

GUIDELINES FOR LICENSING HEARING PANELS

The chairman will control the proceedings and the following is a guideline for each hearing but may be adjusted if appropriate.

1. The chairman explains the proposed format for the meeting and asks everyone to introduce themselves.
2. The Licensing Officer briefly outlines the application.
3. The applicant (or their representative) speaks in support of their application and call any witnesses.
4. Objectors* ask the applicant (or their representative) and witnesses questions.
5. The panel asks the applicant (or their representative) and witnesses questions.
6. Objectors* speak about their representation and call any witnesses.
7. The applicant (or their representative) asks the objectors questions.
8. The panel asks questions.
9. All parties are asked if they wish to add anything further.
10. The chairman requests everyone to leave the room in order that the panel may reach a decision. The Legal Officer and Democratic Services Officer to the panel will remain.

-
11. Everyone will be invited to return to receive the decision. In the event of complex or lengthy applications, the panel may decide to give its decision at a later date.

* Objectors may include responsible authorities such as the Police, the Fire Brigade, Environmental Health Officers, Development and Building Control Officers, Highway Officers, Trading Standards Officers and local residents. The responsible authorities will be asked to speak first.

LICENSING HEARING PANEL

25 NOVEMBER 2011

LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE

KUBUS CONVENIENCE 88 HIGH STREET, CHATHAM, KENT

Report from: Deborah Upton, Assistant Director (Housing & Corporate Services)

Author: Mandy Francis, Senior Licensing and Enforcement Officer

Summary

The applicant for Kubus Convenience Store, 88 High Street, Chatham has applied for a New Premises Licence to request the supply of alcohol. A representation has been submitted by Kent Police and to date no agreement has been reached.

1. The application

- 1.1 In accordance with the Licensing Act 2003, the council has received an application for a new premises licence in respect of Kubus Convenience, 88 High Street, Chatham, Kent

The application is for:

Hours for the supply of alcohol – Off the premises

Monday to Sunday 08:00 to 23:00

Hours the premises are open to the public

Monday to Sunday 08:00 to 23:00

A copy of the application as submitted is at Appendix A.

The application has been correctly advertised in the local press and notices displayed on the premises for the required period.

A copy of the floor plan is attached at Appendix B.

A copy of a plan showing the location of the premises is at Appendix C.

2. Background

- 2.1 An application for a new premises licence has been received in respect of Kubus Convenience, 88 High Street, Chatham, Kent. The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A.
- 2.2 As stated at paragraph 1.1 this is an application for a new premises licence for the supply of alcohol only.

3. Promotion of Licensing Objectives

- 3.1 The applicant is expected to demonstrate that they have dealt with the promotion of the four licensing objectives, where appropriate. Members are referred to Paragraph P of the application at Appendix A where the applicant has referred to this issue.
- 3.2 The four licensing objectives are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

4. Relevant Representations

- 4.1 This matter has been put to the Licensing Hearing Panel because the council has received a relevant representation from Kent Police. A copy of this representation is attached at Appendix D.

5. Policy Considerations

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider in all applications. Paragraphs 3, 4, 5 and 6 specifically deal with the question of crime and disorder, public safety, public nuisance and the protection of children from harm, which are the objectives raised in the relevant representations.

6. Background papers

- 6.1 Medway Council's Licensing Policy.

Copies are obtainable by telephoning Mandy Francis on 01634 337114 and can be viewed on the council's website under Licensed Premises at www.medway.gov.uk/licensing

Lead officer contact: Mandy Francis, Senior Licensing and Enforcement Officer
Telephone: 01634 337114
Email: mandy.francis@medway.gov.uk

**Application for a 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 Harem Haji Berot

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | | | |
|--|---------|------------------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description Kubus Convenience 88 High Street | | | |
| Post town | Chatham | Post code | ME4 4DS |

| | |
|--|-------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £7400 |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- 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) a person 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 <input checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname Berot | | | First names Harem Haji | | |
| I am 18 years old or over | | | | <input checked="" type="checkbox"/> Please tick yes | |
| Current postal address if different from premises address | | | | | |
| Post Town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> Please tick yes | |

| | | | |
|--|--|-----------------|--|
| Current postal address if different from premises address | | | |
| Post Town | | Postcode | |
| 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 |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|-----|------|-------------|
| Day | onth | Year |
| 0 | 7 | 1 1 2 0 1 1 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

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

Please give a general description of the premises (please read guidance note1)
 Please refer to the enclosed plan.
 Premises is currently a Newsagent/ Supermarket.
 The premises has two floors above, 1st floor is a flat and 2nd floor is a dance studio.
 The premises is surrounded with equal numbers of other premises and flats.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

| | | | | | |
|--|-------|--------|---|--|--|
| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the facilities for making music you will be providing</u> | | |
| | | | <u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2) | | Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

J

| | | | | | |
|---|--------------|---------------|--|----------|--------------------------|
| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | <u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | <u>Please give a description of the facilities for dancing you will be providing</u> | | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | <u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |
| | | | | | |

K

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment facility you will be providing</u> | | |
| Day | Start | Finish | <u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sun | | | | | |
| | | | | | |

L

| | | | | | |
|--|--------------|---------------|---|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

M

| | | | | | |
|---|--------------|---------------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A | | |
| Mon | 08:00 | 23:00 | | | |
| Tue | 08:00 | 23:00 | | | |
| Wed | 08:00 | 23:00 | | | |
| Thur | 08:00 | 23:00 | | | |
| Fri | 08:00 | 23:00 | | | |
| Sat | 08:00 | 23:00 | | | |
| Sun | 08:00 | 23:00 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

| | |
|--|--|
| Name Harem Haji Berot | |
| Address | |
| Postcode | |
| Personal Licence number (if known) Application in Progress | |
| Issuing licensing authority (if known) Medway Council | |

N

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

N/A

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

| Day | Start | Finish |
|------|-------|--------|
| Mon | 08:00 | 23:00 |
| Tue | 08:00 | 23:00 |
| Wed | 08:00 | 23:00 |
| Thur | 08:00 | 23:00 |
| Fri | 08:00 | 23:00 |
| Sat | 08:00 | 23:00 |
| Sun | 08:00 | 23:00 |

State any seasonal variations (please read guidance note 4)

N/A

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

N/A

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

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

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

b) The prevention of crime and disorder

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

c) Public safety

All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.

d) The prevention of public nuisance

All customers are asked to leave quietly. Clear and legible notices will be displayed to remind customers to leave quietly.

e) The protection of children from harm

To protect the children from harm we have following steps taken:

- 1- the premises are effectively and responsibly managed
- 2- provision of a sufficient number of people employed or engaged
- 3- appropriate instruction, training and supervision of those employed or engaged
- 4- to adopt challenge 21 policy

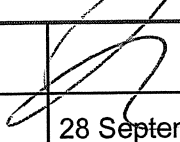
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

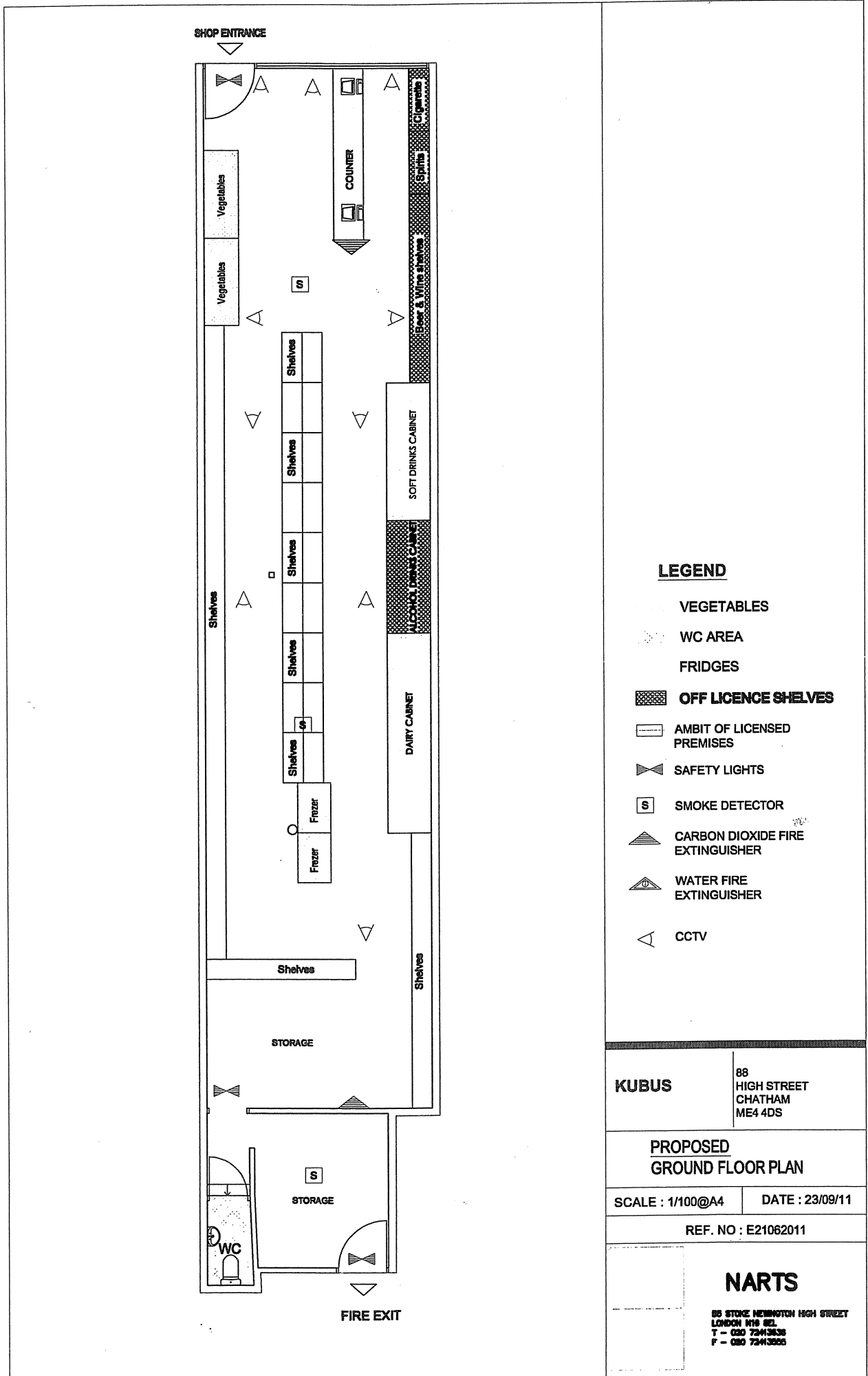
Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

| | |
|-----------|--|
| Signature |  |
| Date | 28 September 2011 |
| Capacity | Authorised Agent |

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **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 13) | | | |
| | | | |
| 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) info@act2003.com | | | |



LEGEND

- VEGETABLES
- WC AREA
- FRIDGES
- OFF LICENCE SHELVES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- CCTV

KUBUS 88
HIGH STREET
CHATHAM
ME4 4DS

**PROPOSED
GROUND FLOOR PLAN**

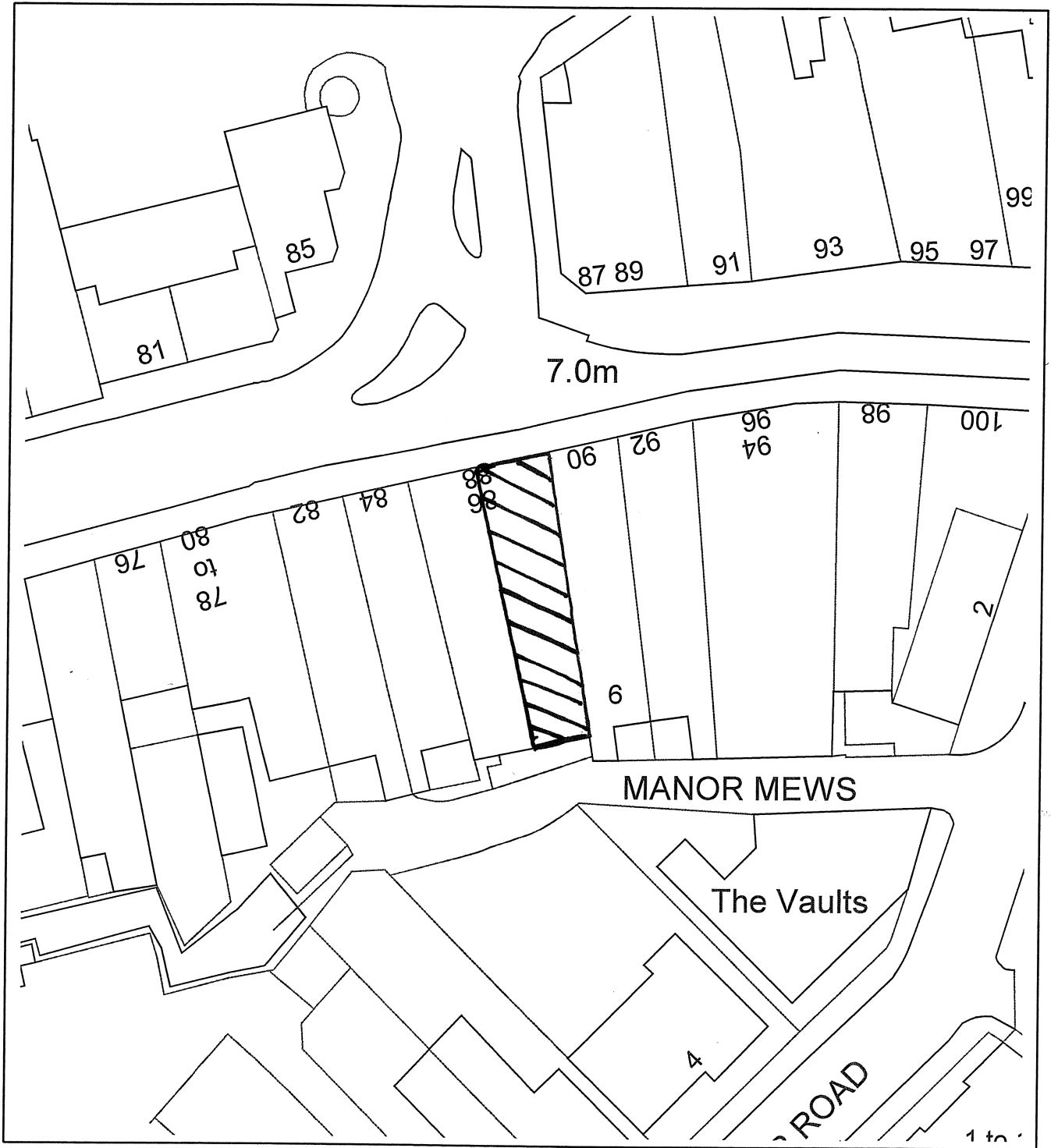
SCALE : 1/100@A4 DATE : 23/09/11

REF. NO : E21062011

NARTS

85 STONE NEWINGTON HIGH STREET
LONDON N16 8EL
T - 020 72413636
F - 020 72413666

NORTHGATE SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Kent Police

APPENDIX D

Chief Officer of Police Representation in relation to an application for grant of premises licence made under Part 3 Section 17 Licensing Act 2003 (S18 Licensing Act 2003)

| | |
|---|--|
| Details of person making representation | |
| Name of Chief Officer of Police | Chief Superintendent Jerome |
| Postal Address: (Area Headquarters) | Medway Police Station Purser Way Gillingham Kent ME7 1NE |
| E-mail address | Licensing.medway@kent.pnn.police.uk |
| Telephone Number: | 01634 792539 |

| | |
|---|---|
| Details of premises representation is about | |
| Name of Premises: | Kubus Convenience |
| Address of premises: | 88 High Street Kent ME4 4DS |
| Date application received by police | |
| Date representation sent to Licensing Authority | 31 st October 2011 Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22. |

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 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 | <input checked="" type="checkbox"/> |
| Public Safety | <input checked="" type="checkbox"/> |
| Prevention of public nuisance | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input checked="" type="checkbox"/> |

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? Yes

| |
|---|
| If yes, complete the following statement: - |
| Please use separate sheets where necessary |

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

The premise is located in Chatham and is a convenience store selling food, non alcoholic beverages, household goods and tobacco. It is located in an immediate area that has a high number of Licensed Premises, however the majority are dynamically different businesses.

This application is for a Premises License and the applicant Mr Harem Haji Berot is also in the process of applying to Medway Council for a Personal License.

Kent Police in Medway appose the application and Mr Berot becoming the D.P.S.

On Wednesday the 18th October the premises was visited by officers from Her Majesty Customs & Revenue (H.M.R.C). During their visit they recovered 115,700 foreign cigarettes that were smuggled goods. These cigarettes represent an estimated loss to the Government in excess of £25,750 in evaded import duty. Undoubtedly the smuggled goods would not have been declared for the purpose of V.A.T at 20%, representing a further loss in revenue.

The primacy for the investigation of associated offences sits with H.M.R.C. The commission of this offence is contrary to s170 Custom & Excise Act 1979. The penalty upon summary conviction is 3 times the evaded amount and upon indictment & subsequent conviction is a maximum custodial sentence of 7 years.

The keeping of smuggled goods is an offence contrary to s144 Licensing Act 2003 ('03 Act) and in the governments 2004 guidance it says, "*The sale of contraband cigarettes and alcohol is a matter of considerable concern to the Government*" it also recognises that this type of crime is often linked to organised crime.

The keeping of smuggled goods is also a relevant offence as defined in Schedule 4 of the '03 Act. In the event of the applicant being convicted of a relevant offence Kent Police by virtue of s120 (4) of the '03 Act Kent would seek a review of any premises license. We would also seek the forfeiture of the personal license by virtue of s129 of the '03 Act.

The cigarettes, the monies derived from the sale and any other goods or services purchased with that money represent "Criminal Property" as defined by s340 Proceeds of Crime Act 2003. The applicant to this premises license application may also have committed offences contrary to;

- s327 Proceeds of Crime Act 2002 – Concealing
- s328 Proceeds of Crime Act 2002 – Arrangement
- s329 Proceeds of Crime Act 2002 – Acquisition, Use and Possession.

These offences are punishable upon summary conviction of 6 months imprisonment or upon indictment and conviction 14 years imprisonment.

Whilst the primacy for the investigation and prosecution in relation to these offences sits with Her Majesty Revenue and Customs.

The standard of proof that Her Majesty Revenue and Customs need to establish is a criminal standard, "Beyond Reasonable Doubt".

The standard of proof that is applicable to these representations is a civil standard, "On the balance of probability" taking everything into consideration.

Notwithstanding the fact that the H.M.R.C investigation/prosecution has not concluded. Kent Police are of the view that these premises and those who own and operate it have carried out significant acts that clearly undermine the Crime & Disorder objective of the '03 Act. The owners and operators have used it as a vehicle for crime.

It should be noted that when officers of H.M.R.C were present at the premises investigating and seizing the smuggled goods a male arrived at the premises, identified himself as the owner (they have no power of detention) and having realised what was happening left shortly afterwards. To date H.M.R.C have not been contacted by any persons in relation to this matter.

If the premises license had been in operation Kent police would be seeking revocation of the premise license.

If the License is granted Kent police will seek revocation to deny the owners and operators of the premises the opportunity to used it further as a vehicle for crime

Prevention of Crime and Disorder

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this license that seek to effectively promote this objective and minimise the risk of it being undermined.

Public Safety

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this license that seek to effectively promote this objective and minimise the risk of it being undermined.

Prevention of Public Nuisance

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this license that seek to effectively promote this objective and minimise the risk of it being undermined.

Protection of Children From Harm

The promotion of this objective by the imposition of conditions is a key to the Licensing Act 2003. It is important that conditions are attached to this license that seek to promote this objective and minimise the risk of this objective being undermined.

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

1. Anyone employed at the premises in a paid or unpaid capacity shall receive training in relation but not limited to all the conditions of this Premises License that enables them to comply with the conditions of this Premises License and the promotion of the Licensing Objectives.
2. Training records of all those employed at the premises are to be kept on the premises; they shall include the nature, examples of content and frequency of any training. These records will be made available for inspection by any Police Officer, Police Licensing Officer, Officer of the Local Authority immediately upon demand when practicable.
3. The License Holder will maintain auditable refusal/incident records. These records will detail the following;
 - Day, Date and Time of Refusal/Incident.
 - Nature of Refusal/Incident and reason.
 - Details of or description of the individual.
 - Each entry is to be checked and signed by the D.P.S on the day of the event or as soon as practicable.
 - These records will be made available for inspection to any Police Officer, Police Licensing Officer, Officer of the Local Authority immediately upon demand when practicable.
4. When the premise is open to the public or a section of the public CCTV will be used to monitor the Licensed Premises. It must incorporate a digital recording facility.
5. When the premises is open at least one member of staff must be on duty who is able to comply with condition (7).
6. All CCTV recordings must to be stored for a minimum of one calendar month (Generally 28 days) and access to these recordings must be made available to Police and Local Authority officers immediately upon request when the request is reasonable and practicable.
7. A copy of any stored or recorded CCTV data in a form that can be taken away and viewed at another location must be provided to a Police Officer or Officers of the Local Authority immediately upon request or as soon as practicable within 24hrs.

8. The CCTV system is to be maintained and serviced on a regular basis; a physical and auditable record of this is to be kept on the premises and must be available when practicable for examination by Police and officers of the local authority.


DC18132

PP. Chief Supt. Jerome
Area Commander
North Kent & Medway

Date: 17th August 2011