



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 21/02337/LAPRE

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Applicant: Mr Christopher Dyer

Regarding **PREMISE LICENCE (VARIATION)**  
THE ZOO, 10 – 11 MARKET BUILDINGS, MAIDSTONE,  
KENT, ME14 1HP

Date(s) of hearing: 2<sup>nd</sup> November 2021

Date of determination: 2<sup>nd</sup> November 2021

Committee Members: Councillor Mr Garten (Chairman), Councillor Naghi and  
Councillor Mrs Joy

Legal Advisor in attendance at hearing: Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Miss Oliviya Parfitt

Licensing Officer in attendance at hearing: None

This was an application for:

Variation

for a

Premises Licence

## **A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

### **Applicant**

Name: Mr Christopher Dyer

Legal Representative: Mr Stephen Thomas

Witnesses: (Noise expert) Adam Brown and (Assistant Manager) Rebecca Davis

### **Responsible Authorities**

Name: Maidstone Borough Council Community Protection Team made a representation which was subsequently withdrawn following proposed conditions being agreed

### **Other Persons**

Name: Ana Brjan, Sara Mecaj, Kate William, Arber Hassani, Charles Mann and Kay Ince

### **Representations considered in the absence of a party to the hearing:**

N/A

## **B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives;

Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapters 8 & 9 which relate to premises licences & determinations

Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder

Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance  
Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:**

**The Committee has decided to:**

- Grant the application as applied for. For clarity, this includes the conditions that were agreed with the Community Protection Team prior to the hearing.

**Reasons for determination:**

**Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee noted that Kent Police had not made a representation and therefore gave little weight to representations that indicated Police presence was regularly required at the premises.

The Sub-Committee had regard to the written and oral submissions but were satisfied that the operating schedule, with the existing conditions, was sufficient to promote this licensing objective in the light of the variation being requested.

**Public Safety**

Reasons (state in full):

The Sub-Committee had regard to the written representations which included concerns centred around the potential of this variation to increase parking issues and impede emergency access.

The Sub-Committee noted that no responsible authority had made a representation in respect of this licensing objective.

The Sub-Committee were satisfied that the existing operating schedule and conditions was sufficient to promote this licensing objective in the light of the requested variation.

### **Prevention of Public Nuisance**

Reasons (state in full):

The Sub-Committee noted that conditions had been agreed with the Maidstone Borough Council Community Protection Team, having worked with a sound expert and considered appropriate sound levels.

Having regard to the received written representations the Sub-Committee noted that no specific evidence, for example, dates of incidents were provided. The panel noted that the police did not make any representation. Comments from other persons appeared generic and duplicated.

The Sub-Committee were satisfied that the operating schedule as amended by the conditions agreed with the Maidstone Borough Council Community Protection Team was sufficient to promote this licensing objective.

### **Protection of Children from Harm**

Reasons (state in full):

The Sub-Committee noted that there were no representations under this licensing objective and were therefore satisfied that the operating schedule and existing conditions were appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): COUNCILLOR Mr GARTEN

Signed [Chairman]:

A copy of the original document is held on file

Date: \_\_\_\_ November 2021