

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Tuesday 31 January 2017

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors McLoughlin, Newton and
Mrs Robertson

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 for a premises licence to be varied under the
Licensing Act 2003 for Milton Store, Milton Street, Maidstone,
Kent, ME16 8JT 1 - 44

Issued on Monday 23 January 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 Poppy Collier on 01622 602242**. 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**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 16/03849/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 18 JANUARY 2017

Report Title: MILTON STORE
1 MILTON STREET
MAIDSTONE
KENT
ME16 8JT
Application for: A premises licence to be varied under the Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Mrs Thiruchelvy Thavakuhananthan
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix A)
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
A)	Films (Indoors)	Mon – Thurs Fri, Sat & Sun	19:00-22:00 19:00-23:00	-	-
C)	Indoor Sporting Events	Mon – Thurs Fri & Sat Sun	10:30-00:00 10:30-01:30 12:00-00:00	-	-
E)	Live Music (Indoors)	Fri & Sat	20:00-00:00	-	-
F)	Recorded Music (Indoors)	Mon – Sat Sun	10:30-23:30 12:00-23:30	-	-
G)	Performance of dance (Indoors)	Mon – Sat Sun	19:00-23:30 12:00-23:30	-	-
H)	Anything of a similar nature to (e),(f) or (g) (Indoors)	Mon – Sat Sun	19:00-23:30 12:00-23:30	-	-
L)	Late Night Refreshment	Sun – Thurs Fri & Sat	23:00-00:00 23:00-01:30	-	-
M)	Supply of alcohol	Mon – Thurs Fri & Sat Sun (on or off the premises)	10:30-00:00 10:30-01:30 12:00-00:00	Mon-Sun (off the premises)	06:00-02:00
O)	Opening Hours	Mon – Thurs Fri & Sat Sun	10:30-00:30 10:30-02:00 12:00-00:30	Mon - Sun	06:00-02:00

Affected Wards:	Fant
Recommendations:	The Committee is asked to determine the application and decide whether to vary the premises licence.
Policy Overview:	The decision should be made with regard to the Secretary of State's Guidance and the Council'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.
Financial Implications:	Costs associated with processing the application are taken from licensing fee income.
Other Material Implications:	<p>HUMAN RIGHTS: In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p> <p>LEGAL: Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p>
Background Papers:	Licensing Act 2003 DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended 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: Milton Store, 1 Milton Street, Maidstone, Kent, ME16 8JT

Application to: Vary a premises licence under the Licensing Act 2003.

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003,(Appendix A), made by Mrs Thiruchelvy Thavakuhananthan for Milton Store, 1 Milton Street, Maidstone, Kent, ME16 8JT in respect of which 1 response has been received from other persons (Appendix C).

Issue to be Decided

Members are asked to determine whether to :

Grant the application as applied for, or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 1 response was received from other persons.
5. The table below illustrates the relevant responses which have been received

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Objections			
Cllr Paul Harper	Public Nuisance	E-mail	C

There appear to be concerns that the requested hours will potentially contribute to noise nuisance at night hours. The objector believes it will have a detrimental

effect by traffic and footfall in a residential area. The premises has a current licence, Appendix E. The current licence holder is the applicant.

6. The current licence hours are as per the licence attached at appendix D and set out at 3 of the summary above. The operating schedule offers new conditions. The premises has changed use from a public house to an off licence so some of the existing conditions will not apply and will need to be removed.
7. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

"17.19. Prevention of Public Nuisance

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

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

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

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

- (xi) Outcomes of discussions with the relevant Responsible Authorities.
 - (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
 - (xiii) Collection of litter arising from the premises
- 17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.
- 17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.”

9. Options

Legal options open to members -

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all or part of the application.

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 1988 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area”.

12. Implications Assessment

The decision should be made with regard to the Secretary of State’s Guidance and the Council’s Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. 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

14. **Conclusion**

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

15. **List of Appendices**

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Representation –Other person
Appendix D	Existing Premises Licence
Appendix E	Plan of area
Appendix F	Human Rights Articles
Appendix G	Order of Proceedings

16. **Appeals**

The applicant or any other person(objector) 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 they bring an appeal.

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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From: SOMA SOLICITORS <admin@somasolicitors.co.uk>
Sent: 25 November 2016 14:32
To: Licensing
Subject: "Milton Store", 1 Milton Street, Maidstone, Kent, ME16 8JT
Importance: High

Our Ref: CS/IFF/LIC/4329

Premises Licence: 15/03184/LAPRE

Date: 25th November 2106

Dear Sirs,

Re: "Milton Store", 1 Milton Street, Maidstone, Kent, ME16 8JT

We write to inform you that we have just submitted the Variation of the premise licence for the above property via online.

During our application, when we tried to insert the premises name as "Milton Store", which is the current premises name, it does not authorise me to do so. However, it automatically picked up as "Admiral Gordon", which is the previous premises name.

Therefore, I hereby request you to proceed and provide us the licence in the new name of "**Milton Store**", once the application is considered.

We await your confirmation.

Yours faithfully,

SOMA SOLICITORS LTD
34 Eastcote Lane
South Harrow
Middlesex
HA2 8DB

DX: 37608 South Harrow

Tel No: 020 8423 0203
Fax No: 020 8423 6465



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Janet Lockie

From: Uniform_Service_Request_Connector-Licensing@sevenoaks.gov.uk
Sent: 25 November 2016 14:24
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: 16/03849/LAPRE Application Type: Premises Licence Application Proposal: Consultees

Outstanding Application Address: Admiral Gordon1 Milton Street Maidstone Kent ME16 8JT

Created: 25/11/2016 00:00:00

Message sent from host name WKIP-SOAP-15 by user LicensingConnectorService_LIVE at 25/11/2016 14:23:32.

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 vary a Premises Licence

25 NOV 2016

SEVENOAKS DISTRICT COUNCIL

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council 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
DOB NINO Notes
TEL
Email
Customer Address
Admiral Gordon 1 Milton Street
Maidstone
Kent
ME16 8JT

Form Filename
Form Reference
Caps Reference

Date Form Started
Date of E-signing
Date Submitted
Validation Ref
Occupancy type
Advisor Name (who started form)
Advisor Department
Self-Service

Licensing Authority:

Ref:

Application to vary a Premises Licence under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form.

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

I/We **THIRUCHELVY THAVAKUHANANTHAN** being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Sevenoaks District Council

[Click here for licence lookup](#)

Premises licence number

15/03184/LAPRE

Part 1 - Premises Details

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

Admiral Gordon1 Milton Street
Maidstone
Kent
ME16 8JT

Post code

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 11750.00

Part 2 - Applicant Details

Title

Mrs

Surname

THAVAKUHANANTHAN

Firstnames

THIRUCHELVY

Daytime contact telephone number

07450268050

Email address
(optional)

umakunam@yahoo.co.uk

Current postal
address
if different from
premises address

212 KINGS NORTH ROAD
ASHFORD
KENT

Post Town

Postcode

TN23 6LT

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Yes

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To vary the opening hours of the Premises Licence for the Retail Sale of Intoxicating Liquor of all descriptions for consumption off the Premises. The proposed opening hours for the sale of retail of alcohol are as follows:

Monday - Sunday 06.00 to 02.00

AND

2. To amend the Layout of the premises

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

☐
☐
☐
☐
☐
☐
☐
☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Sale by retail of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors</u> or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors</u> or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).		Indoors	
					Outdoors	
					Both	
Mon						
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

To complete this part, choose this option on Page 4

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	
				Off the premises	X
Day	Start	Finish	Both		
Mon	06:00	02:00	State any proposed seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	06:00	02:00			
Wed	06:00	02:00			
Thur	06:00	02:00			
Fri	06:00	02:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	06:00	02:00			
Sun	06:00	02:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	02:00	
Tue	06:00	02:00	

L

Wed	06:00	02:00	Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur	06:00	02:00	
Fri	06:00	02:00	
Sat	06:00	02:00	
Sun	06:00	02:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

All conditions relating to other licensable activities should be removed apart from Sale of Alcohol

Please make selection with an "x"

I will enclose the premises licence with the declaration

☒

I will enclose the relevant part of the premises licence with the declaration

☐

Neither of above

☐

If checking this box please fill in reasons for not sending the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

--

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

Full equipment with CCTV cameras. Acceptance of accredited proof of age cards. Effective and responsible management of premises. Training staffs for prevention of crime and disorder. No violent behaviour. All alcohols sold are to be placed in carrier bags.

c) Public safety

Notices warning customers of potential crime risk and not to leave bag unattended. Signs will be placed on the premises stating restrictions on sale of liquor under 18. "Challenge 25 policy" to be maintained. Inform the use of CCTV cameras. The fire extinguisher to be maintained.

d) The prevention of public nuisance

Discourage and report to police any groups of youths hanging outside the premises. Last admission is between 01.50 to 01.55 (Monday to Sunday). Two members of staff to be on the premises after 6.00 PM until close. There will be no disturbances by staff leaving the premises after closing hours.

e) The protection of children from harm

Especially request of age of proof cards for children. Training staff to prevent children from any kinds of drugs or drinking. Trained staff for prevention of any kinds of incidents of violence and disorder affecting children. Refusal register to be on the premises at all times.

Please make
selection with an "x"

I have made or enclosed payment of the fee

☒

I have enclosed the plan of the premises

☒

I have sent copies of this application and the plan to responsible authorities and others where applicable

☒

I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable

☒

I understand that I must now advertise my application

☒

I understand that if I do not comply with the above requirements my application will be rejected

☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS NOTIFICATION

Part 5 - Declaration (please read guidance note 10)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If confirming on behalf of the applicant please state in what capacity.

Confirmation

☒

Name

SOMA

Date

25/11/2016

Capacity

SOLICITORS

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If confirming on behalf of the applicant please state in what capacity.

Confirmation

☐

Name

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Soma Solicitors

Address

34 Eastcote Lane

Post Town

South Harrow

Postcode

HA2 8DB

Telephone number (if any)

020 8423 0203

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

admin@somasolicitors.co.uk

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: THIRUCHELVEY THAVAKUHANANTHAN/

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.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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 3

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

Payment 2

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

Payment 4

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	THIRUCHEL VY THAVAKUHANANTHAN/	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	25/11/2016 12:59:13

Automatic Messaging

Receipt Email Address	umakunam@yahoo.co.uk	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

25/11/2016 14:17:12 | Received on Remote Server
25/11/2016 14:22:37 | Submitted | (, ,) | Application to Vary a Premises Licence (1.0).wdf, 14455, Licence Inc Bexley, new | Ref: 014455-61125-H07WTB3
25/11/2016 14:17:12 | Received on Remote Server
25/11/2016 14:22:37 | Submitted | (, ,) | Application to Vary a Premises Licence (1.0).wdf, 14455, Licence Inc Bexley, new | Ref: 014455-61125-H07WTB3

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	Admiral Gordon1 Milton Street
Dept Case Reference	<input type="text"/>		Maidstone
Date Record Started	<input type="text"/>		Kent
Date Last Modified	<input type="text"/>		ME16 8JT

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	1,2,3,4,10,11,12,13,14,15		
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 type="checkbox"/>	ESigning is available	<input type="checkbox"/>	After ESigning/Submission - go to page No?	<input type="checkbox"/>	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	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15				Page no for thumbnail				

2

APPENDIX B

Form Name: Application to Vary a Premises Licence (1.0).wdf
Form Reference: THIRUCHELVY THAVAKUHANANTHAN/
Record ID: 14455
Date Exported: 25/11/2016 14:22:37
Scale: 100:100
Date: 18.11.2016
Dwg No: AD/16MIL01/OL00

ARCCV DESIGNS





Web : www.arccvdesigns.com
Email: admin@arccvdesigns.com

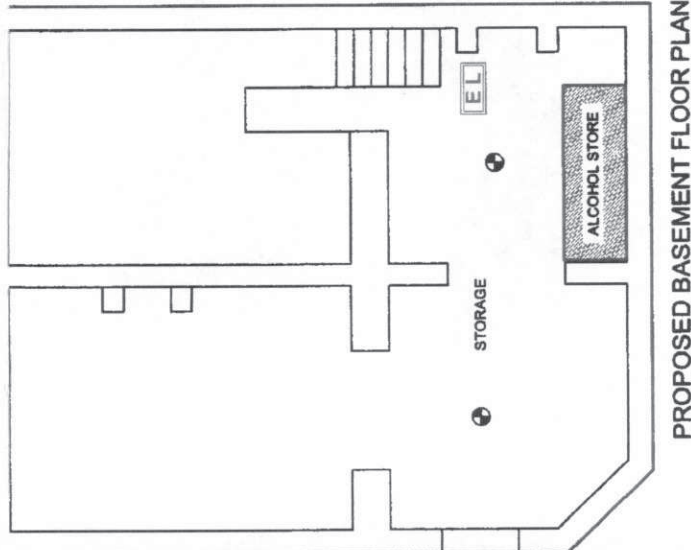
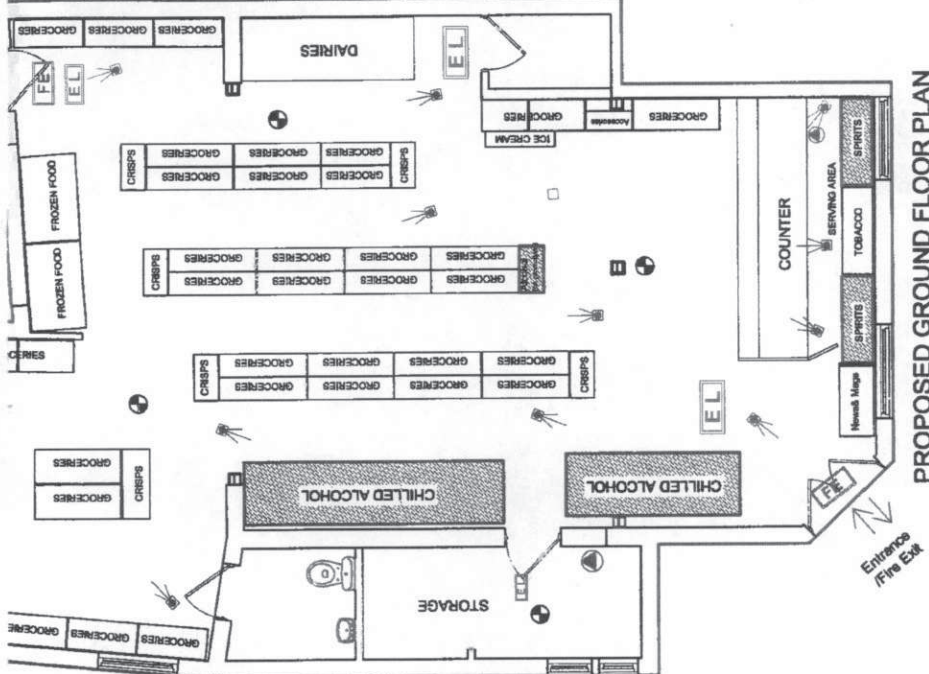
Tel : 020 8425 1312
Fax: 020 8425 1312

Notes:
• This Drawing is Copyright of ARCCV DESIGNS and may not be reproduced or copied, in whole or in part without express permission.
• The Contractor is responsible for checking all dimensions and details of any work shown on this drawing. Planned dimensions only to be used.
• All work is to be completed in accordance with the relevant Building Regulations and to the satisfaction of the Local Authority.
• Materials shall be suitable for the purposes for which they are used and the quality shall not be lower than that defined in the relevant British standard.

NAME :
ADDRESS : 01 MILTON STREET,
MAIDSTONE,
KENT, ME16 8JT

TITLE: FLOOR LAYOUT FOR PREMISES LICENSING

DESCRIPTION	KEY
FIRE EXIT -	FE
EMERGENCY LIGHT -	EL
CCTV CAMERA -	
FIRE EXTINGUISHER -	
ALCOHOLS DISPLAY AREA -	
SMOKE DETECTOR -	



From: Paul Harper (Cllr) [<mailto:PaulHarper@maidstone.gov.uk>]
Sent: 22 December 2016 10:47
To: Samantha Neale; Poppy Collier
Cc: Keith Adkinson (Cllr)
Subject: Ref 16/03849/lapre 1 Milton street
Importance: High

Dear Samantha and poppy,

I am the local councillor for this area.

I would like to call this licensing application to go before the licensing committee.

I object to this on the following grounds

The site is located on a residential street

Milton street is one way any any night time traffic, car or foot will disturb local residents.

There is no demonstrated evidence of the need for such long opening hours in the local neighbourhood.

The hours should be limited to 6am to 10:30pm.

I have been contacted by concerned residents on this issue.

Please confirm receipt of this email

Regards

Paul

Paul Harper
Labour group leader and councillor for Fant
Sent from my Windows Phone

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



Premises Licence Number	15/03184/LAPRE
-------------------------	----------------

Part 1 - Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code

Milton Store
1 Milton Street
Maidstone
Kent
ME16 8JT

Telephone number

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films
Indoor sporting events
Live music
Recorded music
Performances of dance
Anything similar to E, F, or G
Sale or Supply of Alcohol
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Films

Friday, Saturday and Sunday 19:00 - 23:00

Monday to Thursday 19:00 - 22:00

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours

Indoor sporting events

Friday and Saturday 10:30 - 01:30

Monday to Thursday 10:30 - 00:00

Sunday 12:00 - 00:00

Live music

Friday and Saturday 20:00 - 00:00

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 1 of 7

Licence issued by:

The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

On Christmas Eve and New Years Eve from 19:00 hours until 01:00 hours.

Recorded music

Monday to Saturday 10:30 - 23:30

Sunday 12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:00 hours.

Performances of dance

Monday to Saturday 19:00 - 23:30

Sunday 12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours

Anything similar to E, F, or G

Monday to Saturday 19:00 - 23:30

Sunday 12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours.

Sale or Supply of Alcohol

Friday and Saturday 10:30 - 01:30

Monday to Thursday 10:30 - 00:00

Sunday 12:00 - 00:00

On Christmas Day and New Year's Day from 10:30 hours until 01:30 hours

Late Night Refreshment

Friday and Saturday 23:00 - 01:30

Sunday to Thursday 23:00 - 00:00

On Christmas Eve and New Year's Eve from 23:00 hours until 02:00 hours

The opening hours of the premises

Friday and Saturday 10:30 - 02:00

Monday to Thursday 10:30 - 00:30

Sunday 12:00 - 00:30

The non-standard opening hours of the premises

On Christmas Eve from 10:30 hours until 02:00 hours on the following day, and on and New Year's Eve from 10:30 hours until 03:00 hours on the following day.

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

Alcohol is supplied for consumption both on and off the premises.

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 2 of 7

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Part 2

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

Mrs Thiruchelvy Thavakuhananthan
212 Kingsnorth Road
Ashford
TN23 6LT

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 for the supply of alcohol

Mr Thavakuhananthan Poopalasingham
212 Kingsnorth Road
Ashford
Kent
TN23 6LT

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

Licence Number: AS/LN/020070257
Licence Authority: Ashford Borough Council



John Littlemore
Head of Housing and Community Services
Maidstone Borough Council

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Page 3 of 7

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Mandatory Conditions in force from 06 April 2010

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol.

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 4 of 7

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Exhibition of films

- Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

- Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

All music activities shall be indoors only.

CCTV shall be in place in the rear alleyway and garden areas.

Effective management of the premises shall be in place in order to ensure that the licensing objectives are met.

External areas shall be properly lit.

Any person appearing under the age of 18 years attempting to purchase alcohol shall be required to produce a recognised proof of age.

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

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Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Safety appliances shall be regularly inspected and tested and maintained in good working order.

Doors and windows shall be closed during musical performances.

Refuse shall not be disposed of during the hours of 20:00 to 08:00.

Children shall be accompanied by an adult at all times..

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

Not applicable

Annex 5 – Plans

Please see attached

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part B



Premises Licence Number	15/03184/LAPRE
-------------------------	----------------

Part 1 - Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code

Milton Store
1 Milton Street
Maidstone
Kent
ME16 8JT

Telephone number

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films
Indoor sporting events
Live music
Recorded music
Performances of dance
Anything similar to E, F, or G
Sale or Supply of Alcohol
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Films

Friday, Saturday and Sunday	19:00 - 23:00
Monday to Thursday	19:00 - 22:00

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours

Indoor sporting events

Friday and Saturday	10:30 - 01:30
Monday to Thursday	10:30 - 00:00
Sunday	12:00 - 00:00

Live music

Friday and Saturday	20:00 - 00:00
---------------------	---------------

On Christmas Eve and New Years Eve from 19:00 hours until 01:00 hours.

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 1 of 3

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Recorded music

Monday to Saturday	10:30 - 23:30
Sunday	12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:00 hours.

Performances of dance

Monday to Saturday	19:00 - 23:30
Sunday	12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours

Anything similar to E, F, or G

Monday to Saturday	19:00 - 23:30
Sunday	12:00 - 23:30

On Christmas Eve and New Year's Eve from 19:00 hours until 01:30 hours.

Sale or Supply of Alcohol

Friday and Saturday	10:30 - 01:30
Monday to Thursday	10:30 - 00:00
Sunday	12:00 - 00:00

On Christmas Day and New Year's Day from 10:30 hours until 01:30 hours

Late Night Refreshment

Friday and Saturday	23:00 - 01:30
Sunday to Thursday	23:00 - 00:00

On Christmas Eve and New Year's Eve from 23:00 hours until 02:00 hours

The opening hours of the premises

Friday and Saturday	10:30 - 02:00
Monday to Thursday	10:30 - 00:30
Sunday	12:00 - 00:30

The non-standard opening hours of the premises

On Christmas Eve from 10:30 hours until 02:00 hours on the following day, and on New Year's Eve from 10:30 hours until 03:00 hours on the following day.

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

Alcohol is supplied for consumption both on and off the premises.

Part 2

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

Mrs Thiruchelvy Thavakuhananthan
212 Kingsnorth Road
Ashford
TN23 6LT

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 2 of 3

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

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

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Thavakuhananthan Poopalasingham

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

Licence Number: AS/LN/020070257

Licence Authority: Ashford Borough Council

State whether access to the premises by children is restricted or prohibited

N/A



John Littlemore
Head of Housing and Community Services
Maidstone Borough Council

Licence Number: 15/03184/LAPRE
Issue Date: 27/10/2015

Page 3 of 3

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004



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.