

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Friday 2 October 2020

Time: 2.00 pm

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

Membership:

Councillors Garten, Hinder, Mrs Robertson, Brindle (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 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 for a Premises Licence under the Licensing Act 2003 for German Donner Kebab, 79-85 Week Street, Maidstone, Kent, ME14 1QX 1 - 44

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.**

To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Issued on Thursday 24 September 2020

Alison Broom

Alison Broom, Chief Executive

Agenda Item 7

Agenda Item No: 1 - Summary of Report

Licence Reference 20/01813/LAPRE

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

Date: 21ST SEPTEMBER 2020

Report Title: GERMAN DONNER KEBAB, 79-85 WEEK STREET, MAIDSTONE, KENT,
ME14 1QX

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – KDG Maidstone Ltd
 2. Type of authorisation applied for: A premises licence under the Licensing Act 2003.
 3. Proposed Licensable Activities and hours:

| | | | |
|---|-------------------------------------|-----------|---------------|
| | | | |
| L | Late night Refreshment (indoors) | Every day | 23:00 – 03:00 |
| O | Opening Hours | Every day | 11:00 – 03:00 |

Affected Wards: HIGH STREET

Recommendations: The Committee is asked to determine the application and decide whether to grant 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

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

Report Title: GERMAN DONNER KEBAB, 79-85 WEEK STREET,
MAIDSTONE, KENT, ME14 1QX

Application: For a premises licence under the Licensing Act 2003.
(Appendix 1).

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003 (Appendix 1), made by KDG Maidstone Ltd, in respect of the premises German Donner Kebab, 79-85 Week Street, Maidstone, Kent, ME14 1QX (Appendix 2) in respect of which 1 objection has been received from other parties (Appendix 5).

Issue to be Decided

Members are asked to determine whether to :

- 1) grant as applied for
- 2) grant with conditions
- 3) exclude any licensable activity
- 4) reject the DPS
- 5) or reject the application.

- 2 The relevant sections are Part 3 S16 -24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:

| Responsible Authority /Other Party | Licensing Objective | Associated Documents | Appendix |
|------------------------------------|--|----------------------|----------|
| Miss Lisa Postiglione | Crime & Disorder Public Safety Public Nuisance Children from Harm | e-mail | 5 |

- The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
3. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.
4. There was one representation received from a responsible authority which was the Police, who requested that the applicant amend the operating schedule to include certain conditions, the applicant agreed and the objection was withdrawn, (Appendix 3 & 4)
5. There is 1 representation from other parties (Appendix 5).

6. The table below illustrates the relevant representations which have been received

There appear to be concerns that the late night/early morning operating hours of the premises will encourage members of the public who are already intoxicated to gather in an area which already experiences levels of antisocial behaviour and which in turn will exacerbate the already existing problems of crime and disorder, public safety, public nuisance and children from harm.

- 7. 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.;**
- 8. The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**
- a) **General – all four licensing objectives:**

The store is a franchise of the worldwide German Donner Kebab (GDK) chain. GDK has been in business for more than 40 years and during that time, has developed a system of business which involves dine in and home delivery services. We are governed by the rigorous standards set out in the GDK Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients right through to the manner in which the product is handed to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The GDK system does not allow the sale of alcohol.

b) The prevention of crime and disorder:

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable staff.

We do not use or supply glassware.

c) Public Safety:

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service.

d) The prevention of public nuisance:

Our doors and windows will be kept closed at night to prevent transmission of noise. Our stores have few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours. Music will not be played in the premises. Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind our neighbours. We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion. Our equipment is properly sound insulated and operated strictly in accordance with manufacturers' requirements, guide lines and tolerances. All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises. We neither use nor supply glassware.

e) The Protection of children from harm:

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.

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

Chapters 8 & 9 Premises Licences & Determining Applications

Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.

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

17.9 – 17.15 Crime & Disorder

17.16 – 17.18 Public Safety

17.19 - 17.22 Public Nuisance

17.23 – 17.26 Protection of Children from Harm.

17.9 CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

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.

17.10 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

17.11 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.

17.12 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.

17.13 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.

17.14 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.

17.15 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.

17.16 CONDITIONS TO PROMOTE PUBLIC SAFETY.

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.

17.17 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.

17.18 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.

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

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.

17.20 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

17.21 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.

17.22 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.

17.23 CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.25 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

10. Options

Legal options open to members -

1. Grant the licence subject to conditions as are consistent with the operating schedule accompanying the application.
2. Grant the licence with modified conditions
3. Exclude a licensable activity
4. Refuse to specify the DPS
5. REJECT the whole 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".

11. **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.

12. 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

13. Conclusion

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

14. List of Appendices

- | | | |
|-----|------------|--|
| 15. | Appendix 1 | Application Form |
| | Appendix 2 | Plan of Premises |
| | Appendix 3 | Representations – Police |
| | Appendix 4 | Applicants agreement & Police withdrawal of reps |
| | Appendix 5 | Other parties representation |
| | Appendix 6 | Plan of area |
| | Appendix 7 | Human Rights Articles |
| | Appendix 8 | Order of Proceedings |

15. 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 lorryneale@maidstone.gov.uk |
|--------------------|---|

Licensing Authority: *The Licensing Partnership*

Licensing Partnership
 P.O. Box 182
 Sevenoaks
 Kent TN13 1GP

Ref:

Application for a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes found at bottom of Page 4 of this 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 KDG Maidstone Ltd apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

| | |
|--|---|
| Postal address of premises or, if none, ordnance survey map reference or description | 79-85 Week Street |
| Post town | Maidstone |
| Post code | ME14 1RJ |
| Telephone number of premises (if any) | 01474569788 |
| Non-domestic rateable value of premises | £ 80000 |
| If the premises is under construction please check here | <input checked="" type="checkbox"/> If the premises hasn't been assigned a rateable value yet, please check here <input type="checkbox"/> |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please make selection with an "x"

- | | |
|---|---|
| a) An individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) A recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please make selection with an "x"

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a:
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

You do not have to answer the questions in this section.

Title

Surname

First names

Are you 18 years or older? Yes No

Date of Birth

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Title

Surname

First names

Date of Birth
(you must be 18
years old or over)

Nationality

Current postal
address
if different from
premises address

Postcode

Post Town

Daytime contact telephone number

Email address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name

KDG Maidstone Ltd

Address

**Eagle House, Stonebridge Road
Northfleet
Kent
DA11 9BJ**

Registered number (where applicable)

12370120

Description of applicant (for example,
partnership, company, unincorporated
association etc.)

Limited Company

Telephone number (if any)

E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

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

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

General description of premises (please read guidance note 1)

The store is under construction to become a take-away and dine in restaurant under the global franchise business: German Donner Kebab (GDK). The store opening is planned for mid September 2020. The store is situated on a busy shopping parade and the nearest residential accommodation is 30 metres away. The store will comprise of a kitchen, shop counter, staff room, a small waiting area plus a sit down area for approximately 90 customers.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please check all relevant boxes

Provision of regulated entertainment (please read guidance note 2)

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

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

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

In all cases complete boxes N, O and P

K

| | | | | | |
|---|-------|--------|--|----------|--|
| Provision of facilities for entertainment of a similar description to that falling within J or K Standard days and timings (please read guidance note 7) | | | <u>Please give a description of the type of entertainment facility you will be providing</u> | | |
| Day | Start | Finish | <u>Will the entertainment facility be indoors or outdoors or both - please make selection with an "x"</u> (please read guidance note 3). | Indoors | |
| Mon | | | | Outdoors | |
| | | | | Both | |
| Tue | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for provision of facilities for entertainment of a similar description to that falling within J or K at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sun | | | | | |

L

| | | | | | | |
|---|-------|--------|---|--|----------|---|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | <u>Will the provision of late night refreshment be indoors or outdoors or both - please make selection with an "x"</u> (please read guidance note 3). | | Indoors | |
| Day | Start | Finish | | | Outdoors | |
| Mon | 11:00 | 03:00 | | | Both | X |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | | |
| Tue | 11:00 | 03:00 | The premises consists of a German Donner Kebab store for home deliveries, collections and eat in facilities. | | | |
| Tue | | | | | | |
| Wed | 11:00 | 03:00 | <u>State any seasonal variations for provision of late night refreshment</u> (please read guidance note 5) | | | |
| Wed | | | Not Applicable | | | |
| Thur | 11:00 | 03:00 | | | | |
| Thur | | | | | | |
| Fri | 11:00 | 03:00 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | | |
| Fri | | | Not Applicable | | | |
| Sat | 11:00 | 03:00 | | | | |
| Sat | | | | | | |
| Sun | 11:00 | 03:00 | | | | |
| Sun | | | | | | |

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

Not applicable

O

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variation</u> (please read guidance note 5) Not applicable |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 11:00 | 03:00 | |
| Tue | 11:00 | 03:00 | |
| Wed | 11:00 | 03:00 | |
| Thur | 11:00 | 03:00 | <u>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</u> (please read guidance note 6) Not applicable |
| Fri | 11:00 | 03:00 | |
| Sat | 11:00 | 03:00 | |
| Sun | 11:00 | 03:00 | |

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

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)

The store is a franchise of the worldwide German Donner Kebab (GDK) chain. GDK has been in business for more than 40 years and during that time, has developed a system of business which involves dine in and home delivery services. We are governed by the rigorous standards set out in the GDK Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients right through to the manner in which the product is handed to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The GDK system does not allow the sale of alcohol.

b) The prevention of crime and disorder

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable staff.

We do not use or supply glassware.

c) Public safety

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service.

d) The prevention of public nuisance

Our doors and windows will be kept closed at night to prevent transmission of noise. Our stores have few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours. Music will not be played in the premises. Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind our neighbours. We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion. Our equipment is properly sound insulated and operated strictly in accordance with manufacturers' requirements, guide lines and tolerances. All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises. We neither use nor supply glassware.

e) The protection of children from harm

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.

Please make selection with an "x"

- I have enclosed the plan of the premises
- 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
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships.] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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 AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 5 - Declaration (please read guidance note 11)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

- [Applicable to all individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK, (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Confirmation

Name Date
 Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13) **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 14)

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)

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.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to provide additional information.

Notes for Guidance are available online

Form end

You have now reached the end of the form. If you have entered all the necessary information, and read all the guidance notes, please now submit the form.

XML Specific

Application Type

Licence Case Type

Licence Status

XML Template

CAPS Reference

Payments request

CallingAppID

CallingAppRef

PaymentSourceCode

Customer Message

Empty text area for Customer Message

Response response

PaymentAuthorisationCode

IncomeManagementReceiptNumber

OriginatorsReference

CardScheme

CardType

PaymentAmount

ResponseCode

ResponseDescription

Number of payment lines

Service Message

Empty text area for Service Message

Payment 1

Receipt Number

DueDate

PaymentType

Pay Description

XML Description

PaymentDue VAT

Paid

Payment Date

Fund

Reference

Payment 2

Receipt Number

DueDate

PaymentType

Pay Description

XMLDescription

PaymentDue VAT

Paid

Payment Date

Fund

Reference

Payment 3

Receipt Number

DueDate

PaymentType

Pay Description

XML Description

PaymentDue VAT

Paid

Payment Date

Fund

Reference

Payment 4

Receipt Number

DueDate

PaymentType

Pay Description

XML Description

PaymentDue VAT

Paid

Payment Date

Fund

Reference

Payment 5

Receipt Number

DueDate

PaymentType

Pay Description

XML Description

PaymentDue VAT

Paid

Payment Date

Fund

Reference

Case Overview

| | | | |
|--|--|---------------------------|--|
| Form file name: | <input type="text"/> | Current Date | <input type="text"/> |
| Form data set reference | <input type="text" value="KDG Maidstone Ltd/"/> | Date From | <input type="text"/> |
| Has been E-Signed | <input type="checkbox"/> Date/Time E-Signed <input type="text"/> | | |
| Date/Time Submitted to main server | <input type="text"/> | Data Validation Reference | <input type="text"/> |
| Date/Time Submitted to external server | <input type="text"/> | Date/Time form Started | <input type="text" value="30/07/2020 16:33:28"/> |

Automatic Messaging

| | | | |
|-----------------------|----------------------|----------------------------|----------------------|
| Receipt Email Address | <input type="text"/> | Notification Email Address | <input type="text"/> |
| Receipt Email Subject | <input type="text"/> | Notification Email Subject | <input type="text"/> |
| Receipt Email Message | <input type="text"/> | Notification Email Message | <input type="text"/> |
| Mobile Number | <input type="text"/> | | |

Case Notes

CRM Integration

CRM Case Ref

Form History

04/08/2020 12:06:30 | Received on Remote Server
 4/8/2020 12:17:07 | Submitted | (,) | Application for a premises licence (1.0).wdf, 54181, Licence Inc Bexley, new | Ref: 054181-00804-B6P1MW1
 04/08/2020 12:06:30 | Received on Remote Server
 4/8/2020 12:17:07 | Submitted | (,) | Application for a premises licence (1.0).wdf, 54181, Licence Inc Bexley, new | Ref: 054181-00804-B6P1MW1

Form Database

| | | | |
|----------------------------------|----------------------|---------------------|---|
| Primary Record ID | <input type="text"/> | Secondary Record ID | <input type="text"/> |
| Department Name | <input type="text"/> | Form Status | <input type="text"/> |
| Depart Classification / Priority | <input type="text"/> | Search Field 3 | <input type="text" value="79-85 Week Street ME14 1RJ"/> |
| Dept Case Reference | <input type="text"/> | | |
| Date Record Started | <input type="text"/> | | |
| Date Last Modified | <input type="text"/> | | |

Current User

| | | | | | | | |
|---------------------|----------------------|----------------------|----------------------|------------|----------------------|----------------------|----------------------|
| Title | <input type="text"/> | Surname | <input type="text"/> | First Name | <input type="text"/> | User Record Id | <input type="text"/> |
| Tel No | <input type="text"/> | Email address | <input type="text"/> | | Address | <input type="text"/> | |
| User Classification | <input type="text"/> | | | | | | |
| Portal Username | <input type="text"/> | Expert for this form | <input type="text"/> | | | | |

System Data

Pages active with dynamic paging

Data Locked for Editing Date of offline forms creation Enable high-quality print (WDF)

Type of form - ufx, wdf or txt If TXT - Optimised for screen-readers Enable top controls on opening

Start page for expert users Print Collation Config

Form Design Settings

| | | | | | | | | | |
|---|---|-------------------------------|--|--------------------------|--|--|--------------------------|--------------------------|-------------------------------------|
| Dynamic paging enabled | <input type="checkbox"/> | Use page titles for page menu | <input type="checkbox"/> | ESigning is available | <input type="checkbox"/> | After ESigning/Submission - go to page No? | <input type="checkbox"/> | TXT form is available | <input checked="" type="checkbox"/> |
| Pages with forced error checking | <input type="text"/> | | | | | | | | |
| Pages that override forced error checking | <input type="text"/> | | | | | | | | |
| Last visible page: | Unregistered users | <input type="checkbox"/> | Registered users: | <input type="checkbox"/> | Expert users: | <input type="checkbox"/> | Override for TXT version | <input type="checkbox"/> | |
| Default branding file: | <input type="text" value="UK Revenues & Benefits Branding (1.0)"/> | | e.g. 'UK Revenues & Benefits Branding (1.0)' | | | | | | |
| Shared Data Dictionary | <input type="text" value="Victoria Forms UK Licensing Data (1.0)"/> | | e.g. 'Victoria Forms UK Government Data (1.0)' | | | | | | |
| HTML pages within WDF | <input type="text" value="1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,20"/> | | 23 | | Page no for thumbnail <input type="text"/> | | | | |



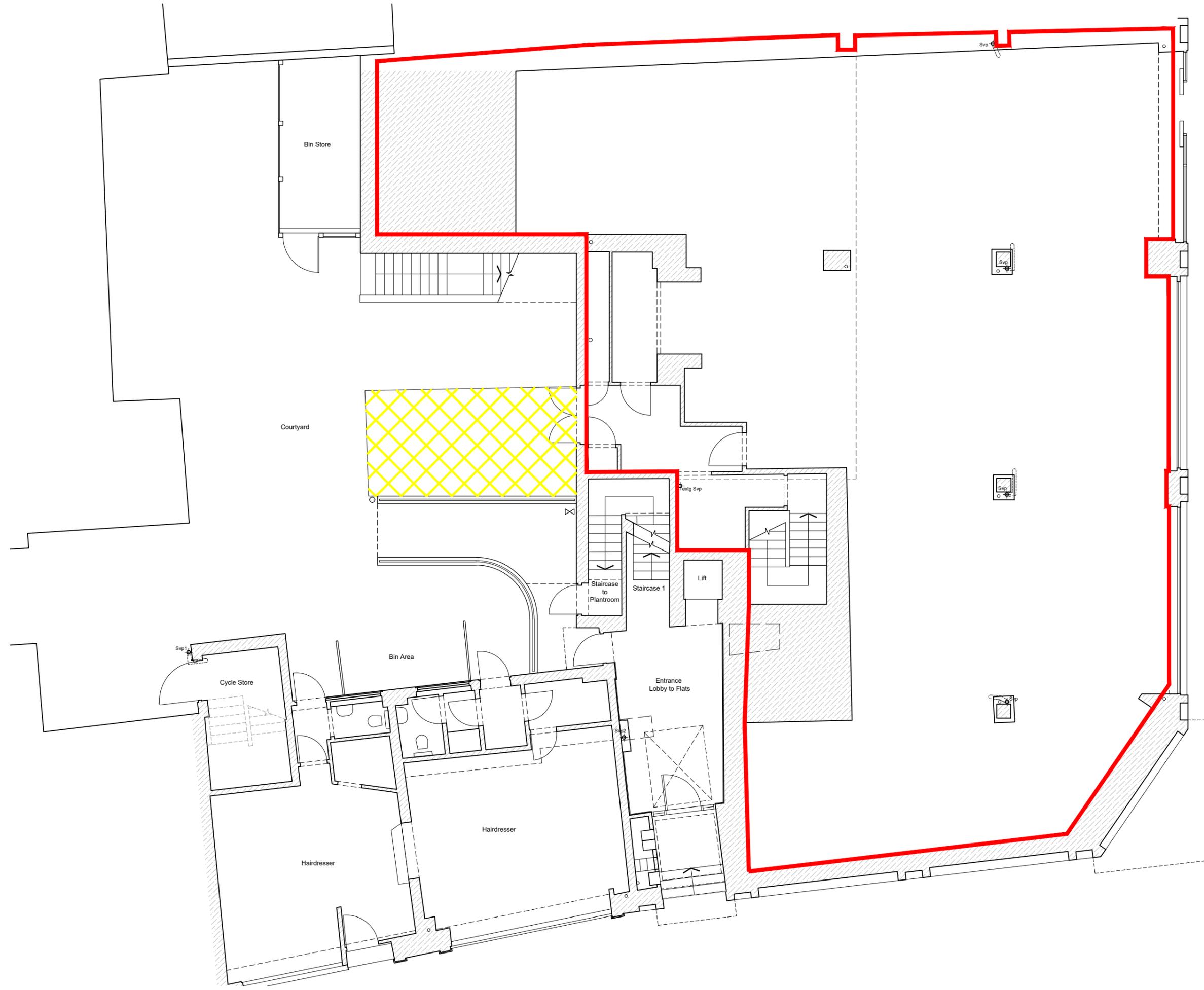
Innovation Centre Medway
Walders Wood Chatham
Kent ME5 9PD
Tel: 01524 202088 Fax: 0945 87 402
E-mail: info@harrison-mutch.co.uk

Harrison Mutch
Chartered Architects

Residential Development.
for Hursiglen Properties Ltd.
Transfer Plan - GF Shop

Scale : 1:100 @ A3
Date : Oct 2018
Drawn : DH
Checked : DJB
Status : TRANSFER

Drawing : 1159:TP:31 A



From: Ellen Shaw 46052479 <Ellen.Shaw@kent.police.uk>
Sent: 04 September 2020 00:06
To: Licensing <licencing@sevenoaks.gov.uk>; Lorraine Neale <LorraineNeale@maidstone.gov.uk>;
Raj R
Cc: James Williams PC 46011187 <James.Williams@kent.police.uk>
Subject: German Donner Kebab - Police Representation

Good evening,

Please find attached representations made on behalf of Kent Police in relation to the application made by KDG Maidstone Ltd for a premises at 79-85 Week Street, Maidstone.

If you wish to discuss the content and proposals contained within the attached document please contact me directly. I am out of the office on Friday 4th September returning on Monday 7th.

Kind regards

Ellen Shaw
Divisional Licensing Coordinator
West Division
Kent Police



Kent Police

ice Representation in relation to an application for **grant** of
e under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act

| Details of person making representation | |
|--|--|
| Name of Chief Officer of Police | Chief Inspector Quiller |
| Postal Address: (Area Headquarters) | Maidstone Police Station Palace Avenue Maidstone Kent |
| E-mail address | west.division.licensing@kent.police.uk |
| Telephone Number: | |

| Details of premises representation is about | |
|--|--|
| Name of Premises: | German Donner Kebab |
| Address of premises: | 79-85 Week Street Maidstone Kent ME14 1RJ |
| Date application received by police | 7 th August 2020 |
| Date representation sent to Licensing Authority | 3 rd September 2020 |

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 | X |
| 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:

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:

The application received is for a restaurant to be located in a busy part of the town directly on a route that will be popular with people leaving town having spent a night enjoying the night-time economy. The premises are seeking to provide late night refreshment until 3am seven days a week there is no application to permit the sale of alcohol.

As with any premises providing licensable activities there are risks relating to these activities however when the premises are located within an already busy town centre and seeking such extensive hours the risks are greatly increased. Although this premises are not seeking to sell alcohol it will be patronised by those who have been consuming alcohol throughout the evening. There is a known link to the consumption of alcohol and disorder and these premises are likely to suffer from the effects of alcohol sold by other premises which requires careful and effective management to ensure that any issues are identified and dealt with at an early point to avoid escalation and the public being adversely affected by such incidents.

The premises will be a restaurant and takeaway which is likely to attract a wide range of customers and this will undoubtedly include families with children and young people of all ages, it is essential to ensure that all customers remain safe and are not caused unnecessary harm due to any uncontrolled behaviour of those at the venue, strict management measures must be in place to ensure their protection.

The hours requested by the applicant give rise to concerns for crime and disorder and public nuisance due to the possibility that the premises will be attractive to people already in town to enjoy the various licensed premises on offer. When these customers attend strong management will be required to ensure that there is no excessive noise or disorderly behaviour not only within the venue but also when customers are arriving and leaving. These strong management controls will ensure that the local community is not adversely affected by the patrons of the premises and should reduce the likelihood of an increase in crime and disorder in the area associated with the premises.

The applicant has proposed measures within the application which indicate some management controls however Kent Police does not feel that these are sufficient to give confidence that the premises will address the concerns. Therefore Kent Police would seek the addition of the conditions detailed below in order to ensure that the licensing objectives are promoted at all times.

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

Kent Police seeks the attachment of the following conditions to any premises licence granted under this application:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
 - c. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
2. No glassware will be used to serve drinks to customers at any time during the operation of the premises.
3. Signage will be prominently displayed requesting customers to leave the premises quietly and respect the neighbouring properties
4. All staff will be fully trained of their obligations under the Licensing Act 2003, this training will be recorded. Training records will be kept and made available for inspection by Police, Licensing Authority or Trading Standards upon reasonable request.
5. An incident log will be maintained at the premises and records kept of any incident that occurs whether police were called/attended or not.

Signed:

Print name: Ellen Shaw

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

Date: 3rd September 2020

Force Number: PSE 52479

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.

From: James Williams PC 46011187 <James.Williams@kent.police.uk>
Sent: 13 September 2020 17:47
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>'Raj R'; licensing@sevenoaks.gov.uk;
Licensing West Division Kent <west.division.licensing@kent.police.uk>; Louise Davis
<LouiseDavis@Maidstone.gov.uk>
Subject: RE: German Donner Kebab - 20/01813/LAPRE

All concerned,

Kent Police are willing to withdraw their representation in relation to this application subject to the conditions forming part of the new licence.

Please do not hesitate in contacting me to discuss.

Regards,

James

From: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Sent: 11 September 2020 10:08
To: 'Raj R' <
Subject: RE: German Donner Kebab - 20/01813/LAPRE

Good Morning Raj

Thank you for confirming your agreement to Police conditions, I'm sure they will confirm and withdraw their reps shortly, I will make contact with the 2nd party and make them aware, I will advise you of the outcome.

Kind Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
t 01622 602528 e lorraineneale@maidstone.gov.uk w www.digitalmaidstone.gov.uk

From: Raj R <
Sent: 11 September 2020 10:02
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: Re: German Donner Kebab - 20/01813/LAPRE

Hi Lorraine

We are happy to accept the police conditions so they can withdraw their reps.

Regarding the other objector please can you make them aware of the following:

We will have full CCTV coverage

Safety of our staff is very important and as soon as we have any issues with patrons we will then have a security guard just like McDonalds.

No Noise report as we won't be the only ones trading at that time. We will attract the same late night patrons as the existing surrounding businesses.

Hopefully this will satisfy the objector's concerns and they will also withdraw their rep.

Please discuss with the objector and let me know if they are happy and we can get our license sorted.

Thank you.

Raj

On 8 Sep 2020, at 13:42, Lorraine Neale <LorraineNeale@maidstone.gov.uk> wrote:

Dear Mr Dhillon

Please be advised that we have received representations in relation to this application and so a hearing will be arranged, you can accept the Police conditions be applied which are fairly standard and they will then withdraw their reps. The other objector is a resident, I have attached both the submissions she made as they are slightly different from each other. If you feel you can offer anything to the objector that will encourage them to withdraw then I am quite happy to mediate between parties, you can obviously contact them directly. If you do communicate with the Other Party could you just let me know. I will be in contact with a hearing date once it has been arranged.

Kind Regards

Lorraine Neale

Senior Licensing Officer

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

t 01622 602528 **e** lorraineneale@maidstone.gov.uk **w** www.digitalmaidstone.gov.uk

Comments for Licensing Application 20/01813/LAPRE

Application Summary

Application Number: 20/01813/LAPRE

Address: 79-85 Week Street Maidstone Kent ME14 1QX

Proposal: Premises Licence

Case Officer: Louise Davis

Customer Details

Name: Miss Lisa Postiglione

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Crime Objections
- Noise Disturbance
- Opening Hours
- Prevention of Public Nuisance
- Protection of Children from Harm
- Public Safety

Comment: 12:27 PM on 28 Aug 2020 1.) Prevention of Crime and Disorder- oppose application- The late night opening will attract more intoxicated patrons who are more likely to engage in antisocial behavior. How many staff members will be on hand to control patrons for these late night opening hours. Will the staff be trained to handle crime and anti-social behavior? Will the premises have CCTV?

Other eatery establishments on Week St who are open late such as McDonalds have hired a security guard because of the amount of crime that occurs. Will there be a security guard on the premises ?

These late-night opening hours will put increased pressure on the Kent Police which is already stretched to capacity. The application for late night hours has not provided enough security measures to control crime and anti-social behavior associated with late night hours.

2.) Public Safety- oppose the comments made in the application. If all 90 proposed customers can be accommodated for their late night opening, this will create a significant amount of noise and disruption, as the majority of patrons will most likely be intoxicated. This establishment is located directly across from McDonalds which already attracts large amounts of crime and antisocial behavior. these late night opening hours will only exacerbate the problem. This premises is also located within close proximity of Benchley Gardens which is know for its high crime rates. The late night opening means customers who attend this facility in these late night hours will have no access to public transport and will be hanging outside until the early morning. This will bring more

crime to the area

3.) Prevention of Public Nuisance- strongly oppose the comments. Does the premises have a report from a sound engineer to verify it complies with regulations?there is a large block of residential flats located directly above this establishment called Faith House. There are families with babies and NHS essential workers in this building.

From: Lisa Postiglione

Sent: 28 August 2020 12:41

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

Subject: Comments regarding application: 20/01813/LAPRE

Dear Licensing,

I have tried to submit my comments online for this application but it keeps saying system error.

I have attached my comments in this email and would be grateful if they can be passed along to the licensing officer.

Thank you

Lisa Postiglione

Comments regarding the late-night opening of German Doner Kebab

1.) Prevention of Crime and Disorder-

I strongly oppose the comments made in the application. This application fails to mention exactly what actions the owner will take in regard to preventing crime and antisocial behaviour associated with their late night opening hours. I have been a long time resident of the High Street and can confirm establishments with late night opening hours attract enormous amounts of crime and anti-social behaviour.

Maidstone High Street already has extremely high crime rates that are linked with anti social behaviour and drug use. Most people on the High Street during the night time have consumed large amount of alcohol. The late night opening will attract more intoxicated patrons who are more likely to engage in criminal activity as they are unaware of their actions.

This application fails to mention how many staff members will be on hand to control patrons for these late night opening hours. Will the staff be trained to handle crime and anti-social behaviour? Will the premises have CCTV?

Other eatery establishments on Week St who are open late such as McDonalds have hired a security guard because of the amount of crime and anti-social behaviour that occurs. Will there be a security guard on the premises during late night hours?

Ultimately, these late-night opening hours will increase crime in the area and put increased pressure on the Kent Police which is already stretched to capacity.

The application for late night opening should be rejected as they have not provided enough security measures to control crime and anti-social behavior associated with late night openings.

2.) Public Safety- I strongly oppose the comments made in the application in regard to public safety.

The application fails to mention how many customers will be allowed to remain in the premises for their late night opening. If all 90 proposed customers can be accommodated for their late night opening, this will create a significant amount of noise and disruption. As the majority of patrons will most likely be intoxicated, this will create a major public safety risk. Again, this will place increased pressure on the Kent police to control this antisocial behaviour.

As this establishment is located directly across from McDonalds which already attracts large amounts of crime and antisocial activity, these late night opening hours will only exacerbate the problem.

This premises is also located within close proximity of Benchley Gardens which is known for its high crime rates and antisocial behaviours. These late night hours will attract more knife and drug crime to the area.

The late night opening means customers who attend this facility in these late night hours will have no access to public transport. This means they will be hanging outside until the early mornings. This will increase crime and anti-social behaviour. This application for late night opening hours should be rejected as this establishment will jeopardize the safety of nearby residents with its proximity to McDonalds and Benchley Gardens. As most late-night patrons of this establishment will be intoxicated and disorderly, this will bring additional crime to an area that already has an extremely high crime rate.

3.) Prevention of Public Nuisance- I strongly oppose the comments made in the application. This application fails to mention how the premises will manage customers when leaving the venue.

Although the applicant does mention its establishment has sound control, does it have a report from a sound engineer to verify this?

Additional, there is a large block of residential flats located directly above this late night establishment. This block of flats is called Faith House. There are two other blocks of flats located beside Faith House and behind it. This means there are 4 residential blocks of flats within proximity of this establishment.

There are many young families with babies and essential workers in the building. There are NHS essential workers with early shift patterns who live in this building. These late night hours will significantly impact their ability to rest peacefully in their residence. Furthermore, the current ongoing construction of the premises has already created multiple noise disturbances.

On numerous occasions during the construction of this commercial premises, there have been construction works that occur after 6pm on Friday nights.

As this applicant was not following the proper procedures in regards to construction noise, it leaves doubts as to whether any disturbances from these late night hours will be handled properly.

As a resident of Maidstone, we should expect peace and quiet in the late night hours. Furthermore, this application does not mention how the premises is going to handle food waste generated from this business. Currently the main fast food outlets have litter and waste littered along the High Street. This application fails to mention if they will have waste bins outside their facility to accommodate the large amount of food waste that will be produced.

The entrance of Faith House is located directly beside this proposed establishment. Litter from McDonalds and other fast food restaurants is always located on the steps of our building. These proposed late night opening hours will only increase the amount of food waste that is left in our premises Faith House. There are also many people who urinate and vomit at the front entrance of our block of flats. Is this establishment going to have toilets for their patrons? If not, this will again increase the amount of people who urinate on the front steps of Faith House. Our block of flats is often vandalised as well from disorderly behaviour on the High Street.

Currently in the courtyard of Faith House, there is no additional space for rubbish bins. Where is the food waste going to be dumped from this premises?

The smell from the restaurant has not been adequately addressed. The late night opening hours means that residents will have to endure the smell of strong cooking for longer than expected.

This application should be rejected as the residents of Faith House are located directly above this premises will be severely impacted with these late night opening hours. The noise, disturbances and waste produced will have a detrimentally effect to our quality of life as residents of Faith House.

4.) Protection of Children from Harm-

This application fails to mention what this premises is doing to combat childhood obesity. As obesity is currently a health epidemic in the UK, another fast food restaurant will add to this growing crisis especially in an area of deprivation such as Maidstone High Street.

With the purposed late-night opening hours, this will allow children access to fast food late at night when other healthier options should be promoted. Fast food will attract children and teenagers who will create anti-social behaviour.



Ordnance Survey - data derived from OS Premium


Enter map title
 Scale: 1:2500

Printed on: 22/9/2020 at 19:01 PM by LorraineN

HUMAN RIGHTS

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.