

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

1 June 2016

To: MEMBERS OF THE LICENSING AND APPEALS PANEL  
(Copies to all Members of the Council)

**NB ONLY MEMBERS  
OF THE PANEL MAY  
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 9th June, 2016 commencing at **12.30 pm or on the rising of the previous meeting of the Panel, whichever is the later.**

Yours faithfully

JULIE BEILBY

Chief Executive

## AGENDA

### PART 1 - PUBLIC

1. Apologies for absence



## **MEMBERSHIP**

Cllr Mrs J A Anderson (Chairman)

Cllr Mrs F A Kemp

Cllr H S Rogers

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

09 June 2016

#### Report of the Director of Central Service and Monitoring Officer

#### Part 1- Public

#### Delegated

#### **1 APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR MRH DITTON, 613 LONDON ROAD, DITTON, MAIDSTONE, KENT, ME20 6PL.**

#### **1.1 Executive Summary**

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for Variation of Premises Licence under section 34 of the Licensing Act 2003 for premises called MRH Ditton, 613 London Road, Ditton, Maidstone, Kent, ME20 6PL.

1.1.2 This is an application to change the licenced hours for the supply of alcohol for consumption off the premises that was validated on the 27 April 2016, with the 28 day consultation period which ran from the 28 April 2016 until the 25 May 2016.

#### **1.2 Background and Introduction**

1.2.1 The current premises licence is shown on the licensing database as 11/00452/PREM. A copy is shown at **Annex 1**

1.2.2 A map showing the location MRH Ditton and surrounding proprietries is shown at **Annex 2**

1.2.3 A Satellite map showing the location of MRH Ditton and surrounding proprietries is shown at **Annex 3**

1.2.4 At any stage, during the 28 day public consultation period, a responsible authority, or an interested party, may make representations in connection with any of the four licensing objectives namely:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by interested parties, are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

- 1.2.5 The Licensing Act 2003 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's current Statement of Licensing Policy was published in January 2011 and will remain in force for three years. The Policy will be available at the meeting, for reference purposes.
- 1.2.6 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must 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 its departure from it. The Guidance will be made available at the meeting for reference purposes.

### 1.3 The application

- 1.3.1 The applicant is Malthurst Petroleum Limited, Vincent House, 4 Grove Lane, Epping, Essex, CM16 4LH.
- 1.3.2 The application which was received on 27 April 2016. A copy is shown at **Annex 4**.
- 1.3.3 A copy of the new plan is shown at **Annex 5**
- 1.3.4 The proposed variation asks for:
- 1) Extend the sale of alcohol hours to 24 hours per day, seven days a week
  - 2) Remove conditions from premises licence
  - 3) Add new conditions to the premises licence, as detailed in section 16 of the application.
  - 4) Update the plan currently attached to the premises licence
- 1.3.5 The proposed variation in respect to licensable activities is:

	Variation	Current Licence
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Section J	<b>Supply of alcohol –</b> Monday until Sunday 24 hours a day.	Monday until Sunday from 06:00 hours until 23:00 hours
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1.3.6 The Designated Premises Supervisor is Deanna Martin.

#### **1.4 Reasons for referral**

- 1.4.1 The Licensing Authority must under the Act refer any application for hearing to the Licensing & Appeals Committee, if relevant representations are made by a responsible authority or an interested party.
- 1.4.2 The Licensing Authority has, during the representation period received four representations from interested parties and one from a Responsible Authority (Kent Police)
- 1.4.3 A complete detailed set of the Representations received is shown at **Annex 6**
- 1.4.4 A map showing the location of MRH Ditton and people who have made a Representation is shown at **Annex 7**
- 1.4.5 The applicant and other persons that have made representations have been invited to attend the hearing.

#### **1.5 Policy Considerations**

1.5.1 The following provisions of the Secretary of State's Guidance apply to this application:

- Chapter 2 – The licensing objectives
- Chapter 8 – Applications for premises licences
- Chapter 9 – Determining applications
- Chapter 10 – Conditions attached to Premises Licences

1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 1.8 to 1.13 – These sections set out the Council's approach with regard to licensing and details other mechanisms to deal with potential problems.

Sections 2 – 6 – These sections set out the four licensing objectives and identifies matter that may be relevant to the promotion of each licensing objective.

## **1.6 Legal Implications - Determining the application**

1.6.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Having regard to the relevant representations, the Panel must take such of the steps set out at paragraph 1.7.1 below, as it considers appropriate, for the promotion of the licensing objectives.

1.6.2 Section 18(10) of the Licensing Act permits the authority to grant a premises licence so that it has effect subject to different conditions in respect of:-

- Different parts of the premises concerned
- Different licensable activities covered

1.6.3 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.4 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court

## **1.7 Options Open to the Panel**

1.7.1 The steps an authority may take are –

1. Grant the licence subject to
  - i. such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
  - ii. any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
2. Modify the conditions of the licence. (a condition is modified if any of them is altered or omitted or any new condition is added)
3. Exclude from the scope of the licence any of the licensable activities to which the application relates;

4. Refuse to specify a person in the licence as the premises supervisor;
5. Reject the application

## **1.8 Financial and Value for Money Considerations**

- 1.8.1 None unless there is a successful appeal against the Panel decision to the Magistrates' Court. This could result in costs being awarded against the Council.

## **1.9 Risk Assessment**

- 1.9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

## **1.10 Equality Impact Assessment**

- 1.10.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.11 Recommendations**

- 1.11.1 That members determine the application carefully, considering the application along with any representations made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives

Background papers:

Licensing Act 2003  
Licensing Act Guidance  
Statement of Licensing Policy

Contact:

Anthony Garnett 6151  
Katie Rigg - 6027

Adrian Stanfield  
Director of Central Services and Monitoring Officer

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## Schedule 12 Part A

### Premises Licence Tonbridge & Malling Borough Council

Regulation 33,34

**Premises Licence Number**

11/00452/PREM issued 8th June 2012

**Premises Details**

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

MRH Ditton  
613 London Road  
Ditton  
Maidstone  
Kent  
ME20 6PL

**Telephone number** 01732 874467

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

Not applicable

**Licensable activities authorised by the licence**

Sale of Alcohol  
Late Night Refreshment

**Times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol**

Monday to Sunday 06:00 - 23:00

**Late Night Refreshment**

Monday to Sunday 23:00 - 05:00

Page 1 of 7

Premises Licence issued by  
The Licensing Authority of Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
Telephone Number 01732 876368

**The opening hours of the premises**

Monday to Sunday 00:00 - 23:59 (24 Hours)

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

Alcohol is supplied for consumption off the Premise

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

Malthurst Petroleum Limited  
 Vincent House  
 4 Grove Lane  
 Epping  
 Essex  
 CM16 4LH

Premises Licence holder Telephone Number 01992 571937

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

Registered Business Number 762360

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

Mrs Deanna Martin

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

Designated Premises Supervisor (DPS) [REDACTED]  
 [REDACTED]

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

Party Reference: TM/PER/06/00480

Licensing Authority: Tonbridge &amp; Malling Borough Council

**Annex 1 – Mandatory conditions****Sale of Alcohol**

- 1 No supply of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  
- 3
  - 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - 2) 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 a holographic mark.

From 28 May 2014

- 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2 For the purposes of the condition set out in paragraph 1—
  - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
  - 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 rate 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 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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).

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Premises Licence issued by  
 The Licensing Authority of Tonbridge and Malling Borough Council  
 Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ  
 Telephone Number 01732 876368

**Annex 2 – Conditions consistent with the Operating Schedule - None**

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

- 1 The applicant is asked to erect signs at the premises asking patrons to behave with due respect for local residents and not to sound horns.

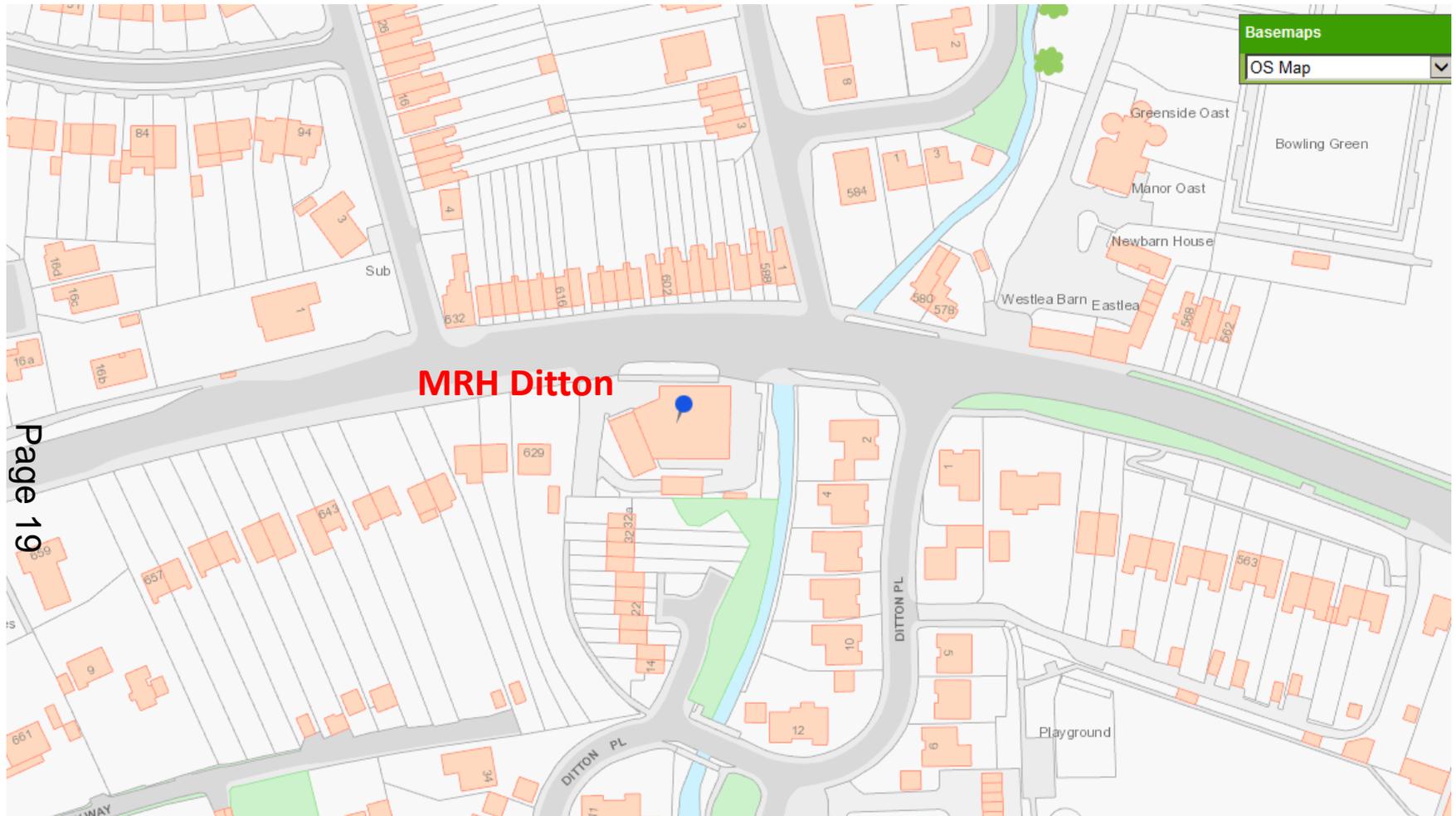
The applicant is asked to review staffing arrangements to ensure that the level of staffing is appropriate to the level of activity.

A responsible representative of the premises agrees to meet with the police, environmental health authority and/or parish council if requested to do so by any of these persons to discuss and attempt to resolve any reasonable concerns of residents or persons adversely affected by the licensable activities at the premises.

**Annex 4 – Plans**

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A map showing the location of MRH Ditton and surrounding proprieties



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A satellite map showing the location of MRH Ditton and surrounding properties



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**Tonbridge and Malling**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing.services@tmbc.gov.uk](mailto:licensing.services@tmbc.gov.uk)  
 Telephone: 01732 876368

\* required information

### Section 1 of 17

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  This is the unique reference for this application generated by the system.
- Your reference  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? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes  No

### Applicant Details

\* First name

\* Family name

**You must enter a valid e-mail address**

\* E-mail

**You must enter a telephone number**

Main telephone number  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.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If the applicant's business is registered, use its registered name.

*Continued from previous page...*

\* VAT number   Put "none" if the applicant is not registered for VAT.

\* Legal status

\* Applicant's position in the business

Home country  The country where the applicant's headquarters are.

**Registered Address** Address registered with Companies House.

\* 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.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

*Continued from previous page...*\* Legal status \* Your position in the business Home country 

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name \* Street District \* City or town County or administrative area \* Postcode \* Country **Section 2 of 17****APPLICATION DETAILS**

**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

*Continued from previous page...*Non-domestic rateable  
value of premises (£)

42,000

**Section 3 of 17****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**

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.

1. EXTEND THE SALE OF ALCOHOL HOURS TO 24 HOURS PER DAY, SEVEN DAYS PER WEEK.
2. REMOVE CONDITIONS FROM THE PREMISES LICENCE.
3. ADD NEW CONDITIONS TO THE PREMISES LICENCE, AS DETAILED IN SECTION 16 OF THIS APPLICATION.
4. UPDATE THE PLAN CURRENTLY ATTACHED TO THE PREMISES LICENCE.

**Section 4 of 17****PROVISION OF PLAYS**

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

Yes  No

**Section 5 of 17****PROVISION OF FILMS**

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

Yes  No

**Section 6 of 17****PROVISION OF INDOOR SPORTING EVENTS**

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

*Continued from previous page...* Yes No**Section 7 of 17****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

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 17****PROVISION OF LIVE MUSIC**

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

 Yes No**Section 9 of 17****PROVISION OF RECORDED MUSIC**

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

 Yes No**Section 10 of 17****PROVISION OF PERFORMANCES OF DANCE**

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

 Yes No**Section 11 of 17****PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

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 17****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 17****SUPPLY OF ALCOHOL**

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

 Yes No

Continued from previous page...

### 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

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.

NONE.

*Continued from previous page...*

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.

NONE.

## Section 14 of 17

### ADULT ENTERTAINMENT

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.

NONE.

## Section 15 of 17

### 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

*Continued from previous page...*

**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.

NONE.

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.

NONE.

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

1. THE HOURS WHICH CURRENTLY RESTRICT THE SALE OF ALCOHOL TO 06.00-23.00 HOURS MONDAY TO SUNDAY.
2. THE CONDITIONS LISTED UNDER ANNEX 3 - CONDITION ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY.

- 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 17**

**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.

*Continued from previous page...*

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits will be located behind the counter.

b) The prevention of crime and disorder

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

d) The prevention of public nuisance

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

e) The protection of children from harm

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

*Continued from previous page...*

Spirits will be located behind the counter.

## Section 17 of 17

### 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.

Rateable value of £0 - £4300 Band A: £100

Rateable value of £4301 - £33000 Band B: £190

Rateable value of £33001 - £87000 Band C: £315

Rateable value of £87001 - £125000 Band D: £450

Rateable value of £125000 and above Band E: £635

\* Fee amount (£)

315.00

### 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?"

\* Full name

SARA CLEMENT PP. LOCKETT & CO

\* Capacity

DULY AUTHORISED AGENTS

\* Date

27 / 04 / 2016  
dd mm yyyy

Add another signatory

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/tonbridge-and-malling/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, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

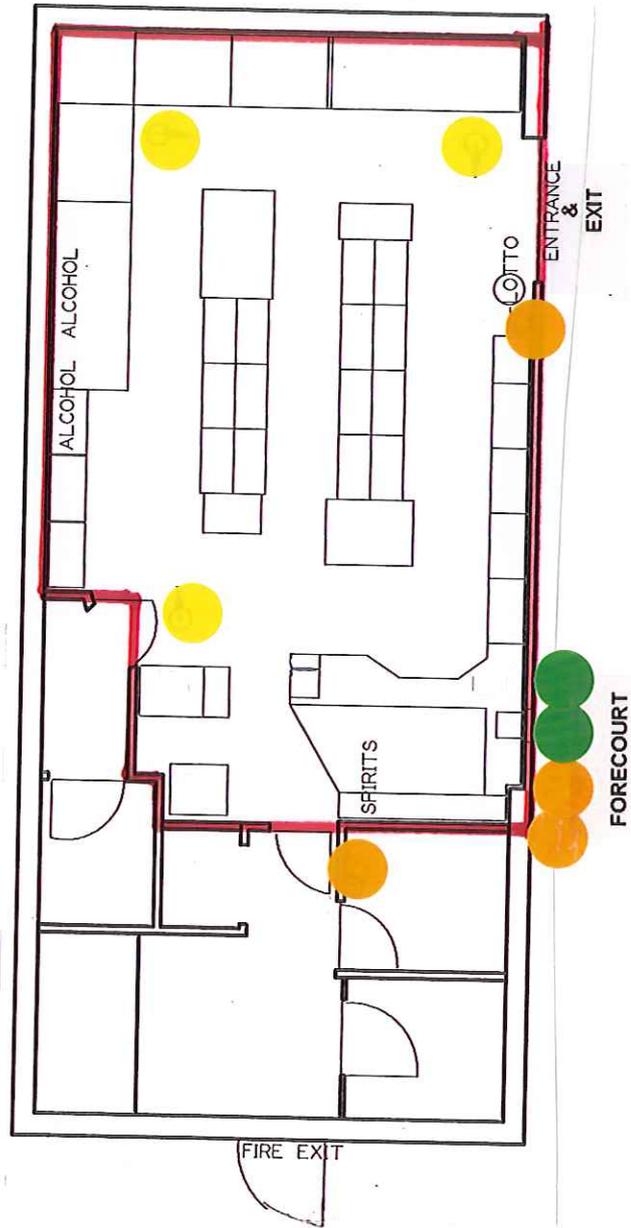
## OFFICE USE ONLY

Applicant reference number	<input type="text" value="MRH DITTON"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
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MRH Ditton  
613 Ditton Place  
London Road  
Ditton  
Maidstone  
Kent  
ME20 6PL



**Key**

- Area to be licensed for the sale of alcohol for consumption off the premises and the provision of Late Night Refreshment (LNR).
- CCTV.
- Fire extinguisher.
- Fire Bucket.

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**Kent  
Police**

**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)

<b>Details of person making representation</b>	
Name of Chief Officer of Police	Chief Inspector Mark Hutcheon
Postal Address: (Area Headquarters)	Police Station Pembury Road Tonbridge Kent TN9 2HS
E-mail address	west.division.licensing@kent.pnn.police.uk
Telephone Number:	01732-379255

<b>Details of premises representation is about</b>	
Name of Premises:	MRH Ditton
Address of premises:	613 Ditton Place London Road Ditton MAIDSTONE Kent ME20 6PL
Date application received by police	27/04/2016
Date representation sent to Licensing Authority	<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 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	X
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	X

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003?      NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

*Please use separate sheets where necessary*

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

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

Kent Police has some concerns regarding the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm if this application is granted as requested.

MRH Ditton Service Station is located within a large residential area on the main A20 from West Malling to Maidstone. The area includes Larkfield, Ditton and Aylesford. The foot fall of pedestrians along this road is consequently significant. These persons may wish to seek late night alcohol and food (other than late night refreshment) at the premises and Kent Police would not wish different groups of people to congregate at this location for significant periods of time due to an increase in noise and the potential for disturbance.

Longer licensing hours may attract people, who have already been drinking, to purchase alcohol and staff will need to be appropriately trained in the sale and refusal of alcohol. A written record will ensure they have been trained and will give suitable advice and guidance in preventing sales to underage people and people already under the influence of alcohol. A refusals register will evidence that they are implementing the "Challenge 25" policy while also protecting staff from accusations that they are not following their own policies.

24 hour off-licences can lead to gatherings of people, many of whom will have been drinking, potentially increasing their level of intoxication, on the way home. Disturbances can occur between these people and Kent Police are mindful of the lack of other licensed premises in the area which may lead to such gatherings. The displaying of signs will help to deter people from consuming alcohol on or near the premises. This is a residential area and the premises need to ensure local nuisance is kept to a minimum. The potential increase in overnight littering is also a concern.

CCTV is an accepted form of crime prevention and will also support detection should offences occur.

Storage of alcohol away from the doors and behind the till prevents opportunist "walk out" thefts. Theft of alcohol in this manner has occurred on numerous occasions within the local area at other licensed premises.

*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*

Kent Police seek the attachment of the following conditions to any premises licence granted to assist with the promotion of the licensing objectives:

1. CCTV to be installed in and around the premises covering internal and external areas accessed by customers.
2. Written notices and signs will be prominently displayed in all public areas informing customers that they are subject to recording by means of CCTV

3. All CCTV cameras and recording equipment must be well maintained, kept in good working order and be subject to regular testing and inspection. Records of all testing and inspections must be maintained at the premises.
4. All images captured by CCTV must be of a continuous nature and be retained and stored securely for a minimum of 30 days.
5. CCTV images should be provided to Kent Police within a reasonable time period upon request when required for the purposes of investigation and detection of incidents or offences and to assist with the identification of person believed connected with offences.
6. Alcohol displayed for sale will be stored at the rear of the premises away from the entrance / exit doors.
7. Spirits will only be sold from behind the till area/point of sale.
8. Appropriate signs will be displayed within the shop and on the forecourt requesting customers respect the local residents by leaving the premises quietly.
9. Appropriate signs will be displayed within the shop and on the forecourt stating that the premises are licensed for off-sales only and consumption of alcohol is prohibited within the shop and on the forecourt.
10. A "Challenge 25" policy will be used on the premises and staff will be appropriately trained in its implementation.
11. Sufficient signage shall be displayed within the premises to ensure customers are fully aware of the operation of Challenge 25.
12. A written record of staff training will be maintained and made available for inspection to any Police, Trading Standards or Local Authority Officer.
13. A written refusals book will be kept at the premises and all staff fully trained in its use as per the Challenge 25 policy. The following information will be recorded in this book:-
  - Time and Date of Refusal
  - Item refused
  - Name/Description of person refused sale
  - Reason for refusal
  - Name of staff member making refusal
14. Sufficient and suitable waste receptacles will be provided for the use of customers within the forecourt of the premises. At Least one at each entrance / exit.
15. Staff will do regular sweeps of the area within the immediate vicinity (100m radius) to ensure littering does not become a problem. Being mindful of staff safety, this need not be undertaken overnight but at first light so the environmental impact is kept to a minimum.

**Signed:** 

**Print name: PC John Brooker**

*Pp Chief Officer of Police for the Police Area in which the licensed premises are situated.*

**Date: 18/05/2016**

**Force Number: 9167**

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.

**Anthony Garnett**

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**From:** M Morton [REDACTED]  
**Sent:** 23 May 2016 13:08  
**To:** Licensing Services; Anthony Garnett  
**Cc:** 'John Brooker PC 46009167'  
**Subject:** Malthurst Petroleum, 613 London Road, Ditton

**Categories:** Anthony

Dear Sir

We wish to make representations regarding this application.

Our concerns relate to late night noise, litter, anti-social behaviour, lack of supervision and control over off sales, and situation, all of which impact on the four licensing objectives. We do not believe that the conditions suggested in the application will provide adequate protection.

We live at 4 Ditton Place, in a primarily residential area, and the service station is surrounded on all sides by residential houses including our own. It is not only the activities of the service station itself that give rise to our concerns, but also the consequences of the proposed activity, notably the noise and disruption likely to result in London Road, Ditton Place, Streamside and the recreation ground.

#### **The Licensing Objectives**

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance; and
4. The protection of children from harm

**Late night noise** – being woken at night up by shouting and car horns being sounded in the service station – this is bound to increase with 24-hour sales. If it is proposed to keep the shop open late at night (rather than use the night hatch), how do the applicants intend to keep the shop secure and the cashier safe? If the door is not kept open is it realistic to try to serve people through the night hatch, which results in a lot of extra noise (impacts on licensing objectives 1–3).

**Litter** – a 24-hour licence is bound to result in increased litter in the area. Litter is already a problem on London Road, Ditton Place and the recreation ground (impacts on licensing objectives 1 and 3).

**Anti-social behaviour** – loud music being played in cars and shouting, which is already a feature of the forecourt and is likely to increase. Also people sitting on the pavement drinking alcohol, playing music and generally causing a disturbance will increase in Ditton Place, Streamside and the recreation ground (impacts on licensing objectives 1 and 3).

**Lack of supervision/control** – As mentioned, there is likely to be a serious issue about the safety and security of the site. We don't know how many members of staff are employed at the site overnight but judging by the car horns being sounded to attract attention it can't be many. Contrary to the existing condition, the notices on the site make no specific mention of car horns and simply state 'Please respect our neighbours' with a picture of someone gesturing 'keep quiet' (impacts on licensing objectives 1 and 3).

#### **Right to a private and family Life**

Our right to a private and family life under Article 8 of the European Convention on Human Rights has not been addressed in the application. Clearly there will be an impact on our private and family life by virtue of the increased noise and disruption, and the applicant will have to satisfy the committee that any such disruption is necessary and proportionate in order to achieve one or more of the objectives of that article.

#### **Nearby premises**

The 24-hour petrol station off licence at Parkfoot Garage, 265 London Road, West Malling, is in a less densely populated area than the Ditton location, and on the outskirts of a community as opposed to being in the middle of one. The Tesco off licence at Lunsford Park is at the exit of a large supermarket and set apart from residential houses.

Yours faithfully

Mr and Mrs M. Morton

The Licensing Officer,  
Licensing Team  
Tonbridge & Malling Borough Council,  
Gibson Building,  
Gibson Drive,  
Kings Hill,  
West Malling,  
Kent  
ME19 4LZ

ADMIN/LEGAL SERVICES	
24 MAY 2016	
PASS TO	FOR INFO FOR DEPT FOR ACTION

23<sup>rd</sup> May 2016

Dear Sir/Madam,

I am writing to you regarding the planning application lodged to extend the licensing hours at the Esso Fuel Station (MRH Holdings).

I am strongly against the application for this extension. This extension would provide additional sales of alcohol after the closure of public houses and supermarket. It is likely that customers would have already consumed alcohol and would use the garage as an opportunity to 'Top up'. This will increase the level of antisocial behaviour in the area which residents would have to contend with which I find unacceptable.

The level of that behaviour is already high. At our house (1 Streamside) we have experienced:-

Drunken youths urinating against our wall,  
Damage to council shrubbery caused by youths using the shrubs to gain access to our perimeter wall  
On a separate occasion, damage caused to the wall by youths walking on top of it.  
Damage to fence caused by persons falling over it at night  
Rowdy behaviour by persons wading in the stream who then entered neighbours gardens.

I can only see the number of incidents of this nature increasing.

This is the second time to my knowledge that an application to extend licencing hours at the garage has been made. The application failed on that occasion and I do not see what factors have changed in the interim. I therefore remain strongly opposed to this application.

Yours Sincerely



11 Ditton Place  
Ditton  
Aylesford  
ME20 6SX

23 May 2016

Licensing Team,  
Tonbridge & Malling Borough Council,  
Gibson Building,  
Gibson Drive,  
Kings Hill,  
West Malling,  
Kent,  
ME19 4LZ

MALTHURST PETROLEUM LTD APPLICATION TO VARY A PREMISES LICENCE AT MRH DITTON, 613  
LONDON ROAD, DITTON ME20 6PL (REF: 16/00544/PREM)

Dear Sir

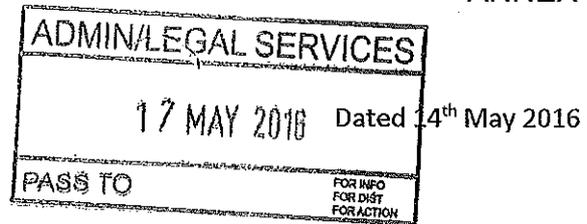
I am writing to lodge my representations for the application by Malthurst Petroleum Ltd to vary their Premises Licence. I live in the residential estate immediately behind the property about 100m to the south. The extension to sell alcohol over 24 hours per day will increase the risk of an increase in litter which will have a negative impact on the licensing objective on Prevention of Public Nuisance.

The Ditton Place and Streamside estate is residential. There is a picturesque stream running through the estate and beside the fuel station. Empty cans of drink are regularly thrown into the stream, causing a danger to wildlife and a detrimental effect to the look of the stream. There is also a recreational area next to the estate which already suffers from litter. The closure of the Quarryman pub in New Road, Ditton, means that there is already a likelihood of more people returning from licensed premises looking to buy more alcohol on their way home after closing hours – Ditton Place, Streamside and the recreational area can form part of a return path from the fuel station.

An increase in alcohol sale hours can only make this problem worse. In the modification of conditions, the proposal on training of staff is not adequate to mitigate that risk.

Yours faithfully,

Alan P Townend



To,

The Licencing Officer, Licensing team  
Tonbridge & Malling borough council  
Gibson building, Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ

Dear Sir,

**Sub: 24-hr sales of alcohol at Esso fuel station, 613 Ditton place, ME20 6DL, DITTON, KENT**

This is with regard to an application made by the owners of the above mentioned Esso fuel station (MRH Holding) to seek 24 hr sales of alcohol for consumption, off their premises.

As a resident of the locality, I would like to object to the grant of this license on the following grounds:

1. Until recently, groups of teenagers under the influence of alcohol would often occupy the private road, off Ditton place, leading to the public green space behind Ditton place. They frequently created a racket, late into the night and littered not only the private road but also the public green space. For some reason this has stopped for some time now, however, I suspect, the availability of alcohol 24hrs a day in the locality is likely to restart this behaviour.
2. My house borders London road. Every week, pedestrians on London road dump between 4-5 cans / bottles of mostly alcoholic drinks, into my front garden. The only shop that sells alcohol in the vicinity is the Esso fuel station. If you grant this license, this littering is only likely to increase. It is already a nuisance. It is unlikely you will be able to change the behaviour of pedestrians on London road, to take their litter with them, especially when they are under the influence of alcohol.

Regards

  
Dr Fabian Sebastian

575 London Road  
Ditton, Aylesford  
Kent ME20 6DL

# A map showing the location of MRH Ditton and representations



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- 1 – Mr Mortan
- 2 - Mr Lambert

- 3 – Mr Townend
- 4 – Dr Sebastian

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# Agenda Item 5

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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