

**Agenda Item No:** 1 – Addendum 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:** Addendum Report for review of former Best One, 1-3 High Street,  
Sittingbourne, Kent, ME10 4AY

**Report Author:** Angela Seaward

**Summary:** 1. An application has been received by the Licensing Authority to transfer Licence Holder and variation of Designated Premises Supervisor following the sale of the business. The Premises name has now changed to Sittingbourne Food & Wine

**Affected Wards:** Chalkwell Ward

**Recommendations:** **The Committee is advised of the changes to determine the application submitted for review and to 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 licenceholder 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:

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

### **Purpose of the Report**

The report advises Members of the new application submitted whilst a review of a premises licence, brought by DC Angus on behalf of Kent Police in respect of the previous premises licence holder for Best One is still current.

An application takes immediate interim effect as soon as the licencing authority receives it provided that the provisions of Section 43 are met. This is to ensure that there is no interruption to normal business at the premises until the transfer application is formally determined or withdrawn.

### **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**

Appendix A Application Form  
Appendix B Premises Licence & Plan  
Appendix C Guidance chapter 8.92

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

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We ONUR JOAN OZCU  
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SIT/SWALE/189/0598

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>1 HIGH STREET</u>	
Post town <u>SITTINGBOURNE</u>	Post code <u>ME10 4AY</u>
Telephone number at premises (if any) <u>07733320318</u>	

Please give a brief description of the premises  
Supermarket

Name of current premises licence holder MEVLUT UZUM

Part 2 - Applicant details

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

- a) an individual or individuals\*
- b) a person other than an individual \*
  - i. as a limited company
  - ii. as a partnership
  - iii. as an unincorporated association or
  - iv. other (for example a statutory corporation)
- v. a recognised club

Please tick yes

- please complete section (A)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)

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30 MAR 2016

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31 MAR 2016

- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

**Please tick yes**

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**Surname**  **First names**

I am 18 years old or over  **Please tick yes**

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

**Post town**  **Post code**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (fill in as applicable)

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

Surname  First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

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

Name	T&O Supermarket Ltd
Address	1 HIGH STREET
Registered number (where applicable)	10022300
Description of applicant (for example partnership, company, unincorporated association etc)	Limited company
Telephone number (if any)	07733320318
E-mail address (optional)	ONUR_02@hotmail.co.uk

**Part 3**

**Please tick yes**

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

Do you wish the transfer to have immediate effect?

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

Day Month Year  

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**Please tick yes**

I have enclosed the consent form signed by the existing premises licence holder

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

**Please tick yes**

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

**Please tick yes**

I have enclosed the premises licence


If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 4 – Signatures (please read guidance note 2)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.**

Signature   
 Date 30/03/16  
 Capacity Director

**For joint applicants signature of 2<sup>nd</sup> applicant, 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature  
 Date  
 Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b>	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

## Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.





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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes 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/we T&O supermarket Ltd  
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

SIT/SWAE/184/0318

Part 1 – Premises details

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

Post town ME10 SITTINGBOURNE Post code (if known) ME10 4AY

Telephone number (if any) 07733320318

Description of premises (please read guidance note 1)  
Supermarket

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Part 2

Full name of proposed designated premises supervisor

ONUR JOHN OZKUL

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

LN/000015547

Full name of existing designated premises supervisor (if any)

MENLUT UZUM

Please tick yes

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



I have enclosed the premises licence or relevant part of it



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

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

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

30/03/16

Capacity

Director

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

**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 by e-mail your e-mail address (optional)

#### Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

31.03.2016



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**

Sittingbourne Food & Wine  
1 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**

T & O Supermarket Ltd  
1 High Street  
Sittingbourne  
Kent  
ME10 4AY  
Tel No: 07733 320318  
Email: [onur\\_oz@hotmail.co.uk](mailto:onur_oz@hotmail.co.uk)

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

10022300

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Onur John Ozkul  
149a Alexandra Park Road  
Wood Green  
N227UL

**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: LN/000015547  
Issued by: Haringey Council

## **Annex 1 – Mandatory Conditions**

### **Condition 1**

No supply of alcohol maybe 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 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) .

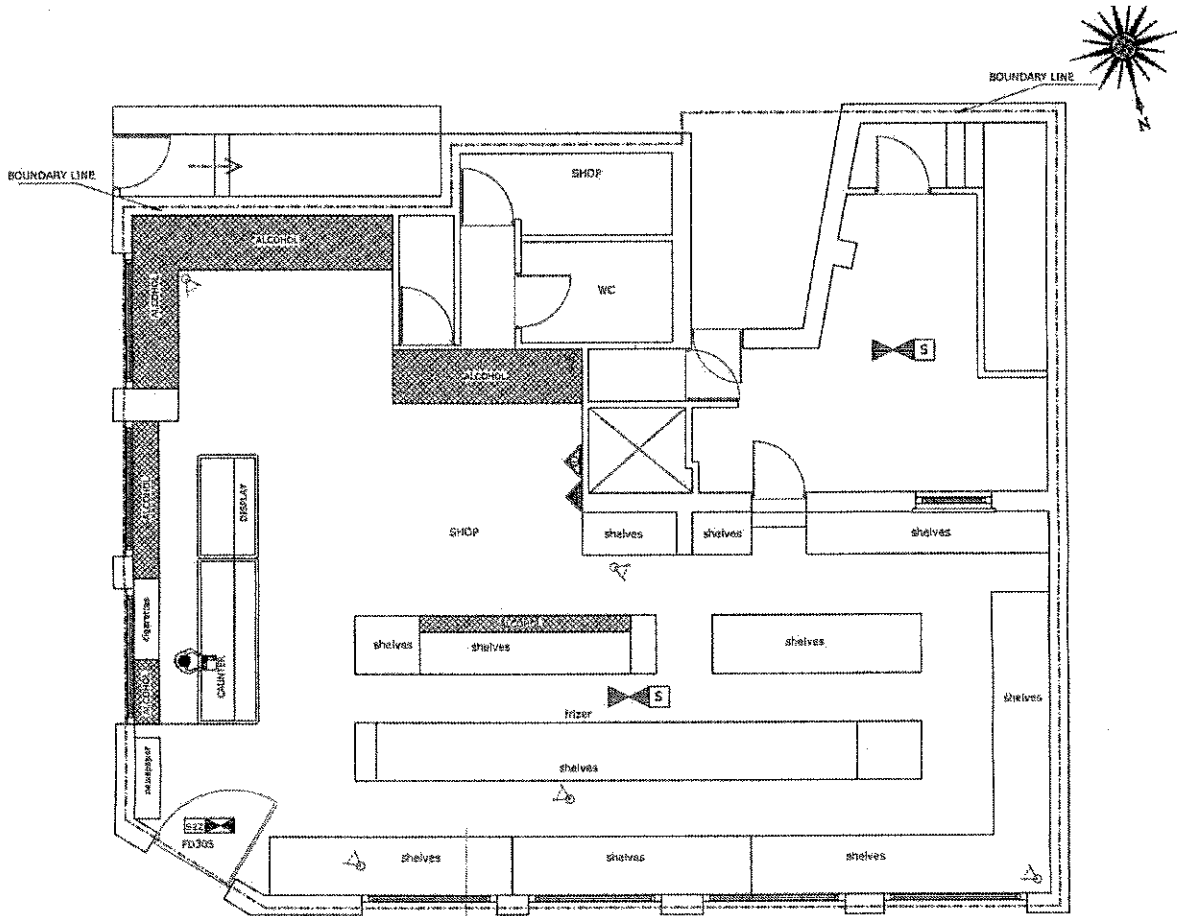
**Condition 8**

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

SCALE: 100 0 0.5m 1 1.5 2 2.5 3 3.5 4 4.5 5 5.5 6 6.5 7 7.5 8 8.5 9 9.5 10 m

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

ALL DIMENSIONS TO BE VERIFIED ON SITE

## Transfers of premises licences

8.92 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.

8.93 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

8.94 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).

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

