



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

**NOTICE OF DETERMINATION
REVIEW OF PREMISES LICENCE REVIEW
SECTION 52 LICENSING ACT 2003**

Applicant: Chief Inspector Mark McLellan on behalf of Kent Police

Premises THE ZOO, 10 - 11 Market Buildings, Maidstone, Kent, ME14 1HP

Date(s) of hearing: 29 April 2024

Date of determination: 29 April 2024

Committee Members: Councillor Garten (Chair)
Councillor Joy
Councillor Trzebinski

Legal Advisor in attendance: Helen Ward, Lawyer (Contentious), Mid Kent Legal Services

Licensing Officer in attendance: Lorraine Neale

Democratic Services Officer in attendance: Jordan Ifield

This was an application for:

Review of a Premises Licence

A: Representations, evidence and submissions:

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

Applicant

PC James Williams on behalf of Kent Police
Legal or other representative: Mark Davies, 6 Pump Court

Premises Licence Holder

Mr Christopher Dyer
Mr Jack Steven
Legal or other representative: Sarah Clover, Kings Chambers

Other Persons / Interested Parties

Cllr Gordon Newton
Karl Wenham
Jason Halle
Robert Bearup
Victoria Smith

Representations considered in the absence of the party at the hearing

Those contained within the Report provided to the Licensing Sub Committee

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 Licensing Sub Committee has taken into account the Licensing Act 2003 and the Regulations thereto.

The Licensing Sub Committee has taken into account the Guidance under section 182 of the Act.

The Sub-Committee has taken into account its Statement of Licensing Policy.

The Sub-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:

Paragraphs and reasons (state in full):

N/A

C: Determination:

The Sub-Committee has decided:

- Endorse the amendments to the premises agreed between the parties, insofar as the amendment of permitted hours for the sale of alcohol and amendments to conditions, as set out in **Part D** of this Decision.

Reasons for determination, considering each of the licensing objectives in turn:

■ Prevention of Crime and Disorder

Reasons (state in full):

The Licensing Sub Committee considered the evidence presented prior to and at the hearing in respect of incidents that had occurred at the premises. They considered submissions made by parties at the hearing concerning incidents up until June 2023 and noted that a number of allegations made in the Review were disputed, had not required police presence and, where use of unreasonable force was shown, had resulted in successful prosecutions of those people. They noted that the premises had taken steps to address Police concerns, including adding new conditions in September 2023.

The parties requested a substantial adjournment during the hearing, following which they presented an agreed position to the Licensing Sub Committee regarding proposed amendments to the premises licence, which the Police confirmed would address their concerns. The Licensing Sub Committee welcomes partnership working between licence holders and responsible authorities and were disappointed that it had taken to halfway through the hearing for this to occur. Nonetheless, they were satisfied that the Police were content that these steps would address their concerns and accordingly it was deemed appropriate to promote the licensing objectives to endorse the agreement. The Licensing Sub Committee considered the amendments in detail and were satisfied that these would assist to reduce crime and disorder at the premises.

The Licensing Sub Committee did consider that the agreement represented significantly less of an intervention to the existing premises licence than originally been requested by the Police in the Review application. Given the parties had reached agreement, there was no further scrutiny or submissions of incidents beyond June 2023. On that basis the Licensing Sub Committee did not feel that any further intervention or enforcement was appropriate and proportionate to promote the licensing objectives.

Public Safety

Reasons (state in full):

There was no evidence put forward in respect of public safety over that identified in the review application and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ **Prevention of Public Nuisance**

Reasons (state in full):

There was no evidence put forward in respect of the prevention of public nuisance and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ **Protection of Children from Harm**

Reasons (state in full):

In respect of the concerns relating to underage persons on the premises, the Licensing Sub Committee believed that the written evidence for this was limited and no further submissions were made at the hearing. No further steps were considered appropriate in respect of this licensing objective.

D: Amendments to Premises Licence following Determination

The Sale of Alcohol shall be limited to 09:00 to 06:30, seven days a week.

The following conditions of the Licence are amended as follows:

1. The condition providing:

“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.”

Shall be amended to:

“A representative of the Premises Licence Holder will actively participate in the Nite Net radio system.”

2. The condition providing:

“There will be no new entries to the venue after 3am, excluding those that have been in the venue earlier.”

Shall be amended to:

“There will be no entries to patrons of the venue after 3am.”

3. The condition providing:

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

Shall be replaced by:

“All security staff will be clearly visibly identifiable and display their SIA licence card.”

4. Current conditions:

“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.”

“To deploy 2 x SIA door supervisors to the High Street 15mins prior to closing, with an additional 4 x SIA door supervisors to support and assist the dispersal process.”

Shall be replaced with:

“Additional deployment of door staff shall be in accordance with a Security Policy that shall be agreed in advance with the police.”

Note: The Licensing Sub Committee expects the Security Policy to be in place and operational 21 days following the hearing. The existing arrangements are to remain in place until this time.

5. The condition providing:

“We will operate a cooling down period of 15mins, prior to the end of session, where we will decrease sound levels to create a more calming atmosphere preparing us for close and full dispersal of patrons.”

Shall be amended to:

“A cooling down period of 15mins, prior to the end of session, shall be implemented during which sound levels shall be decreased, and alcohol sales shall cease in order to create a more calming atmosphere preparing for close and full dispersal of patrons.”

E: Appeal

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified of the full written decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

Signed [Chair]:

Date:

A copy of the original document is held on file