

## AGENDA

### LICENSING SUB-COMMITTEE MEETING

Date: Thursday, 14 April 2016

Time: 10.00 am

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Bobbin, Lesley Ingham and Anita Walker.

Quorum = 3

---

|  | Pages |
|--|-------|
| 1. Fire Evacuation Procedure   |       |
| <p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> <p>Any officers present at the meeting will aid with the evacuation.</p> <p>It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.</p> |       |
| 2. Apologies for Absence and Confirmation of Substitutes   |       |
| 3. Notification of Chairman and Outline of Procedure   |       |
| 4. Declarations of Interest  |       |

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### **Part B Report for the Licensing Sub-Committee to decide**

5. Review of premises licence under the Licensing Act 2003

1 - 34

To review the premises licence at Best One, 1-3 High Street, Sittingbourne, Kent, ME10 4AY.

**Issued on Tuesday, 5 April 2016**

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 DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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

**Licence Reference** SIT/SWALE/189/0598  
**Report To:** LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)

**Date:** 14<sup>TH</sup> APRIL 2016

**Report Title:** Best One, 1-3 High Street, Sittingbourne, Kent, ME10 4AY

**Application for Review of a Premises Licence**

**Report Author:** Angela Seaward

**Summary:**

1. The Applicant for Review – DC Gill Angus on behalf of Kent Police
2. Type of application applied for: Review of a Premises Licence.
3. Grounds for Review

### THE PREVENTION OF CRIME AND DISORDER

The DPS has failed to promote the prevention of crime and disorder objective as 58.8 litres of whisky that was non duty paid was removed from the premises by HM Revenue and Customs (HMRC) on Thursday 11<sup>th</sup> February 2016. In addition two of the current license conditions were being breached.

**Affected Wards:** Chalkwell Ward

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

**Policy Overview:** The decision should be made with regard to the Secretary of State's Guidance and the Licensing Authority's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application it is **appropriate** to consider the rights of both the licence holder and the applicant together with other parties, such as **“responsible authorities” and/or “interested parties”** (objectors). The hearing procedure for reviewing premises licences has been formulated to ensure a fair hearing for all parties.

**LEGAL:** Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

**Background Papers:** Licensing Act 2003  
DCMS Guidance Document issued under section 182 of The Licensing Act 2003 as amended  
Swale Borough Council Statement of Licensing Policy

**Contacts:** Mrs Angela Seaward at: [angelaseaward@swale.gov.uk](mailto:angelaseaward@swale.gov.uk) – Tel: 01795 417534

## **Agenda Item No. 1**

### **Report Title:**

#### **Application for Review of a Premises Licence**

### **Purpose of the Report**

The report advises Members of an application for the review of a premises licence, brought by DC Angus on behalf of Kent Police in respect of the premises Best One, 1-3 High Street, Sittingbourne, Kent, ME10 4AY.

### **Issue to be Decided and Options**

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

### **Background**

3. The relevant statutory provisions are sections 51 to 53 inclusive of the Licensing Act 2003. the Licensing Objectives are as follows:
  - The prevention of crime and disorder;
  - Public Safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
4. The current premises licence was granted on 27<sup>th</sup> August 2013, a copy is attached as Appendix B.
5. The application has been correctly advertised with a notice displayed on the premises and at the Council offices for the required period.

6. The applicant – Kent Police are seeking to review this licence in order to promote the licensing objectives and ask for:
- 1) Revocation of the premises licence
- However, should the committee decide not to revoke the premises licence then Kent Police Licensing ask for:
- 2) Suspension of the premises licence for a period of 3 months to allow the venue to rest.
  - 3) Modify the conditions of the license to amend the condition relating to single can and bottle sales to-
    - Only sales of 4 or more cans or bottles of beer, lager and cider shall be sold or supplied under any circumstances.
    - All alcohol must be purchased from a registered bona fide wholesaler and invoices pertaining to the purchases of alcohol must be retained on the premises for a minimum of 2 years and made available to police, Local Authorities Officers and HMRC Officers on demand
7. Members are advised that they may only modify premises licences if it is **appropriate to promote the licensing objectives**.
8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003**;
- Chapter 2 Licensing Objectives – para 2.1 onwards, Crime and disorder**  
**Chapter 10 Conditions attached to Premises Licences**  
**Chapter 11 Reviews**
9. Relevant policy statements **contained in The Licensing Authority’s Statement of Licensing Policy (Dec 2015)**;

### **Prevention of crime and disorder**

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

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

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

- prevention of disorderly conduct and anti-social behaviour
- prevention of underage drinking
- prevention of sales of alcohol to intoxicated customers
- prevention of drunkenness both on and in the vicinity of the premises
- prevention of drug use and drug dealing
- restriction to responsible drinks promotions
- use of safety glass
- inclusion of a wind-down time following alcohol sales period
- adequate seating to discourage “vertical drinking”
- the offer of food and snacks or other entertainment or occupation to discourage persistent drinking

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

10 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 either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

11 **Human Rights:** While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 6(1)- Right to Fair Hearing

The full text of each Article is given in the attached Appendices.

### Conclusion

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

### List of Appendices

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

### Appeal

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

|          |  |
|----------|--|
| Contact: | <b>Senior Licensing Officer</b>  |
| Email:   | <a href="mailto:angelaseaward@swale.gov.uk">angelaseaward@swale.gov.uk</a> |

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

RECEIVED

26 FEB 2016

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I DC Gill Angus**

(Insert name of applicant)

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

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

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

**Best One**

**1-3 High Street**

**Post town Sittingbourne, Kent**

**Post code (if known) ME10 4AY**

**Name of premises licence holder or club holding club premises certificate (if known)**

**Mr Mevlut UZUM**

**Number of premises licence or club premises certificate (if known)**

**SIT/SWALE/189/0598**

**Part 2 – Applicant details**

I am

**Please tick yes**

1) an interested part (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

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

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

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

Please tick

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

**Surname**

**First names**

**Please tick yes**

**I am 18 years old or over**

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



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

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

|  |
|--|
| Name and address<br><b>DC Gill Angus - Police Licensing Officer</b><br><b>Medway Police Station</b><br><b>Purser Way</b><br><b>Gillingham</b><br><b>Kent</b><br><b>ME7 1NE</b> |
| Telephone number (if any)<br><b>01634 792388</b>   |
| E-mail address (optional)<br><b>licensing.north.division@kent.pnn.police.uk</b>  |

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

Please tick one or more boxes

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

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

Best One has failed to promote the prevention of crime and disorder objective.

Best One was visited in a joint operation between Kent Police Licensing and officers from HM Revenue and Customs (HMRC) on Thursday 11<sup>th</sup> February 2016 where several items of non duty paid alcohol was seized

During this visit the following were seized:-  
21 x 70cl bottles of High Commissioner Whisky  
8 x 70cl bottles of Bells Whisky  
5 x 70cl bottles of Teachers Whisky  
11 x 1 litre bottles of High Commissioner

This is a total of 58 .8 litres of whisky that was non duty paid

In addition 2 of the current licence conditions were being breached

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

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

(please read guidance note 2)

HM Revenue and Customs (HMRC) and Kent Police Licensing officers attended Best One 1-3 High Street Sittingbourne.

While at the premise HMRC officers located the following items on display behind the till. The male working in the shop was Mr Gokhan UZUM who has worked at the store since the licence was granted on 27<sup>th</sup> August 2013 but stated the goods were old stock which he had no invoices for.

21 x 70cl bottles of High Commissioner Whisky

8 x 70cl bottles of Bells Whisky

5 x 70cl bottles of Teachers Whisky

11 x 1 litre bottles of High Commissioner

This is a total of 58.8 litres of whisky that was non duty paid and displayed openly in the premise for sale

Officers from HMRC seized these items under Section 139 of the Customs and Excise Management Act 1979. The premises Licence Holder and Designated Premise Supervisor Mr Mevlut UZUM was not present at the time of the seizure but Mr Gokhan UZUM signed paperwork in relation to this seizure by HMRC.

Mr UZUM has made no attempts to contact officers from HMRC in order to prove the legitimate purchase of these items since this date and HMRC officers looked through some invoices but could find nothing relating to the seized wine.

The purchase, stocking, displaying and sale of these non-duty paid items clearly fails to promote the crime and disorder licensing objective.

In addition there were 2 breaches of the licence conditions:

No single cans or bottles of alcohol shall be sold or supplied on their own unless they form part of general groceries sale, licensing officers witnessed a male enter and purchase a single can. At the time of the sale the licensing officer was unaware of this condition and there was a lot of activity relating to the HMRC seizures.

At all times when the premise is open for licensable activity a minimum of two employees must be present on the shop floor at any one time. On arrival at the premise only Mr Gokhan UZUM was in the premise and it was approximately 45 minutes before Mr Volkan UZUM attended the premise

The Home office guidance issued under Section 182 of the Licensing Act 2003, section 11.27 states that in relation to reviews – There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale of smuggled tobacco and alcohol. Amongst others.

Section 11.28 continues to state - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Kent Police Licensing are seeking to review this licence in order to promote the licensing objectives and ask for:

- 1) Revocation of the premises licence

However, should the committee decide not to revoke the premises licence then Kent Police Licensing ask for

- 2) Suspension of the premises licence for a period of 3 months to allow the venue to reset.

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

3) Modify the conditions of the licence to amend the condition relating to single can and bottle sales to Only sales of 4 or more cans or bottles of beer, lager and cider shall be sold or supplied under any circumstances.  
All alcohol must be purchased from a registered bona fide wholesaler and invoices pertaining to the purchaes of alcohol must be retained on the premise for a minimum of 2 years and made available to Police, local authority officers and HMRC officers on demand.

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

**Please tick yes**

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

If yes please state the date of that application

| Day |  | Month |  | Year |  |
|-----|--|-------|--|------|--|
|     |  |       |  |      |  |

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

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature [Redacted]

Date 24-02-2016

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town Post code

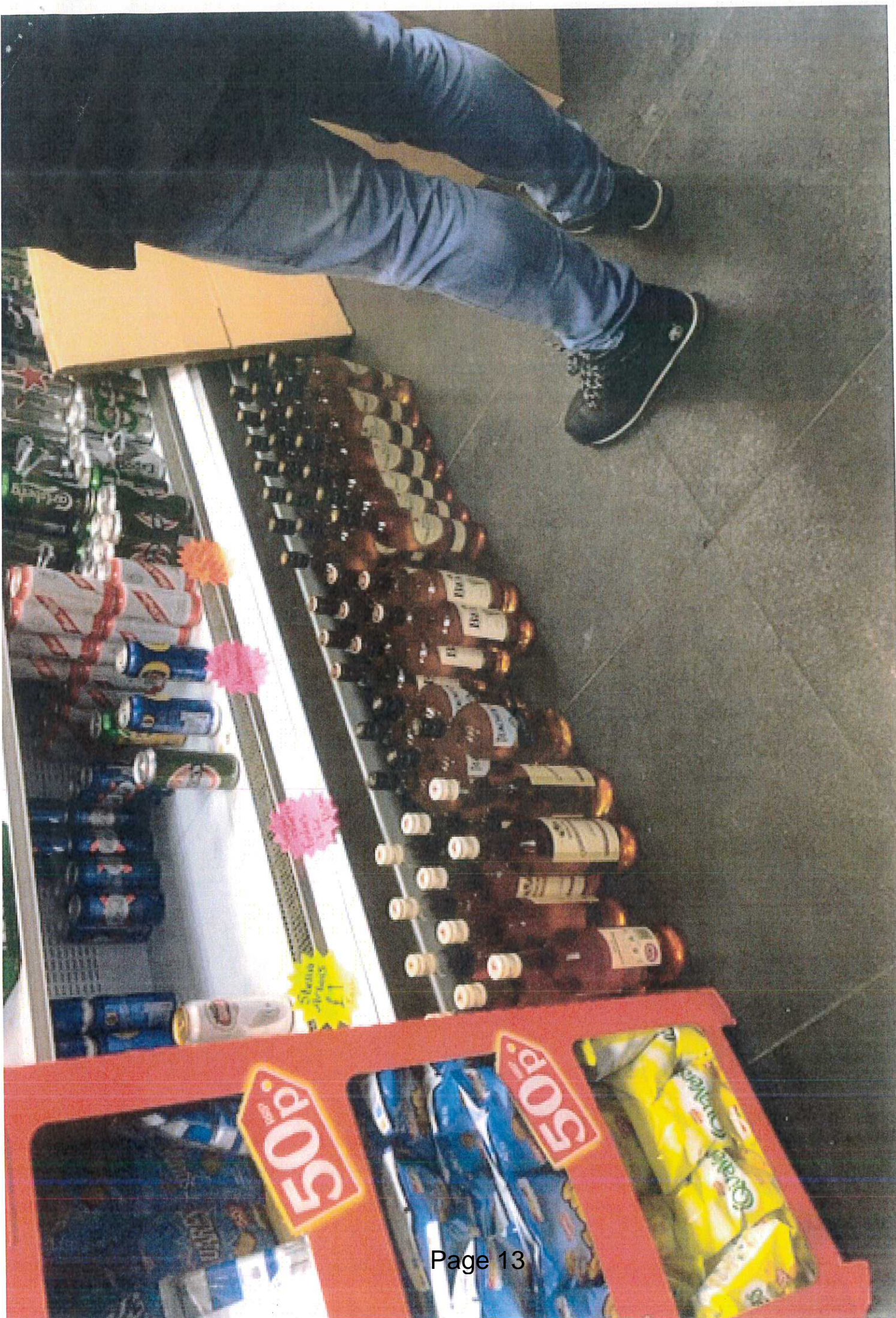
Telephone number (if any)

If you would prefer us to correspond with you using an e mail address your e mail address (optional)

Notes for Guidance

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











Swale Borough Council, Swale House, East Street,  
Sittingbourne, Kent, ME10 3HT

**Premises licence number**

SIT/SWALE/189/0598

**Part 1 – Premises details**

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

Best One Off Licence  
1/3 High Street

**Post town** Sittingbourne, Kent

**Post code** ME10 4AY

**Telephone number**

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Sale of alcohol

**The times the licence authorises the carrying out of licensable activities**

Monday – Sunday 07.00 – 23.00

**The opening hours of the premises**

Monday – Sunday 07.00 – 01.00

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

Off sales only

**Part 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Mevlut Uzum  
1 – 3 High Street  
Sittingbourne  
Kent  
ME10 4AY

**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**

Mevlut Uzum  
1 – 3 High Street  
Sittingbourne  
Kent  
ME10 4AY

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

Licence No: MEDWAY-05-PL-0532  
Issued by: Medway Council

## **Annex 1 – Mandatory Conditions**

### **Condition 1**

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### **Condition 9**

- (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 or supply of alcohol.
- (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.

### **Condition 11**

- (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 purpose of the condition set out in paragraph 1:-
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (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(7)
- (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.

**Annex 2 - Conditions consistent with the Operating Schedule****Condition 1**

- (a) When the premise is open to the public or a section of the public CCTV will be used to monitor the Licensed Premises.
- (b) The CCTV system will comply with the CCTV codes of practice. It will incorporate cameras covering all points of public access and egress, the primary area's within the premises where licensable activities takes place and alcohol is displayed. The system will be capable of providing an image that is regarded by Kent Police as identification standard. The precise positioning of the cameras will be discussed with Kent Police (North Kent Licensing Team) giving due regard for the provisions of any Data Protection legislation.
- (c) Data from the CCTV system must be retained for a period of 1 calendar month.
- (d) A person who is trained to retrieve data from the CCTV system shall be available on the premises whilst it is open to the public. Data will be provided to a police officer or a police licensing officer upon demand giving due regard for the provisions of any Data Protection legislation. The data shall be provided in a format that is capable of being viewed on domestic audio visual or computer equipment.
- (e) The CCTV system must be checked to ensure that it is working correctly at the beginning of every day's trading and an auditable record kept. These records must be made available to a police officer or a police licensing officer upon demand. In the event of a technical failure of the CCTV equipment the premises licence holder, D.P.S or other responsible person must report the failure to Kent Police immediately or as soon as practicable within 2 hours, at [licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk) .

**Condition 2**

- (a) All persons who are employed in a paid or unpaid capacity shall receive training in relation to this authorisation, legislation relevant to the Licensed Premises and their role within the premises.
- (b) Individual training records will be kept on each employee and shall detail the date that the training was delivered, details of the training and examples of the material used to deliver the training. Remedial training shall be conducted when necessary; in any event refresher training shall take place every 6 months.

**Condition 3**

- (a) The License Holder and D.P.S will maintain auditable refusal/incident records. These records will detail the following;
  - (i) Day, Date and Time of Refusal/Incident.
  - (ii) Nature of Refusal/Incident and reason.
  - (iii) Details of or description of the individual.
  - (iv) Each entry is to be checked and signed by the D.P.S on the day of the event or as soon as practicable.
  - (v) These records will be made available for inspection to any Police Officer, Police Licensing Officer immediately upon demand when practicable.

**Condition 4**

No Beers, Lagers, Ciders or Perries shall be sold with an A.B.V above 6.6%

**Condition 5**

No single cans or bottles of Alcohol shall be sold or supplied on their own unless they form part of general groceries sale.

**Condition 6**

When a sale or supply consists solely of multiple items of alcohol the items must be provided in a 'BestOne' branded bag.

**Condition 7**

- (a) The premises must actively engage with Kent Police Neighbourhood officers to identify and responsibly manage the sale of alcohol to any person or group of people who have the potential to create a causal link between the premises, the sale of alcohol and any public nuisance aggravated by the sale or supply of alcohol to a person or group of people.
- (b) Kent Police must be notified and agree to any increased exposure of alcohol that is different from that detailed in the original application. Notification must be sent to [licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk) .

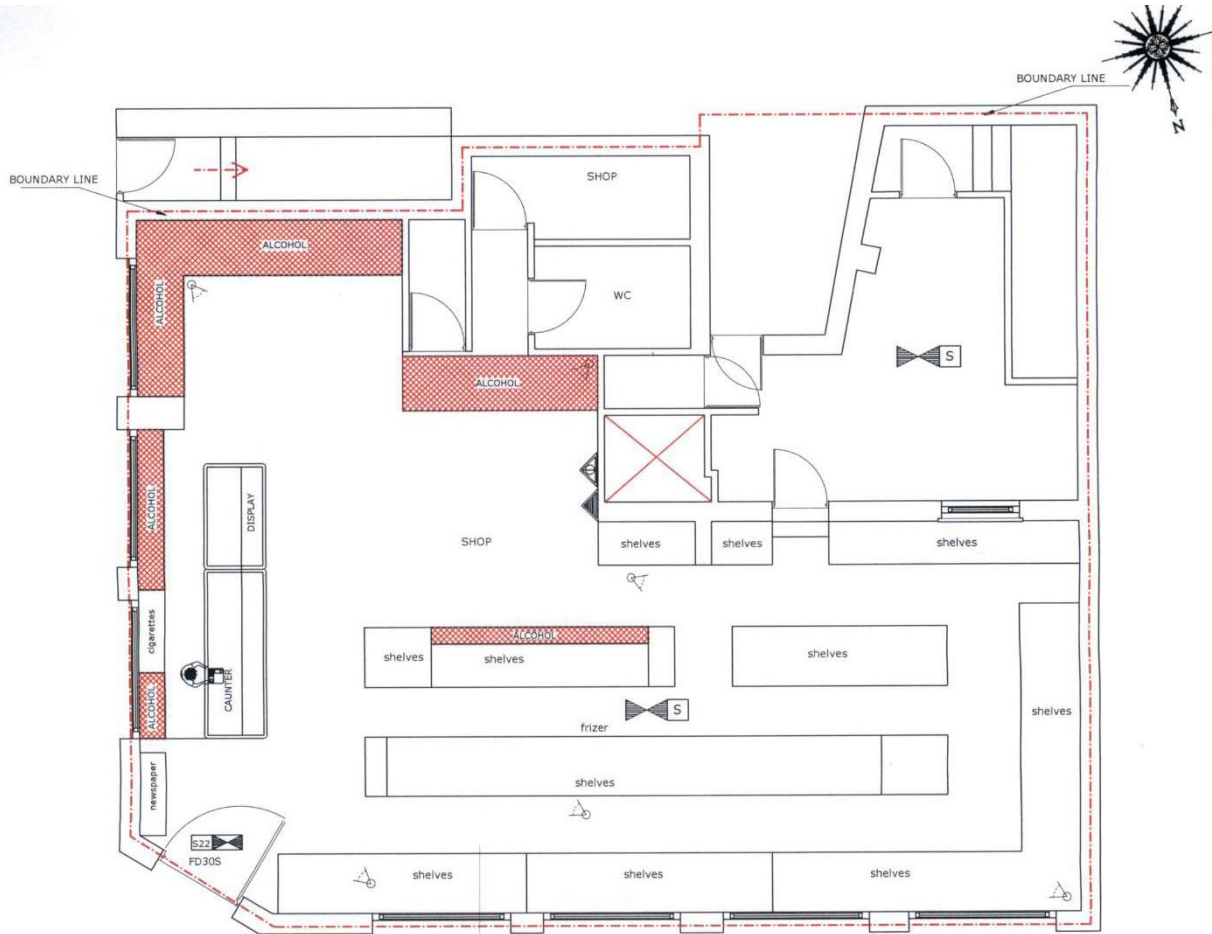
**Condition 8**

At all times when the premises is open for Licensable Activity a minimum of two employees must be present on the shop floor at any one

**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

Annex 4 – Plans



EXISTING GROUND FLOOR

LEGEND

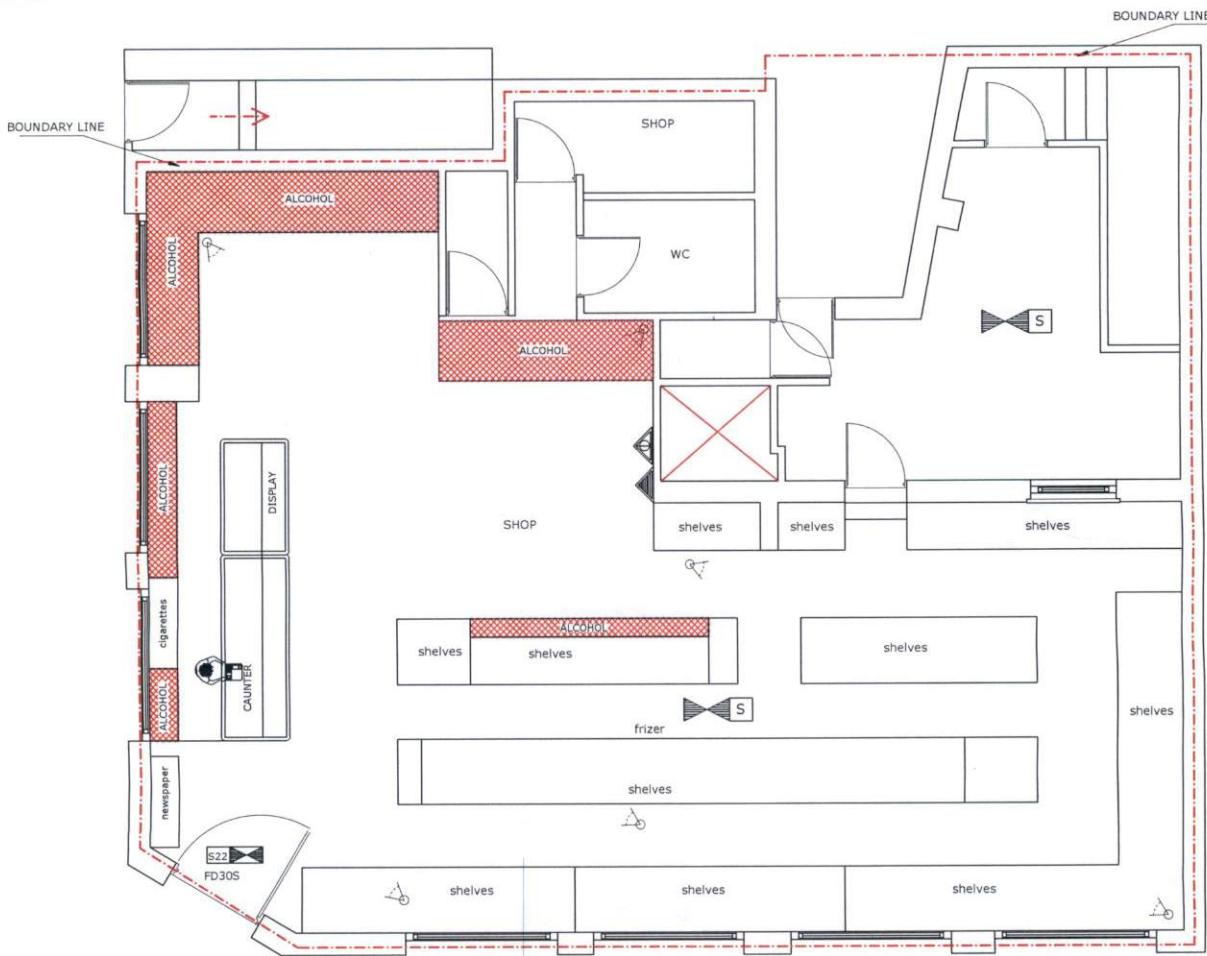
- AMBIT OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM



|                                     |  |                              |   |
|-------------------------------------|--|------------------------------|---|
| Drawing Title:<br>GROUND FLOOR PLAN | Client: MEVLUT UZUM                                    | Revision :JULY 2013          | <b>Advance Planning Licensing</b><br>Unit 116, Lee Valley Technopark,<br>Ashley Road, London N17 9LN<br>Telephone: (020) 8801 6601<br>Mobile (078) 7999 9178<br>E-Mail: advance.apl@gmail.com |
| Scale 1:100 @ A4                    | Address: 1-3 HIGH STREET,<br>SITTINGBOURNE<br>ME10 4AY | Drawing<br>Number: 13.156.01 |   |

ALL DIMENSIONS TO BE VERIFIED ON SITE





EXISTING GROUND FLOOR

LEGEND

- AMBIT OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM



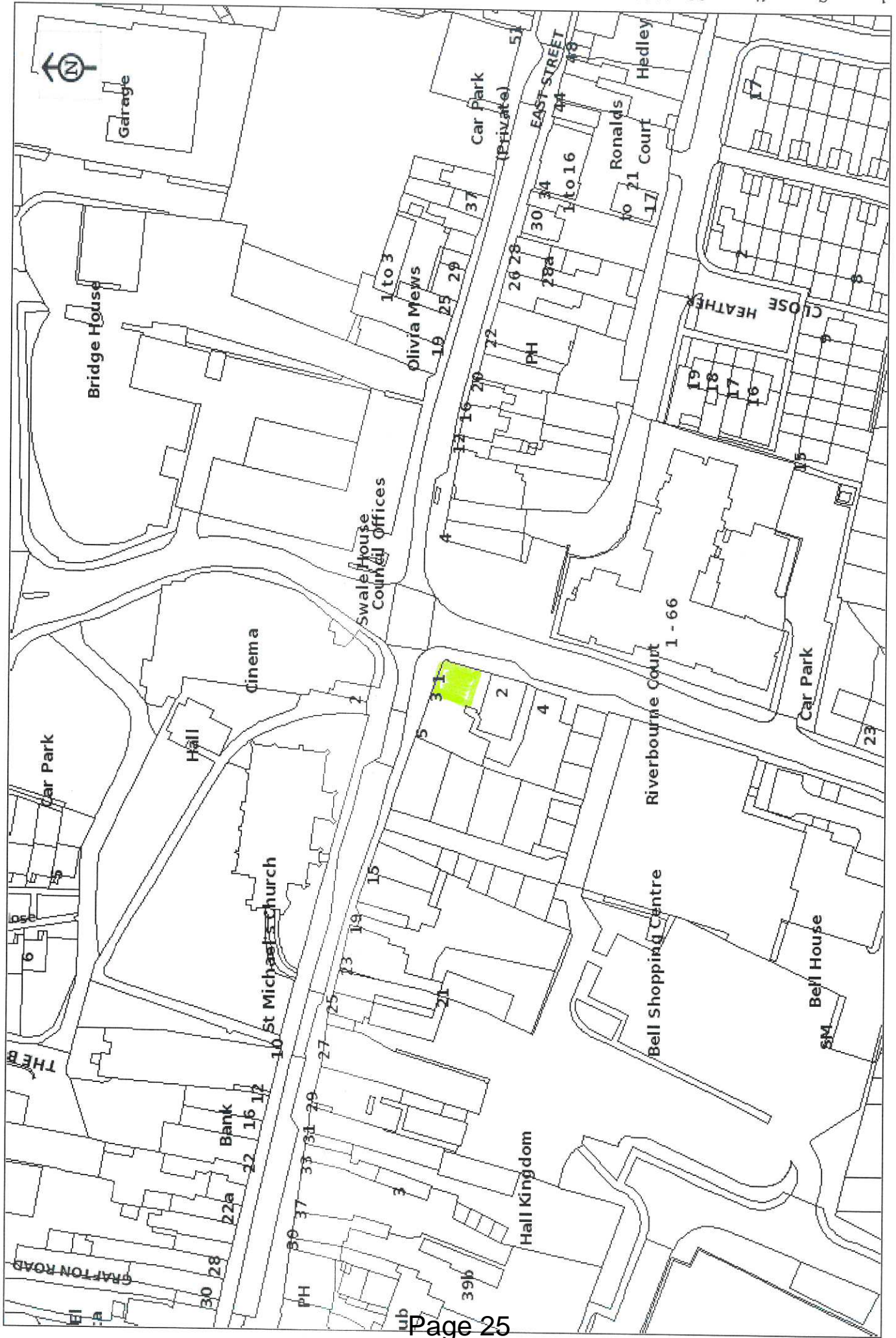
|                                     |  |                              |   |
|-------------------------------------|--|------------------------------|---|
| Drawing Title:<br>GROUND FLOOR PLAN | Client: MEVLUT UZUM                                    | Revision :JULY 2013          | <b>Advance Planning Licensing</b><br>Unit 116, Lee Valley Technopark,<br>Ashley Road, London N17 9LN<br>Telephone: (020) 8801 6601<br>Mobile (078) 7999 9178<br>E-Mail: advance.apl@gmail.com |
| Scale 1:100 @ A4                    | Address: 1-3 HIGH STREET,<br>SITTINGBOURNE<br>ME10 4AY | Drawing<br>Number: 13.156.01 |   |

ALL DIMENSIONS TO BE VERIFIED ON SITE

This page is intentionally left blank

 - Best One

Scale 1:1'250



This page is intentionally left blank

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. Judgment 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.

This page is intentionally left blank

**LICENSING AUTHORITY:  
SWALE BOROUGH COUNCIL**

**Licensing Act 2003 Sub-Committee Hearing Procedure of  
Applications for the Review of a Premises Licence or Club Premises  
Certificate**

## **Introduction and Procedure**

### **i) Introductions**

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Swale Borough Council licensing officers/managers
- The licence/certificate holder (and any representative)
- The applicant for review\* (and any representative)
- Each responsible authority (and any representative)
- Each interested party (and any spokesperson or representative)

### **ii) Procedural Matters**

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

\* Not applicable following a closure order.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the licence/certificate holder and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- Invite the parties, where appropriate, to appoint a spokesperson.



# The Hearing

## **Outline of the Application and Representations**

- The Chairman will ask the Licensing Officer to briefly outline the application and all representations regarding the application.

### **i) The Applicant for Review**

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

### **ii) Responsible Authorities (where applicable)**

| <b>RESPONSIBLE AUTHORITY</b>       | <b>Tick if applicable</b> |
|------------------------------------|---------------------------|
| Police                             |                           |
| Trading standards                  |                           |
| Environmental Health               |                           |
| Child Protection (Social Services) |                           |
| Planning                           |                           |
| Fire and Rescue                    |                           |

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

### **iii) Interested Parties**

- Opening remarks by the interested party (or spokesperson/representative).
- Evidence of the interested party and any witnesses.

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

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

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

### **Closing Speeches**

In the following order:

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

### **End of Hearing**

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations.
- The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant

representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.

- The Chairman shall ask all other persons to withdraw from the room.

## **The Decision**

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. The decision of the sub-committee does not take effect until the period for appealing has ended, or if there is an appeal, upon completion of the appeal. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- The hearing is formally closed.

This page is intentionally left blank