

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Tuesday 2 November 2021
Time: 10.00 am
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Garten, Joy, Naghi and Springett (Substitute Member)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of the Chairman
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Application to vary a premise licence under the Licensing Act 2003 for The Zoo, 10 - 11 Market Buildings, Maidstone, Kent , ME14 1HP 1 - 51

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services** on committee@maidstone.gov.uk or **01622 602899**.

Issued on Monday 25 October 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

Agenda Item 7

Agenda Item No: 1 - Summary of Report

Licence Reference 21/02337/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 21st October 20221

Report Title: THE ZOO, 10 – 11 MARKET BUILDINGS, MAIDSTONE, KENT, ME14 1HP

Application for: A premises licence to be varied under the
Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Mrs Christopher Dyer
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix 1)
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
B)	Films (Indoors)	Monday-Sunday	09:00 – 07:00	–	–
E)	Live Music (Indoors)	Monday-Sunday	09:00 – 07:00	Monday to Sunday (Indoors) Fri & Sat (Outdoors)	– 23:00 -01:00
F)	Recorded Music (Indoors)	Monday-Sunday	09:00 – 07:00	Monday to Sunday (Indoors) Fri & Sat (Outdoors)	– 23:00 -01:00
G)	Performance of Dance (Indoors)	Monday-Sunday	09:00 – 07:00	–	–
H)	Anything of a similar description to that falling within (e), (f) or (g) (Indoors)	Monday-Sunday	09:00 – 07:00	–	–
I)	Late Night Refreshment (Indoors & Outdoors)	Monday-Sunday	23:00 – 07:00	–	–
J)	Supply of alcohol (On & Off the premises)	Monday-Sunday	09:00 – 07:00	–	–
L)	Opening Hours	Monday-Sunday	09:00 – 07:00	–	–

The variation seeks to include Live and recorded music in the outside front area of the licensed premises from 23:00- 01.00 on Fridays and Saturdays only (Appendix 2).

The outside area is subject to deregulation Sundays -Thursdays and the terminal hour will be 23:00 for live and recorded Music.

Affected Wards: High Street

Recommendations: **The Committee is asked to determine the application and decide whether to vary the premises licence.**

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

Financial Implications: Costs associated with processing the application are taken from licensing fee income.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**other persons**” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

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

Background Papers: Licensing Act 2003
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602528

Agenda Item No. 1

Report Title: THE ZOO, 10 – 11 MARKET BUILDINGS, MAIDSTONE, KENT, ME14 1HP

Application to: Vary a premises licence under the Licensing Act 2003.

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003,(Appendix 1) made by Mr Christopher Dyer for The Zoo, 10 – 11 Market Buildings, Maidstone, Kent, ME14 1HP in respect of which 6 responses have been received from other persons (Appendix 3).

Issue to be Decided

Members are asked to determine whether to :

Grant the application as applied for, or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:

The prevention of crime and disorder;
Public Safety
The prevention of public nuisance; and
The protection of children from harm

2. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 6 responses were received from other persons.
5. The table below illustrates the relevant responses which have been received

	Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
	Objections			
1	Ana Brjan	Public Nuisance	E-mail	3
2	Sara Mecaj	Public Nuisance	E-mail	3
3	Kate William	Public Nuisance Public Safety	E-mail	3
4	Arber Hassani	Public Nuisance Public Safety	E-mail	3
5	Charles Mann	Crime and Disorder Public Nuisance Public Safety	E-mail	3

6	Kay Ince	Public Nuisance Public Safety	E-mail	3
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The objectors all raise concerns for the significant adverse disturbance effect on nearby residents and premises. The belief in granting the extended hours for Live and recorded music in the outside area, Friday and Saturday until 1am is that noise nuisance will increase for the nearby residents and other night time venues which will be affected within their own premises. The venue is also accused of causing car parking congestion which impedes access to premises and also prevents emergency vehicle access to Market Buildings. The venue is also accused of having drug dealing take part in its vicinity and the door staff unable to manage the situation or it's patrons, relying on nearby premises door staff to assist when controlling their issues. There are also concerns around the narrow access past the venue which affects the ingress and egress for members of the public trying to pass by the premises compromising public safety.

The premises has a current licence, Appendix 4 and Current plans Appendix 2. The current licence holder is the applicant

6. The current licence hours are as per the licence attached at appendix 4 and set out at 3 of the summary above.

7. On the 13.10.21 the applicant's solicitor confirmed that they agreed to the additional conditions being added to the licence (Appendix 5) which are: -

1. A noise level for the provision of regulated entertainment in the outside areal will be set by agreement with the Community Protection Team of Maidstone Borough Council and thereafter can only be varied by agreement in writing which would include e-mail.
2. The Premises Licence Holder will comply with the requirements of the Noise Management attached prepared by Noise expert Adam Brown (Appendix 5)
3. This plan will be reviewed annually and any update lodged with the licensing authority.
4. The licence holder shall make available a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. This will be manned throughout the time an event takes place.

The Community protection Team confirmed the withdrawal of their representation on 13.10.21 (Appendix 6)

8. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**

9. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy**:

17.10 Crime and Disorder

17.19 Public Safety

17.22. Prevention of Public Nuisance

CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

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

17.11 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.

17.12 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.

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

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

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage "vertical drinking"
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.14 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) 'wind down' or 'drinking up' period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.15 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of

relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.16 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

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

17.18 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

CONDITIONS TO PROMOTE PUBLIC SAFETY.

17.19 The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.20 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.21 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol.
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres.
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

17.22 The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.23 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.24 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.25 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

Options

Legal options open to members -

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all or part of the application.

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due

regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area”.

12. Implications Assessment

The decision should be made with regard to the Secretary of State’s Guidance and the Council’s Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. Human Rights

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

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

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

14. Conclusion

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

15. List of Appendices

Appendix 1	Application Form
Appendix 2	Plan of Premises (Current)
Appendix 3	Representations –Other persons
Appendix 4	Current Premises Licence
Appendix 5	Community Protection Team reps & applicant response
Appendix 6	Noise Management Plan
Appendix 7	Community Protection Team reps withdrawal
Appendix 8	Plan of area
Appendix 9	Human Rights Articles
Appendix 10	Order of Proceedings

16. Appeals

The applicant or any other person(objector) may appeal the Licensing Act 2003 Sub Committee’s decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates’ Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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Licensing Authority:

Ref:

Application to vary a Premises Licence 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.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I/We **Christopher Dyer** being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Maidstone Borough Council

[Click here for licence lookup](#)

Premises licence number

20/02343/LAPRE

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
10 - 11 Market Buildings Maidstone Kent ME14 1HP	
	Post code

Telephone number at premises (if any)

01622609330

Non-domestic rateable value of premises

£ 51300.00

Part 2 - Applicant Details

Title

Mr

Surname

Dyer

Firstnames

Christopher

Daytime contact telephone number

Email address (optional)

st@stephenthomaslaw.co.uk

Current postal address if different from premises address

Post Town

9

Postcode

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To add in the provision of Live and Recorded Music in the outside front area of the licensed area of the premises between 23.00 and 01.00 . It is noted that between 08.00 and 23.00 daily the provision of live and recorded music is deregulated and does not require to be licensed.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

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 make selection with an "x"</u> <u>(please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
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> <u>(please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both - please make selection with an "x"</u> <u>(please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> <u>(please read guidance note 5)</u>		
Sat					
Sun					

To complete this part, choose this option on Page 4

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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
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 (please read guidance note 5)</u>
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 make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					
Thur					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Fri					
Sat					
Sun					
					<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 (please read guidance note 5)</u>

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 make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon	09:00	07:00	<u>Please give further details here</u> (please read guidance note 3) To permit the provision of live music with or without amplification. It is noted that the provision of live music until 23:00 is deregulated.	Both	X
Tue	09:00	07:00			
Wed	09:00	07:00	<u>State any seasonal variations for performance of live music</u> (please read guidance note 4)		
Thur	09:00	07:00			
Fri	09:00	07:00	<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 (please read guidance note 5)</u> The outside area is subject to deregulation on Sundays -Thursdays as the terminal hour will 23:00 but on Fridays and Saturdays regulated live music will be provided between 23:00 and 1.00 daily.		
Sat	09:00	07:00			
Sun	09:00	07:00			

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 make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon	09:00	07:00	<u>Please give further details here</u> (please read guidance note 3) To permit the provision of recorded music with or without a DJ. It is noted that the provision of recorded music until 23:00 is deregulated	Both	X
Tue	09:00	07:00			
Wed	09:00	07:00	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur	09:00	07:00			
Fri	09:00	07:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u> The outside area is subject to deregulation on Sundays -Thursdays as the terminal hour will 23:00 but on Fridays and Saturdays regulated recorded music will be provided between 23:00 and 1.00 daily.		
Sat	09:00	07:00			
Sun	09:00	07:00			

G

To complete this part, choose this option on Page 4

Performance 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 make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue				<u>Please give further details here</u> (please read guidance note 3)	
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Mon				Outdoors	
Tue				Both	
Wed				<u>Please give further details here</u> (please read guidance note 3)	
Thur			<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)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for 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 (please read guidance note 5)</u>		
Sun					

To complete this part, choose this option on Page 4

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	
Day	Start	Finish		Off the premises	
Mon					
Tue			<u>State any proposed seasonal variations for the</u> supply of alcohol (please read guidance note 4)		
Wed					
Thur					
Fri			<u>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)</u>		
Sat					
Sun					

K

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)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish	Not Applicable	
Mon	09:00	07:00		
Tue	09:00	07:00		

L

Wed	09:00	07:00	Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur	09:00	07:00	
Fri	09:00	07:00	
Sat	09:00	07:00	
Sun	09:00	07:00	

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

No conditions need be removed save for the restriction on provision of live and recorded music outdoors.

Please make selection with an "x"

I will enclose the premises licence with the declaration

I will enclose the relevant part of the premises licence with the declaration

Neither of above

If checking this box please fill in reasons for not sending the licence, or part of it, below

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

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The purpose of the application is to add in the provision of live and recorded outside during the regulated period 23.00 - 01.00 on Fridays and Saturdays.

b) The prevention of crime and disorder

All conditions remain in force

c) Public safety

All other conditions remain in force

d) The prevention of public nuisance

The location of the outdoor stage for the provision of music outdoors is in a partially enclosed area next to bounded by 2 walls and directed down Market Buildings. The area on Fridays and Saturdays until 01.00 is part of the vibrant night time economy for Maidstone. Sound monitoring equipment is installed set at 85dBA in line with national guidelines, with live feeds issued second by second from 6 devices evenly soored across the garden that provide live data feed and is available for scrutiny.

e) The protection of children from harm

All conditions remain in force

Please make selection with an "x"

- 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

I/WE UNDERSTAND THAT 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 AMMOUNT

Part 5 - Declaration (please read guidance note 10)

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

Confirmation

Name Date

Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: Christopher Dyer/

20

Date Submitted:

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>
Sent: 14 September 2021 18:08
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:07 PM on 14 Sep 2021 from Ms Ana Brjan.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Ms Ana Brjan

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment: - Noise Disturbance

Comments: 6:07 PM on 14 Sep 2021 The loud music from this venue is heard through out my flat and i have already complained about it and it is being dealt with.

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>
Sent: 14 September 2021 18:23
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:22 PM on 14 Sep 2021 from Miss Sara Mecaj.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Miss Sara Mecaj

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment: - Noise Disturbance

Comments: 6:22 PM on 14 Sep 2021 Music too loud disturbs the tenants and business from 2pm till early hours

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>

Sent: 14 September 2021 18:46

To: Licensing <licencing@sevenoaks.gov.uk>

Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:46 PM on 14 Sep 2021 from Ms Kate Williams.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Ms Kate Williams

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Noise Disturbance
- Prevention of Public Nuisance
- Public Safety

Comments: 6:46 PM on 14 Sep 2021 This place is very loud, walk way is so small can not pass properly.

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>
Sent: 14 September 2021 19:28
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:27 PM on 14 Sep 2021 from Mr Arber Hassani.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Mr Arber Hassani

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Noise Disturbance
- Prevention of Public Nuisance
- Public Safety

Comments: 7:27 PM on 14 Sep 2021 Lots of noise and fights

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>

Sent: 14 September 2021 20:22

To: Licensing <licencing@sevenoaks.gov.uk>

Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:22 PM on 14 Sep 2021 from Mr Charles Mann.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Mr Charles Mann

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime Objections
- Fitness of Licence Applicant
- Prevention of Public Nuisance
- Public Safety
- Safety of Premises

Comments: 8:22 PM on 14 Sep 2021 Whenever the Zoo bar has played music outside the Market buildings road becomes overwhelmed with cars, parking and blocking access to other premises along the road as well as preventing emergency vehicles access. Which is very important as the police are required at the Zoo bar almost every weekend without fail.

As a licence holder myself I am uncertain how they have managed to obtain a licence let alone an extension. The customers (and staff) are already using the arch ways to exchange drugs. As well as the security not being able to deal with the premises as it is and relying on the assistance of others doors to take control of their custom.

Working in a premises along the street we have on many occasions had to shut our door and keep our staff and customers in until the police has said it is acceptable to use the road again due to incidents in the outside area of Zoo bar.

I believe giving them a licence would make market building and maidstone an unsafe place to enjoy the night life and put more strain on our emergency services.

Despite my points above. Knowing Chris Dyre even if he is denied the licence he would continue to trade due to his disregard for safety or the licencing objectives.

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>

Sent: 16 September 2021 14:36

To: Licensing <licencing@sevenoaks.gov.uk>

Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:36 PM on 16 Sep 2021 from Miss Kay Ince.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP

Proposal: Premises Licence

Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Miss Kay Ince

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Noise Disturbance
- Prevention of Public Nuisance
- Public Safety

Comments: 2:36 PM on 16 Sep 2021 Constant struggle with noise complaints, fights cuatmers parking on the street and blocking access, im the DPS of the licenced premises opposite and the the noise is heard inside our venue over our teles, the clientele and behaviour stops footfall on the street for all businesses. Not to mention the tiny walk way that is left for people to walk down.

PREMISES LICENCE



The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	20/02343/LAPRE
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code The Zoo 10 - 11 Market Buildings Maidstone Kent ME14 1HP Telephone number 01622 609330	
--	--

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Films Live music Recorded music Performances of dance Anything of a similar description to the activities of live music, recorded music or the performance of dance Sale or Supply of Alcohol Late Night Refreshment
--

Times the licence authorises the carrying out of licensable activities		
Films (Indoors)		
	Every Day	09:00 - 07:00
Live music (Indoors)		
	Every Day	09:00 - 07:00
Recorded music (Indoors)		
	Every Day	09:00 - 07:00
Performances of dance (Indoors)		
	Every Day	09:00 - 07:00

Licence Number: 20/02343/LAPRE
Issue Date: 06/11/2020

Page 1 of 8

Licence issued by:
The Licensing Partnership P.31 Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Anything of a similar description to the activities of live music, recorded music or the performance of dance (Indoors)

Every Day 09:00 - 07:00

Sale or Supply of Alcohol

Every Day 09:00 - 07:00

Late Night Refreshment (Both Indoors and Outdoors)

Every Day 23:00 - 07:00

The opening hours of the premises

Every day 09:00 - 07:00

The non-standard opening hours of the premises

Not applicable

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

Alcohol is supplied for consumption both on and off the premises.

Part 2

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

Mr Dyer Christopher

[Redacted]
[Redacted]
[Redacted]

Email address

[Redacted]

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

Registered Business Number 06478246

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

Mr Christopher Dyer

[Redacted]
[Redacted]
[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

Licence Number: WK/200812907
Licence Authority: Maidstone Borough Council



**John Littlemore
Head of Housing and Community Services
Maidstone Borough Council**

Licence Number: 20/02343/LAPRE
Issue Date: 06/11/2020

Page 3 of 8

Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where 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.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force 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
- (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.

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.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (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.

4. The responsible person must ensure that—

(a)where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i)beer or cider: ½ pint;
- (ii)gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii)still wine in a glass: 125 ml;

(b)these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Exhibition of films

- Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

- Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

CCTV to be fitted to a standard agreed to by the police that complies with the CCTV Code of Practice (2008 Edition) produced by the information Commissioners Office, with all public areas, including all access and egress points covered. This is also to include any exit doors, alleyways or any other areas used for the ejection of customers.

The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.

CCTV shall be operational at all times that members of the public and/or staff are on the premises.

Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.

The Police or Local Licensing Authority will have access to these images at any reasonable time and in any case within 48hrs of the request for the image being made.

The Police or local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image within 24hrs of the initial request being made by either the Police or Local Licensing Authority.

Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident within 48 hours of any request of Police or Local Licensing Authority.

Door Staff will only be required to be in attendance in the evenings if more than 100 customers are expected to be on site at any given time.

In the event that the expected number of customers on site at any given time is:

- (i) Between 100 and 150, one member of door staff will be on duty,
- (ii) For the period of time where the expected number on site is between 150 and 250 there will be 2 door staff and;
- (iii) For the period of time where the expected number on site is between 250 and 360 there will be 3 door staff.

When door staff are required at least one member of door staff will be on duty by 21.00 hours

Further members of door staff will be required to be on duty from 23.00 hours, unless requested to attend earlier by management.

Door staff will remain on duty until close of the premises unless the number of customers fall below 50. In that event the number of door staff required to be on duty will be reduced to one until close of the premises.

All security staff will display their name badges by way of a reflective armband.

A log book will be kept detailing all incidents that occur at the premises. This will be a bound book which will detail the following:-

- a) The day, date and time of the incident
- b) The member of staff making the entry
- c) All members of staff involved in the incident
- d) An account of the incident
- e) Details of any persons injured and the injuries sustained
- f) Any other details thought relevant

A register will be kept of all security staff working at the premises for every time that the premises are open for trading. This register will be a bound book and it will contain the following information:-

- a) Day and date of entry
- b) Time that member of security staff starts and finishes work
- c) Full name
- d) SIA registration number
- e) Signature of the member of security staff

A drugs policy will be produced by the Premises Licence Holder and agreed with the Police.

Toughened and/or Polycarbonate glasses will be used at the premises except for vessels used for the drinking of wine, champagne and cocktails.

A representative of the Premises Licence Holder will actively participate in the Nite Net radio system and will also be a member of the Night Time Economy Forum attending on average 4 meetings a year

and ensuring that a record is kept to establish that those minutes have been read and as necessary actioned.

A responsible person at the premises will monitor the Nite Net radio at all times that the premises are trading.

No open vessels, bottles or other type of container will be allowed outside of the licensed premises or the area licensed under the Kent County Council street furniture licence.

All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

It will be the responsibility of the premises licence holder to ensure that any queue forming at the entrance to the premises is orderly and supervised in such way so that it does not cause a nuisance to other nearby businesses, passing pedestrians and traffic.

An auditable system will be used to record the number of customers within the premises whenever it is open for trading.

No persons under the age of 18 years will be allowed on the premises in any case after 23:00 hours unless attending a private pre-booked function or event.

All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request.

Notices to advise customers that 'Challenge 25' is in force and notices will be prominently displayed in all areas to that effect.

The only proof of age that will be accepted will be a passport, photographic driving licence or an accredited 'PASS' marked proof of age card.

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached

From: Stephen Thomas
Sent: 13 October 2021 08:46
To: Steve Noble <SteveNoble@Maidstone.gov.uk>
Cc: Lorraine Neale <LorraineNeale@maidstone.gov.uk>; Louise Davis <LouiseDavis@Maidstone.gov.uk>; licensing@sevenoaks.gov.uk
Subject: Zoo application to vary licence

Dear Steve,

Thanks for a very constructive meeting yesterday afternoon. Until Monday we were unaware there was an issue. The sound level was set in accordance with government Covid guidelines and monitored by the devices shown to you in the area. I understand you have made representations against the variation application. As a result of our discussions I am instructed to add in the following conditions:

1. A noise level for the provision of regulated entertainment in the outside area will be set by agreement with the Community Protection Team of Maidstone Borough Council and thereafter can only be varied by agreement in writing which would include e-mail.
2. The Premises Licence Holder will comply with the requirements of the Noise Management attached prepared by Noise expert Adam Brown,
3. This plan will be reviewed annually and any update lodged with the licensing authority
4. The licence holder shall make available a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. This will be manned throughout the time an event takes place.

Could you kindly confirm you are in agreement with these conditions and if so notify licensing so that you can withdraw your representation

Many thanks
Stephen

Stephen Thomas

From: publicaccess@sevenoaks.gov.uk
Sent: 11 October 2021 16:16
To: Licensing
Subject: Comments for Licensing Application 21/02337/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:15 PM on 11 Oct 2021 from Mr Stephen Noble.

Application Summary

Address: 10 - 11 Market Buildings Maidstone Kent ME14 1HP
Proposal: Premises Licence
Case Officer: Unallocated - Maidstone

[Click for further information](#)

Customer Details

Name: Mr Stephen Noble
Email: stevenoble@maidstone.gov.uk
Address: Community Protection Team, Maidstone Borough Council,
Maidstone House, King Street, Maidstone ME15 6JQ

Comments Details

Commenter Type: Member of the Public
Stance: Customer made comments neither objecting to or supporting the Licensing Application
Reasons for comment: - Noise Disturbance
- Prevention of Public Nuisance
Comments: 4:15 PM on 11 Oct 2021 The Community Protection Team at Maidstone Borough Council have received a number of noise complaints relating specifically to amplified music being played outside in the 'garden' area to which this variation application refers.

These complaints state that loud music can be heard from early afternoon until the early hours of the morning in the garden area. The complaints suggest the level of music is so loud and of a duration, that the residents of nearby properties and local business owners are being caused unnecessary detrimental effect.

The application to vary this Premises Licence has not supplied enough information to suggest there are sufficient measures in place to prevent further noise nuisance from originating from the garden area. Although there is a suggestion of 85dba being used as a measurement for noise levels, officers have witnessed this noise nuisance and would require this noise level to be reduced as it would appear a noise nuisance would persist should these levels be maintained.

Ongoing discussions are taking place to agree conditions, however, to date these have not been formalised and so we must make representations to ensure sufficient noise measures can be agreed to prevent further noise nuisance and prevent the Premises Licence being subject to future review.

Steve Noble
Senior Community Protection Officer
Maidstone Borough Council



Sound Management Plan 2021

I Adam Brown from ORP Sound and Light LTD, personally have fitted a limiter in The Zoo, Maidstone at 23-24 Market Buildings, Maidstone, ME14 1HP. The Limiter is password protected and I am the only individual who is aware of said password.

The Limiter (BSS Sound web) I have fitted to the venue keeps sound pressure levels from becoming a nuisance to the local area.

When the venue closes at the end of a day, door staff will be responsible for the management of people leaving. This will be done by making sure people are not hanging around outside and move on directly from the venue as not disrupt others.

The venue is committed to develop and maintain good relations with local residents, neighbours and local authority. The objective of this policy is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. This policy sets out the measures which have been considered and will be adopted.

I have spoken with owner Chris Dyer and he is aware of the terms and conditions of managing the noise within his venue and he is also aware that he is liable for breaching any of the terms set out in his licence that is given to him by Maidstone borough council.

I will be monitoring the venue and if there are any issues will be working with Mr Dyer and the team at The Zoo to keep within their licence terms.

Plan as discussed

Site Description: The Zoo is a bar serving wine, beer and spirits. The Venue is situated at 23 -24 Market Buildings, Maidstone ME14 1HP.

Agreed Policies to manage Noise

Introduction: The venue is committed to develop and maintain good relations with local residents, neighbours and local authority. The objective of this policy is to minimise disturbance to local residents and to ensure that any licensing objectives or other controls at the venue are being upheld. This policy sets out the measures which have been considered and will be adopted.

General: The licence holder shall make available and regularly promote a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. The contact number will be posted to all nearby residents, and displayed on all social media outlets. The number will be manned at all times and any action taken as a result of the complaint should be recorded and kept.

Provision Music: The provision of background music shall be permitted at any time the premises is open to the public. By definition this is music or other audio played whose main function is to create an atmosphere suitable to a specific occasion rather than to be listened to and is incidental to speech and conversation.

Dispersal of customers: Staff will actively encourage the gradual dispersal of customers to minimise nuisance. During the last 20 minutes of trading the following strategies will be implemented to encourage the gradual dispersal of customers. These include the gradual increase in ambient lighting levels and playing of music of slower content and reduced volume. Music will stop playing 30 minutes before the closure of the premises. A member of staff will be positioned in an area close to the main exit to oversee the end of night departure period. Customers will be encouraged to be considerate upon leaving the premises.

Sound System: All speakers are in a fixed position facing inwards towards the garden. Baffles will be installed around the garden to absorb the sound and in addition a phase system will be put in place to prevent the noise being amplified at the same time. The cross over point will be raised to reduce the level of any bass noise from the speakers.

Other outlets in the area use other sound systems .It is important to recognise that they do not have the same level of control over their sound systems as The Zoo does.

As against some beer gardens that have 2/3 large speakers the Zoo has six small speakers to minimise the overall Sound Pressure Levels.

Monitoring: Routine monitoring will be regularly conducted around the perimeter of the premises during opening hours. Details of checks, observations and any actions taken as a result of such shall be recorded. A noise log book kept on the premises and maintained by management and be available for inspection by the Local Authority upon request. Monitoring will be conducted by individuals who have not had prolonged exposure to loud music.

Training: All staff will be to be trained to be aware of the premises licence and the requirements to reduce external impact from noise. All staff will be made fully aware and conversant with the noise management policy and procedures.

Management of Deliveries: Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to avoid causing disturbance to nearby residents. Deliveries shall not be permitted outside the hours of 08.00 and 21.00hrs

Premises: The premise has been designed appropriately and detailed consideration has been given to its ability to operate in a manner which does not give rise to disturbance. The controls and limitations of the venue are reflected in this noise management plan. Management will consider carefully the issue of thermal comfort during the operation of the venue, particularly during summer. Plans will be implemented to control the temperature in the venue to discourage the public and staff from opening doors and windows to assist in cooling and therefore reducing the effectiveness of noise control measures. No plans to install an air conditioner are intended; however, will the reviewed in the NMP at a later date if required. Doors where necessary shall be fitted with self-closing devices. No significant structural alterations shall be made to the premises without due consideration of its potential impact on noise management.

Procedural: The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the Authority

Signature

Print

Date



.....Adam Brown⁴².....

.....12/10/2021.....

From: Steve Noble <SteveNoble@Maidstone.gov.uk>
Sent: 13 October 2021 15:01
To: Stephen Thomas
Cc: Lorraine Neale <LorraineNeale@maidstone.gov.uk>; Louise Davis <LouiseDavis@Maidstone.gov.uk>; licensing@sevenoaks.gov.uk
Subject: RE: Zoo application to vary licence

Good afternoon Stephen

Thank you for meeting us yesterday. As always, I'm grateful for your help in resolving this matter. Having read the noise management plan and agreed future steps to mitigate any noise impact, I am happy to confirm that I withdraw the representations in respect of the variation to Premises Licence for the Zoo Bar in the understanding that the conditions agreed be added to the Premises Licence.

Once again, thank you for your kind assistance and swift action in this matter.

Licensing – Please accept this email as confirmation that Community Protection have now withdrawn any representations in relation to the Variation of Premises Licence application for the Zoo Bar, 10-11 Market Buildings, Maidstone, subject to the conditions (below) being attached to the Premises Licence.

If you need any further information in respect of the above, please do not hesitate to contact me.

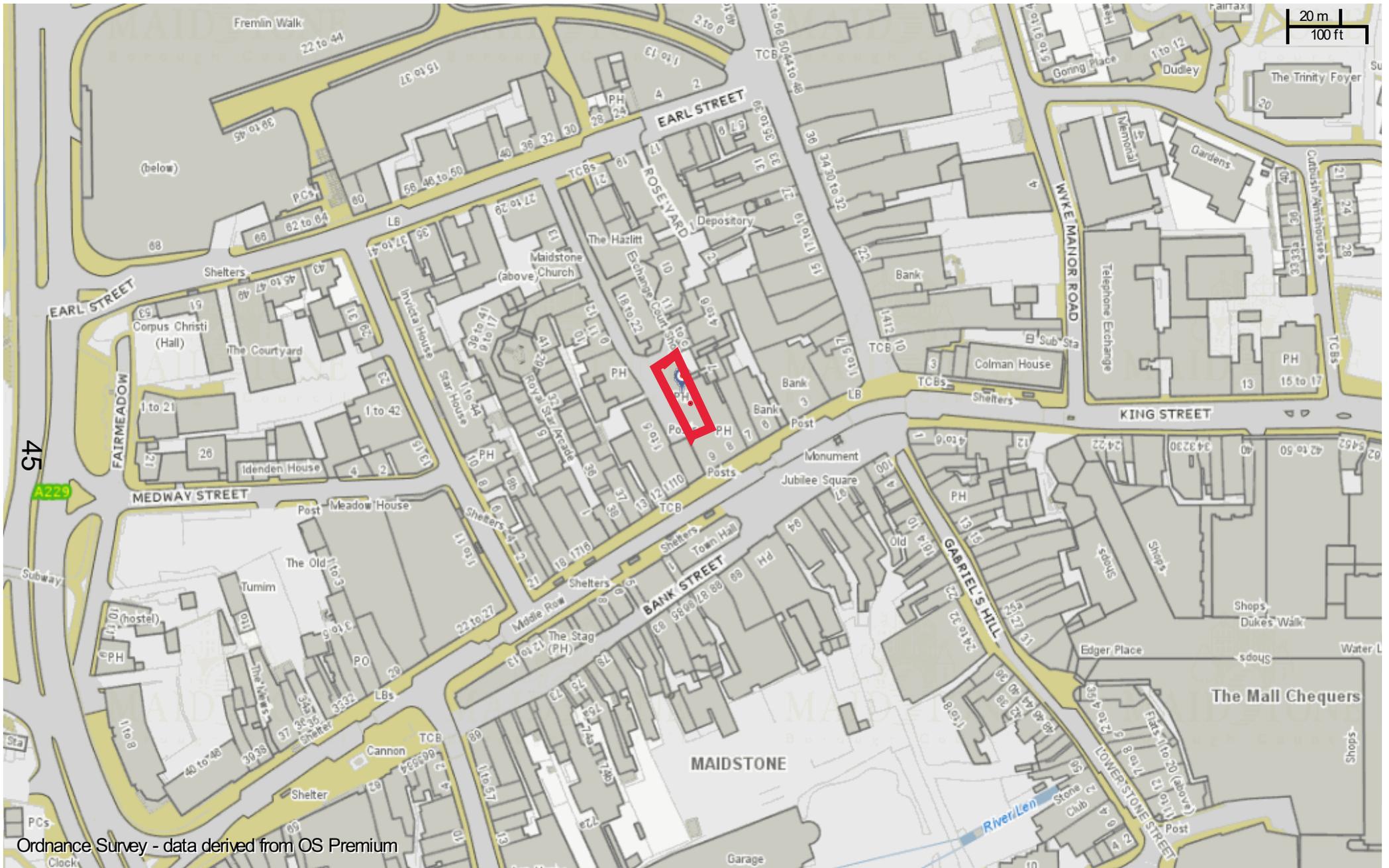
Many thanks and very best regards to you all

Steve

Steve Noble

Senior Community Protection Officer

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ



Ordnance Survey - data derived from OS Premium

 **The Zoo**
 Scale: 1:2000
 Printed on: 21/10/2021 at 16:43 PM

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Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

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

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Maidstone Borough Council licensing officers/managers
- Applicant (and any representative)
- Each responsible authority (and any representative)
- Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

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

- **Submissions**

The Chairman will:

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

- **Discussion and cross-examination**

The Chairman will:

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

- **Disruptive Behaviour**

The Chairman will:

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

- **Reading of Papers**

The Chairman will:

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

- **Draft Conditions**

The Chairman will:

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

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.

- Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

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

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

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

iii) Interested Parties

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

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

Closing Speeches

In the following order:

- Each Responsible Authority**
- Each Interested Party**
- The Applicant**

End of Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with

respect to costs on any appeal.

The hearing is formally closed.