



## Licensing Panel

Members of the **Licensing Panel** of **Gravesham Borough Council** are summoned to attend a meeting to be held Civic Centre, Gravesend, Kent on **Wednesday, 28 April 2021 at 10.00 am** when the business specified in the following agenda is proposed to be transacted. Details on how Members can attend the meeting will be sent separately.

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting will be streamed live and can be watched via Gravesham Borough Council's YouTube Channel:-

[www.youtube.com/graveshamtv](http://www.youtube.com/graveshamtv)

S Walsh  
Service Manager (Communities)

### Agenda

#### Part A

##### Items likely to be considered in Public

1. Apologies for absence
2. To declare any interest Members may have in the applications being considered. When declaring an interest a Member must state what their interest is.
3. Consideration of application for a variation of a premises licence for 21C King Street, Gravesend Kent DA12 2EB (Pages 3 - 32)

#### Part B

##### Items likely to be considered in private

None.

## **Members**

Councillors: Steve Thompson (Chair)  
Baljit Hayre  
Leslie Hoskins

Substitutes: To be notified

**Classification:** Public

**Key Decision:** No

### **Gravesham Borough Council**

**Report to:** Licensing Panel

**Date:** 28 April 2021

**Reporting officer:** Emily Lane-Blackwell, Senior Licensing Officer

**Subject:** Consideration of application for a variation of a premises licence for 21C King Street, Gravesend Kent DA12 2EB

#### **Purpose and summary of report:**

To assist members to determine an application, to which representations have been made, for the grant of a variation of the premises licence under the Licensing Act 2003.

#### **Recommendations:**

1. Members are requested to determine the application on its merits.

## **1. Introduction**

- 1.1 The Licensing Panel is asked to determine an application for a new premises licence under the Licensing Act 2003 in respect of the premises at 21C King Street, Gravesend, Kent DA12 2EB
- 1.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
  - the prevention of crime and disorder
  - the protection of public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council adopted its Statement of Licensing Policy on 20 December 2004. As required by section 5 of the Act, this policy has been subject to periodic revisions with the current policy set to expire on 15 April 2024. The Policy will be available at the meeting for reference purposes.
- 1.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and

considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for any departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination which gives rise to an appeal or judicial review. The Guidance will be available at the meeting for reference purposes.

- 1.5 A copy of the council's approved procedure for hearings of the Panel in relation to an application, along with a copy of the Hearing regulations has been circulated to all parties prior to the meeting.
- 1.6 The Licensing Authority must, under the Act, refer any application for hearing to the Licensing Panel where relevant representations are made by a responsible authority or an interested party.
- 1.7 The Panel is reminded that the Human Rights Act guarantees the right to a fair hearing for all parties in the determination of their civil rights. The act also provides for the protection of property which may include licences in existence, and the protection of private and family life

1.8

## **2. Background**

- 2.1 This premise has held a premise licence under the Licensing Act 2003 since November 2006. The current licensable hours are as follows:
  - 2.1.1 Sale by retail of alcohol, Monday to Sunday 10.00 to 22.00.
- 2.2 A copy of the current premises licence can be found at Appendix 2

## **3. The Application**

- 3.1 On 4 March 2021 an application was received from Advance Architecture, on behalf of Mr Ismail Bozdag
- 3.2 The application is to extend the licensable hours to provide the sale by retail of alcohol at the following times
  - 3.2.1 Sunday to Thursday 08.00 to 00.00
  - 3.2.2 Friday and Saturday 08.00 to 02.00
- 3.3 Section 16 of the application form asks the applicant to describe the steps they intend to take to promote the four licensing objectives. Where an application has been properly made and no responsible authority or other person has made a relevant representation, or where representations are made and subsequently withdrawn, these proposals are 'converted' in the form of clear and enforceable licence conditions which, together with the Mandatory Conditions, make up the premises licence.
- 3.4 A copy of the application is shown as Appendix 3.

## **4. Representations**

- 4.1 At any stage during the 28 day consultation period a responsible authority, a Councillor or an interested party, may make representations provided that the

grounds are relevant to the licensing objections and are not deemed to be vexatious, frivolous or repetitive.

4.2 On 1 April 2021 Kent Police submitted an objection. They have based their objections on the licensing objectives:

4.2.1 Prevention of crime and disorder; and

4.2.2 Prevention of public nuisance.

4.3 They are requesting a reduction in hours and addition of conditions. Further details of the representation can be found as Appendix 4a and b.

4.4 On 1 April 2021 Environmental Protection submitted an objection. They have based their objection on the licensing objective:

4.4.1 Prevention of public nuisance.

4.5 The details of the representation can be found as Appendix 5.

## **5. Determining the application**

5.1 The Panel must, when reaching a decision on the outcome of the application, take into account the licensing objectives. Having had proper regard to the matters above the Panel may:

5.1.1 Grant the licence application as applied for;

5.1.2 Modify the conditions of the licence or add any new conditions; or

5.1.3 Reject the whole or part of the application

## **6. Matters to be taken into consideration**

6.1 Local Statement of Licensing Policy Considerations

It is considered that certain sections of the policy are relevant to this application.

*66. "The Licensing Authority understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00".*

*67 "...Providing customers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet."*

6.2 Secretary of State Guidance Considerations

It is considered that certain matters have a bearing upon the application and these are summarised below:

8.42 states that the applicant should be able to demonstrate through their operating schedule that they understand the layout of the local area, the risk posed to the local area by the proposed licensable activity, local hotspots for crime and disorder and proximity to residential premises

6.3 Human Rights

The Panel is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence and the protection of private and family life.

**7. BACKGROUND PAPERS**

7.1

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	<p>The panel have to decide the outcome of the application taking into account the four licensing objectives.</p> <p>In accordance with the provisions of the Act, if a licensing authority rejects in whole or part an application to vary a premises licence the applicant may appeal against the decision to a Magistrates Court within 21 days of being notified of the decision.</p> <p>Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that different or additional conditions should have been imposed on the licence, they may appeal against the decision to a Magistrates court within 21 days of being notified of the decision.</p>
<b>Finance and Value for Money</b>	None unless there is an appeal about the Panel decision to Magistrates Court which proves to be successful and which could therefore result in costs being awarded against the Council.
<b>Risk Assessment</b>	Departure from the Guidance and Policy could lead to an increased risk of appeal. Similarly if any decision made is not evidence based and proportionate.
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	There are direct links to the Corporate Objective 1 - People. Enforce high regulatory standards: Put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.

<b>Climate Change</b>	n/a
<b>Crime and Disorder</b>	There are obvious links to community safety and the perception of crime and disorder if licensed premises are not run and managed properly or adequately enforced.
<b>Digital and website implications</b>	Basic public notices are displayed during the consultation period.
<b>Safeguarding children and vulnerable adults</b>	The Licensing Act 2003 required premises licence holders to promote the licensing objective to protect children from harm. Licensing Authorities must play their part in taking the required action against those that don't appear to be upholding this objective.



04/12/2018


**LICENSING ACT 2003  
 Section 24**
**Premises Licence**
**Premises licence number: GM / PRE / 0607 / 0026**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Dhillons Newsagents, 21C King Street	
Post town: Gravesend	<b>Post code:</b> DA12 2EB
<b>Telephone number:</b> 01474 35 19 73	

<b>Licensable activities authorised by the licence</b>
Off sales of alcohol only

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>Sale of Alcohol</b>
Monday to Sunday 10:00 to 22:00

<b>The opening hours of the premises</b>
Monday to Sunday 05:30 to 22:00

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>
Ismail Bozdag, 40 Stanhope Gardens, London N4 1HT

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>
Ismail Bozdag,

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>
LN/000012556                      Haringey Council

**Mandatory conditions**
Condition 1 – took effect 24 November 2005
**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 – took effect 1 October 2014

- (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 – took effect 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 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.**

### Conditions consistent with the Operating Schedule

1. Three CCTV cameras are to be installed to the satisfaction of the police and the council. Recordings should be maintained for at least 31 days. The positions of the cameras are to be as follows:
  - a) Covering the door on exit
  - b) A camera behind the counter covering the area observed from the counter
  - c) A camera covering the drinks cooler, beer cooler and the aisle towards the exit
2. Notices (purchased from most suppliers or Trading Standards) stating that alcohol will not be served to persons under the age of 18 must be displayed.
3. The premises will ensure that anyone who appears to be under 18 and is attempting to buy alcohol will be asked to provide adequate and accepted proof of age. Proof of age would include:-
  - Connexions card – as promoted by Kent trading Standards and Kent Police.
  - ‘New type’ driving licence with photograph.
  - Valid UK Passport
  - Official identity card issued by HM armed force

Signed:

Mark Lees HND MSc AMIOA MCIEH  
Regulatory Services Manager

Dated: 4 December 2018

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\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

KINGS NEWS AND WINE

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

ISMAIL

\* Family name

BOZDAG

\* E-mail

info@advancearchitecture.co.uk

Main telephone number

01474351973

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

\* Building number or name

\* Street   
 District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street   
 District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 18**

**APPLICATION DETAILS**

*Continued from previous page...*

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

### Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 18

### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes     No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes     No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

**Describe Briefly The Nature Of The Proposed Variation**

**Continued from previous page...**

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.

Variation of Hours to extend further. The proposed hours are Sunday-Thursday: 08:30-00:00 and Friday-Saturday: 08:30 to 02:00. The premises operating in area for such a long time without any issues in terms of Licensing objectives. The premise well managed and operate, the reason for application is to able provide licensable activities to later hours. There is a NEW off licence recently granted with similar hours which should be a precedence to this application.

**Section 4 of 18****PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes  No

**Section 5 of 18****PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 18****PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18****PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18****PROVISION OF RECORDED MUSIC**



*Continued from previous page...*

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

- On the premises     
  Off the premises     
  Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

n/a

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premise is licenced for long time and it is actively used without any problem, the extended ours will not add negative impact in area, the premises has been trading without any problem. There is a New premises licence has been granted with similar hours.

The alcohol only will sale in operation hours and the alcohol will be consumed OFF the premises. Cctv will be installed to the premises, installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The premises shall install and maintain a CCTV system as per the minimum requirements of a Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. THE CCTV SHALL BE IN OPERATION AT ALL THE PREMISES ARE OPEN TO THE

*Continued from previous page...*

PUBLIC. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS OF THE PERMITTED HOURS.

ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT AND RESPONSIBLE ALCOHOL RETAILING.

WRITTEN TRAINING RECORDS WILL BE KEPT.

THE PREMISES WILL ACTIVELY ENGAGE WITH AND WORK WITH THE POLICE SAFER NEIGHBOURHOOD TEAM.

the premises will keep strong management controls and train all staff so they are aware of the licence and its requirement.

In particular:

No service of alcohol to underage people.

Being vigilant to prevent disorderly behavior.

THE PASSPORT CHECK WILL BE IN PLACE FOR ALL EMPLOYEES BEFORE THEY START ON THEIR FIRST WORKING DAY TO EMPLOY PERSONS WITH THE RIGHT OF WORK IN THE UK.

Or Accepting existing licence conditions

b) The prevention of crime and disorder

Cctv will installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in 'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system. Or Accepting existing licence conditions

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received regards crime and disorder

(d) any incidents of disorder

(e) seizures of drugs or offensive weapons

(f) any refusal of the sale of alcohol

Or Accepting existing licence conditions

d) The prevention of public nuisance

All occasions when persons have been refused service will be recorded in a refusals book, which shall be kept at the premises for not less than 12 months. Suitable signage will be displayed at the point of exit advising customers leave the premises quietly. Deliveries to the premises shall only be made during normal working hours. Or Accepting existing licence conditions

e) The protection of children from harm

Any alcohol must be sold by DPS or a person authorised be the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme. Or Accepting existing licence conditions

*Continued from previous page...*

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

*Continued from previous page...*

\* Full name

\* Capacity

\* Date  /  /   
 dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/gravesham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)





Chief Officer of Police Representation in relation to an application for variation of premises licence made under Part 3 Section 34 Licensing Act 2003 (S35 Licensing Act 2003)

### Details of person or body making representation

Name of Chief Officer of Police	Chief Superintendent Price 15034
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham Kent ME71NE
E-mail address	licensing.north.division@kent.police.uk
Telephone Number:	01634 792388

### Details of premises representation is about

Name of Premises:	Kings News & Wine
Address of premises:	21c King Street Gravesend Kent DA12 2EB
Date application received by police	8 <sup>th</sup> March 2021
Date representation sent to Licensing Authority	<i>1st April 2021</i>
	<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22</i>

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 of that Act asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	X
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	

The relevant representations within the meaning of S.35(5) of the Licensing Act satisfy the requirements of S.35 (6) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

Please see attached document entitled "Representations - Kings News & Wine"

Please use separate sheets where necessary

**Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary. Consider s106 Licensing Act 2003.*

Please see attached document entitled "Representations - Kings News & Wine"

Signed: .....

Date: 01\04\2021

Print name: PC Daniel Hunt .....

Force Number: 11044 .....

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

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

## **Continuation page – Representations against S34 Variation – Kings News and Wine**

This application has been submitted in order to vary the operating hours of Kings News and Wine, an established off licence premises located on King Street in Gravesend. King Street Gravesend is in the heart of the town centre and the premises are located near to many residential properties, pubs, restaurants, bars, clubs and other off licenced premises. The area is busy both day and night but can be particularly busy during the night-time economy (NTE) particularly at weekends.

The current authorised hours regarding the sale of alcohol at the premises are 10:00 to 22:00 Monday to Sunday. If approved, this variation would authorise the sale of alcohol Sunday to Thursday 08:00 to 00:00 (midnight) and Friday to Saturday 08:00 to 02:00. The applicant has indicated a desire to operate later into the NTE and has suggested that a recently granted off licence premises in the immediate area with similar authorised hours should set a precedence to this application.

Having reviewed the application there are two main areas of concern. The first being the proposed operating hours and the second being the steps listed by the applicant intended to promote the licensing objectives. At this stage as a responsible authority Kent Police believe that the proposed steps are insufficient.

Should this variation be granted as per the proposed application, Kent Police have concerns that this would lead to an increase in incidents of crime and disorder both at this premises and in the immediate in the area, as well as contributing to public nuisance. The current authorised licenced hours do to some extent shield the premises from some of the issues experienced by other premises that operate later into the NTE. Allowing this premises to operate later into the NTE makes them more susceptible to experience such issues and this does not appear to have been addressed within the application.

As already stated above, this premises is located in very close proximity to a number of licenced premises including pubs and nightclubs. Late night premises such as this (if granted) tend to hinder the dispersal of customers from the NTE and are often used to purchase food and further alcohol. This can lead to incidents of nuisance, antisocial behaviour, noise disturbance and disruption, but can often escalate into incidents of fights and public order in the street. Such issues can be very resource intensive on Kent Police and very difficult to manage. It is also feared that the addition of another late-night off-licence premises located in this area could add to the issue of pre-loading, this being when persons have access to cheap alcohol which is consumed prior to entering late night pubs and clubs. Pre-loading can lead to an increase in street drinking, antisocial behaviour and drunkenness prior to admission into NTE venues. Kent Police are of the opinion that the steps as indicated in section 'M' of the application are insufficient to fully promote the licensing objectives and do not mitigate the potential risks highlighted.

Kent Police concerns are such that we do not support the granting of a premises licence until 02:00. In order to minimise the risk of additional incidents of further antisocial behaviour and crime and disorder within the town centre, Kent Police seek that the licensable hours be restricted to 23:00 daily. Section 66 of Gravesham Statement of Licensing Policy states:

“The Licensing Authority understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents’ sleep being disturbed by patrons

leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00”.

Kent Police are not opposed to this application in its entirety in that we do not object to a variation of licenced hours. Kent Police are opposed to granting of a licence that would allow the premises to conduct licensable activity until 00:00 (midnight) Sunday to Thursday and 02:00 Friday and Saturday. Kent Police would make no objection to the premises being authorised to conduct licensable activity from 08:00 to 23:00 daily.

Should this variation be granted as applied, Kent Police would seek the addition of the following conditions:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
  - a. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
  - b. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
  - c. The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
  - d. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time ([licensing.north.division@kent.police.uk](mailto:licensing.north.division@kent.police.uk))
2. All persons that sell or supply alcohol to customers must have licensing training.
  - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
  - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
  - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
  - d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
3. All staff shall be instructed to record in an incident book/register all incidents of crime and disorder occurring at the premises, and details of any occasion when the police are called.
  - a. These records shall include the time and date of any incident and the identities of staff members involved.
  - b. The incident book/register shall be made available for inspection by Police and authorised officers of the Local Authority upon demand.
4. A diary log shall be kept detailing all refused sales of alcohol.
  - a. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.

- b. The log shall be available for inspection at the premises by the police or an authorised officer of the Gravesham Council at all time whilst the premises are open.
  
- 5. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
  
- 6. From 22:00 till closing on Friday and Saturday, a minimum of 1 SIA door supervisors must be employed and be present at the premises.
  
- 7. From 22:00 till closing on Friday and Saturday, a personal licence holder must be employed and be present at the premises.

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**From:** Wilders, Debbie <deborah.wilders@gravesham.gov.uk>  
**Sent:** 01 April 2021 16:58  
**To:** Licensing <licensing@gravesham.gov.uk>  
**Cc:** Environmental Protection Team <EP@gravesham.gov.uk>  
**Subject:** FW: Variation to Premises licence for 21c King Street, Gravesend

Dear Licensing

Please find EP's representation objecting to the hours applied for the sale of alcohol attached.

Kind regards

Debbie

Deborah Wilders BSc (Hons) MCIEH CEnvH

Environmental Protection Team Leader

Regulatory Services

Gravesham Borough Council

email: [deborah.wilders@gravesham.gov.uk](mailto:deborah.wilders@gravesham.gov.uk)

## **Environmental Protection Team Representation 21C King Street - Application to Vary a Licence**

This Service has reviewed the premises' application for 21C King Street, Gravesend, and whilst we are not objecting to the principle of the off licence in that location we are objecting to the proposed times for the sale of alcohol i.e. 08:00 to 00:00 Sunday to Thursday and 08:00 to 02:00 Friday and Saturday – due to the reasons explained below:

- This premises is unlikely to have the well regulated sale of alcohol
- Customers of the late night venues nearby are likely to pre-load, drinking the cheap alcohol quickly to have the maximum effect and will go on to the late night venues already inebriated.
- Customers are likely to buy the cheap alcohol to smuggle into the late night venues to consume rather than buy less of the more expensive alcohol in the venue
- Customers of the late night venues are likely to congregate around the off-licence meeting up to buy cheap alcohol before going to the late night venues. With the groups causing noise issues and antisocial behaviour including littering in the street. These behaviours are better prevented as they are very difficult to deal with as no council power covers this well.
- Customers are likely to go to congregate around the off-licence after they leave the late night venues in the early hours, or even between venues, causing noise and antisocial behaviour including littering.
- Customers of the off-licence are likely to create a lot of litter especially with the containers of the cheap alcohol they have purchased.

This service is very concerned that as the locality is a mixed use area with a lot of residential properties and a lot of late night venues that if the off licence is allowed to sell alcohol after the hour of 22:00 is likely to attract large numbers of people in groups or individuals who will be pre-loading with alcohol, being rowdy, littering alcohol containers etc. and carrying out other antisocial behaviour. It is therefore likely that it will not be possible to comply with the licensing objective of the prevention of public nuisance.

Additionally, this Service is concerned about the lack of information in the application as to how the premises and management will be promoting the four licensing objectives. This information is very important for this Service to understand how the premises will be managed whilst open. The provision of CCTV, having signs up about the hours they sell alcohol and recording when they refuse a sale are not sufficient to prevent anti-social behaviour causing public nuisance caused by customers of this shop after 22:00.

This service is concerned that the sale of alcohol from this premises after 22:00 on any day has the potential of causing significant noise disturbance to residents and adversely affecting their reasonable right to sleep.

Whilst the applicant has completed the table with the time that alcohol will be available each day as 08:00 it is stated in the text that the start time would be 08:30. The applicant should clarify which time is correct. This service has no objection to the sale commencing at 08:00 or 08:30 each day.

With the above in mind, we are concerned that the granting of this licence to sell alcohol outside the hours of 08:00 to 22:00 on any day would not promote the licensing object of the prevention of public nuisance due to the noise and antisocial behaviour the proposed opening hours is likely to create. We therefore request that if the licensing panel were minded to grant the applicant a variation to their licence it should only be for the hours of 08:00 to 22:00 as a maximum rather than the hours as applied for.