or offering for sale any article in a street subject to some exemptions. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land).
- 1.3 This does not include activities such as tables for street café operations from a fixed premises or the siting of 'A' boards on the street as this is not within the remit of this legislation.

2. Aim of Maidstone Borough Council's Street Trading Consent Policy

- 2.1 The aim of this statement of Street Trading Consent Policy is to provide a consistent and transparent approach for the method of determining street trading Consent applications and their ongoing position.
- 2.2 To achieve this aim the Council is committed to partnership working with Kent Police, Kent Highways Services, the trade and local fixed premises businesses.
- 2.3 This policy sets out how we intend to manage the Street Trading Consent function and how we will ensure the process is fair.
- 2.4 The Council has an aim to improve the quality of life in Maidstone.

3. **Scope of the Policy**

3.1 The Council's policy is concerned with the administration of the street trading Consent functions within the Local Government (Miscellaneous Provisions) Act 1982,

- determining first applications
- renewals
- revocation

4. Interpretation

- 4.1 Any words or expressions in this policy have the meanings assigned to them under the 1982 Act. Nothing in the policy should be regarded or interpreted so as to prejudice the 1982 Act.

5. The Maidstone Act 2006

- 5.1 This came into force on 7 September 2006. This removed the exemption for pedlars to act with the authority of a Pedlars Certificate to trade within the Borough. Pedlars must now have a Street Trading Consent to trade on the streets within the Borough of Maidstone.
- 5.2 There is power to seize articles, receptacles and equipment by an officer of the Council or Constable if there is reason to suspect an offence has been committed under this Act.

6. Application Process

- 6.1 Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.
- 6.2 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.
- 6.3 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.
- 6.4 Determining First Applications – The process on receipt of any application will include a consultation period of 14 days with:-
 - Ward Members
 - Parish Council if relevant
 - Town Centre Management if relevant
 - Adjacent shops
 - KCC Highways
 - MBC Planning and Development Control
 - MBC Environmental Health Section
 - MBC Environmental Enforcement
 - Police

If no objections to a Street Trading application are received the Head of Housing and Community Services be given delegated powers to grant consent, subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who might ask for the application to be referred to a Sub-Committee consisting of three Members of the Licensing Committee for decision.

If objections are received the application will be determined by a Sub-Committee consisting of three Members of the Licensing Committee for decision. A hearing will be held following the procedure at page 18.

6.5 Determining Additional Applications For An Agreed Site

Once the application for a site has been agreed in accordance with 6.4 above, the Licensing Manager will be authorised to issue further Street Trading consents for the same site in the exact terms of the first application subject to a satisfactory Police check being received

which would determine good character and their right to work in the United Kingdom.

- 6.6 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Sub Committee (procedure in appendix B).

6.7 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Sub-Committee consisting of three Members of the Licensing Committee for decision.

- 6.8 Applications for Street Trading Consent in Fremlin Walk - Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.

- 6.9 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.

- 6.10 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.

- 6.11 Applications for Street Trading Consent will be undertaken in 2 stages comprising an application for the site (which could include more than 1 pitch) and then an application from the Street Trader.

- 6.12 Determining Site Application – An application for a site will be made to the Council and will require a consultation period of 14 days with:-

- Ward Members
- Parish Council if relevant
- Town Centre Management if relevant
- Adjacent shops
- KCC Highways
- MBC Planning and Development Control
- MBC Environmental Health Section
- MBC Environmental Enforcement
- Police

If no objections are received the Licensing Manager has delegated power to grant all applications within the Town Centre area subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who can ask that the Application is referred to a Sub-Committee consisting of three Members of the Licensing Committee for decision.

If objections are received the application will be determined by a Sub-Committee consisting of three Members of the Licensing Committee for decision. A hearing will be held following the procedure at page 18. Each agreed site applicant will allocate the pitches in those sites to Traders agreed by the Council.

- 6.13 Determining Site Application from Traders – Traders will apply to the Council to trade in the approved sites and consent will be given subject to the assessment of the site holder and a satisfactory Police check being received which would determine good character and their right to work in the United Kingdom.
- 6.14 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Sub Committee (procedure in appendix B).
- 6.15 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Licensing Sub Committee.
- 6.16 Any provisions relating to the River Festival will not apply to any agreed sites in Fremlin Walk.

7. Consideration of Applications

7.1 The Council will consider each application on its individual merits and normally grant a Street Trading Consent **unless**, in its opinion, there is:-

- a) not enough space for each applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street,
- b) there are already enough traders in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade,
- c) there is undue concentration of traders trading in the street in which the applicant desires to trade,
- d) the Consent, if granted, will result in nuisance to members of the public, residents or local businesses, due to the likely noise, smell, litter, obstruction, disturbance, or other problems which will be caused by granting the Consent,
- e) the size, nature or appearance of the proposed stall and any associated equipment is inappropriate for the proposed location in terms of amenity or public or highway safety,
- f) the proposed trading hours are outside the usual business hours of shops in the vicinity, except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis,
- g) any additional issues arising from consultation or the particular circumstances of the application.
- h) previous conviction of the applicant (or an assistant) for relevant offences (dishonesty, food safety, health & safety, licensing or other related issues) or unsuitable for other reasonable cause,
- i) failure on a previous occasion to pay Street Trading Consent fees within agreed timescales,
- j) applications for Street Trading Consent on a site where there is already a Consent granted,
- k) there is an earlier application or an application for renewal has been received which will be determined first by the Licensing Sub Committee.

8. Administration, Exercise and Delegation of Function

- 8.1 The powers and duties of the Council with regard to Street Trading Consent may be carried out by the Licensing Sub Committee or Officers acting under delegated authority. Since many of the functions are administrative or compliance monitoring based in nature, in the interest of speed, efficiency and cost effectiveness, the Council supports the principle of delegating routine matters to Officers.
- 8.2 Applications will normally be dealt with by Officers but can be forwarded to the Licensing Sub Committee for determination (see section 6).

9. Conditions applicable to Street Trading Consents

9.1 Conditions will normally be imposed in all cases specifying:-

- a) the place in which the Consent holder is permitted to trade,
- b) the days and times at which the Consent holder is permitted to trade,
- c) description of the types of articles in which the holder is permitted to trade,
- d) the nature, size and type of stall stand etc. which is to be used,
- e) the Street Trading Consent issued by the Council must be conspicuously displayed on the stall/person,
- f) if food is to be sold, the business shall be Food Safety registered,
- g) restrictions on the means the trader may use to attract custom to his stall,
- h) that the suitable receptacle for litter must be provided,
- i) that the location must be left in a clean and tidy condition at the end of the trading hours each day,
- j) that the stall must be removed each day at the end of trading hours unless agreement in writing is obtained from the Council or the owner of the land,
- k) the trader must comply with any reasonable request of a Police Officer or authorised Officer of the Council,
- l) that the trader must produce, to a Police Officer or authorised Officer of the Council, a copy of the Consent on demand,
- m) operators must cease trading immediately upon expiry of Consent.

9.2 The Council considers that each of the above conditions will be reasonably necessary in relation to the majority of Consents granted for the purposes of protecting public safety and the prevention of nuisance and annoyance to local residents, businesses in the locality and members of the public using the street concerned. The Council may also impose such other conditions as it considers reasonably necessary in each particular case and conditions may be varied at any time.

10. Enforcement

- 10.1 Any enforcement action taken by the Council will be in accordance with any adopted enforcement policy, and failure to comply with the conditions may lead to revocation or non-renewal of a Consent. Any person found trading without Consent in the Borough will be subject to enforcement action by the Council.

11. Promotion of Racial Equality

- 11.1 The Council recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places an obligation on all Public Authorities to have regard to the need to eliminate unlawful discrimination, and to promote equality of opportunities and good relations between persons and different racial groups.

12. Human Rights Act 1998

- 12.1 The Council implements the 1982 Act in a manner consistent with the Human Rights Act 1998.

For enquiries regarding this policy in the Council's area, please contact:-

**Licensing Office
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ**

**01622 602028
licensing@maidstone.gov.uk**

LICENSING SUB COMMITTEE

ORDER OF PROCEEDINGS

- a) The Chairman will introduce those present and ensure that everyone understands the procedure to be followed.
- b) The Head of Housing and Community Services will briefly describe the application.
- c) The Applicant will then present his case.
- d) The Objector(s) may then ask the Applicant questions.
- e) Members will then ask the Applicant any questions.
- f) The Objector(s) will then be given the opportunity to present his/her case.
- g) The Applicant may then ask the Objector(s) any questions.
- h) Members will then ask the Objector(s) any questions.
- i) Members may then ask any further questions of clarification from any party.
- j) Both parties will then be asked to sum up, the Objector(s) first followed by the Applicant.
- k) Members will then ask the Head of Housing and Community Services if there are any further matters to be raised before the matter is considered.
- l) The Sub Committee will then decide the appeal and may ask the Applicant, the Objector(s), the Head of Housing and Community Services and any other parties to leave, the Committee Clerk will be the only person apart from Members to be allowed to remain. Any representative of Legal Services (if present) may be requested to remain by the Chairman.
- m) After consideration all parties will be invited to return and the Chairman will announce the decision.

ORDER OF PROCEEDINGS

- a) The Chairman will introduce those present and ensure that everyone understands the procedure to be followed.
- b) The Legal Services Representative will briefly describe the application and his/her reasons for refusal.
- c) The Applicant will then present his case.
- d) The Objector(s) may then ask the Applicant questions.
- e) Members will then ask the Applicant any questions.
- f) The Objector(s) will then be given the opportunity to present his/her case.
- g) The Applicant may then ask the Objector(s) any questions.
- h) Members will then ask the Objector(s) any questions.
- i) Members may then ask any further questions of clarification from any party.
- j) Both parties will then be asked to sum up, the Objector(s) first followed by the Applicant.
- k) Members will then ask the Legal Services Representative if there are any further matters to be raised before the matter is considered.
- l) The Committee will then decide the appeal and may ask the Applicant, the Objector(s), and any other parties to leave, the Committee Clerk will be the only person apart from Members to be allowed to remain. The representative of Legal Services will be requested to remain by the Chairman.
- m) After consideration all parties will be invited to return and the Chairman will announce the decision.