

# LICENSING COMMITTEE MEETING

Date: Thursday 17 June 2021  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Bryant, Fort, Garten, Mrs Grigg, Hinder, Joy, McKay, Naghi, Parfitt-Reid, Mrs Robertson, J Sams and Springett

*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.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of Chairman
4. Election of Vice-Chairman
5. Urgent Items
6. Disclosures by Members and Officers
7. Visiting Members
8. Disclosures of Lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the Meeting Held on 15 April 2021 1 - 5
11. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 4 May 2021 6 - 14
12. Questions and answer session for members of the public (if any)
13. Questions from Members to the Chairman (if any)

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**Issued on Wednesday 9 June 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting in person or by remote means, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by Tuesday 15 June 2021). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

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## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 15 APRIL 2021**

**Present:** Councillors Brindle, Fissenden, Fort, Garten,  
Mrs Grigg, Hinder, Joy (Chairman), Naghi,  
Mrs Robertson, M Rose, J Sams and Springett

84. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Newton.

85. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

86. URGENT ITEMS

There were no urgent items.

87. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

88. VISITING MEMBERS

There were no Visiting Members.

89. DISCLOSURES OF LOBBYING

Councillors Brindle, Garten, Mrs Grigg, Hinder, Joy, Naghi, Mrs Robertson, M Rose, J Sams and Springett had been lobbied on the following items:

- Item 15 – Amendments to Knowledge Test
- Item 16 – Hackney Carriage and Private Hire Licensing Policy 2021-2026

90. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

91. MINUTES OF THE MEETING HELD ON 19 NOVEMBER 2020

**RESOLVED:** That the Minutes of the Meeting held on 19 November 2020 be approved as a correct record and signed at a later date.

92. MINUTES OF THE MEETING HELD ON 14 JANUARY 2021

**RESOLVED:** That the Minutes of the meeting held on 14 January 2021 be approved as a correct record and signed at a later date.

93. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 18 FEBRUARY 2021

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 18 February 2021 be approved as a correct record and signed at a later date.

94. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 30 MARCH 2021

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 30 March 2021 be approved as a correct record and signed at a later date.

95. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There was one question from a Member of the Public.

Question from Mr Mark Jones to the Chairman of the Licensing Committee

The question was read out by the Democratic Services Officer on behalf of Mr Jones

*'I would like to ask the committee what steps are being taken to INCREASE the amount of drivers that we desperately need in order to clear the town of people once pubs, restaurants and clubs are fully open?*

*Already on Monday the 12th April I could not cover all the journeys requested by customers some having to wait over an hour for a car, and that's on a Monday night! On a Friday and Saturday, it will get much worse with drunk and vulnerable people waiting for hours for vehicles to get them home, leading to unsocial behaviour, violence, vandalism or worse. We (the many other private hire and taxi companies in Maidstone) are all struggling to get drivers through the very stringent, and in some parts unnecessary, tests. WE NEED drivers with in the next couple of weeks! As far as I am aware there has been no new drivers licensed since February 2020, yet as many as 50% have left the industry.'*

The Chairman responded to the question.

The full response was recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:  
[Licensing Committee - Thursday 15th April, 2021 6.30 pm - YouTube](#)

96. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

97. SECURITY INDUSTRY AUTHORITY LICENCE REGULATIONS

The Head of Housing and Community Services introduced the report that outlined the amendments to the Security Industry Authority (SIA) Licence Regulations.

The Committee expressed their thanks for the updated provided. It was confirmed that existing SIA Licence holders would be expected to complete a first aid qualification when renewing their licence.

**RESOLVED:** That the forthcoming changes to the Security Industry Authority (SIA) requirements and training be noted.

98. AMENDMENTS TO KNOWLEDGE TEST

Mr Neil Cox, Chair of the Maidstone Taxi Association, addressed the Committee.

The Senior Licensing Officer introduced the report and stated that the Taxi trade had requested that the test be amended to increase the likelihood of passing the test and the number of qualified drivers within the trade. The new test format was introduced in 2017 with amendments made in 2018, although the pass rate had not increased as a result.

Following three unsuccessful test attempts, applicants had to wait for six months before they could re-attempt the test. The majority of candidates consistently failed on the routes and streets sections, with the private hire taxi trade having previously commented that the section was not necessary as private hires were booked in advance. This allowed drivers to look up the route before collecting passengers.

It was confirmed that the criteria for the testing and checking of applicants, as agreed by the Committee in 2016, was not under review and licensing drivers on a probationary basis would not be considered.

In response to questions, the Senior Licensing Officer confirmed that the proposed amendments would be applied to private hire applicants only. If any complaints were received regarding the standard of driving following an amendment to the test, the test would be reviewed before the suggested six-month period. The Committee could decide to adjust the pass rates for any of the sections within the knowledge test.

It was felt that the pass mark for the highway code section of the test be increased to match the Driving Theory Test pass mark of 86%. To facilitate this, the questions within the section would need to be increased to ten.

**RESOLVED:** That

1. The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and
2. The Routes and Street element of the test for private hire applicants only be removed for a period of 6 months.

Note: Councillor Fissenden joined the meeting during this item's consideration, at 7.06 p.m.

99. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2021-2026

Prior to the report's introduction, Mr Neil Cox addressed the Committee as the Chair of the Maidstone Taxi Association.

The Senior Licensing Officer introduced the report, stating that a public consultation on the Hackney Carriage and Private Hire Licensing Policy 2021-2016 had been conducted between 14 January 2021 to 10 March 2021.

The Committee were informed that the Government would likely implement further HMRC checks for drivers, but that a date could not be given. The policy would need to be updated as a result.

There were four responses to the consultation, with the comments provided by the Senior Licensing Officer in response shown in Appendix 2 to the report. It was noted that the majority of the comments were from the Licensing Partnership Manager and Mr Cox. Further investigation into alternative garage choices for compliance testing and vehicle specifications would be investigated as part of a future review into a carbon neutral taxi policy. The significance of establishing an implementation date for a carbon neutral taxi policy was highlighted.

During the debate, it was felt that greater flexibility in relation to medical certificates, tinted windows and compliance testing locations was needed. In response to questions, the Contentious Team Leader confirmed that whilst there was a perception of safety through not having tinted windows on a vehicle, there was no known evidence to suggest that tinted windows negatively affected the passenger's safety.

Several Members expressed support for delaying the implementation date of 2023 for carbon neutral vehicles, in part due to the impact of Covid-19 and to prevent greater barriers of entry to the trade. It was felt that the Committee should have been consulted on the sections of the Biodiversity and Climate Change Strategy and Action Plan, that was agreed by the Policy and Resources Committee, that fell under the Committees remit.

It was confirmed that the administrative changes necessary in amending the medical certification timescales may be delayed but would be implemented as soon as practicably possible.

The Committee expressed their thanks to the Officers for the work undertaken.

**RESOLVED:** That;

1. The Policy and Resources Committee be requested to consult the Committee on any biodiversity and climate change matter that falls within the Committees remit;
2. The Communities, Housing and Environment Committee be recommended to approve the draft Hackney Carriage and Private Hire Licensing Policy 2021-2026, attached at Appendix 2 to the report, subject to the following amendments:
  - a. Medical certification be required at first licence and then every 5 years from the age of 45 until 65, annually after 65 years of age, with all medical certificates not permitted to be more than 6 months old when produced to the council'; and
  - b. Paragraph 23 – Tinted Windows, Appendix 5: A, be removed.

Note: During this item's consideration the Committee adjourned between 8.40 p.m. to 8.49 p.m.

100. DURATION OF MEETING

6.30 p.m. to 9.12 p.m.

# Agenda Item 11

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 SUB COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 4 MAY 2021**

**Present:** Councillors Garten (Chairman), Mrs Grigg and Joy

65. APOLOGIES FOR ABSENCE

There were no apologies.

66. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

67. ELECTION OF THE CHAIRMAN

**RESOLVED:** That Councillor Garten be elected as Chairman for the duration of the meeting.

68. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

69. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

70. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

71. APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR ESCAPE KENT PRISON ISLAND, 60-61 HIGH STREET, MAIDSTONE, KENT, ME14 1SR

The persons participating in the hearing were identified as follows:

Chairman – Councillor Garten  
Committee Member – Councillor Mrs Grigg  
Committee Member – Councillor Joy

Legal Advisor – Mrs Sarah Beasley, supported by Mr Robin Harris

Online Facilitator/Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Mr Michael Knell

Objector – Mr Jamie Morgan (written representations only)



Chris (joint owner) was in attendance to observe the proceedings only.

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Sub-Committee agreed to proceed in the absence of the objector and confirmed that they had read the papers.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant messaging facilitating any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chairman's Invitation.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties; no draft conditions had been agreed.

The legal advisor introduced the report, reiterating that the objections from Kent Police had been withdrawn as draft conditions had been agreed with the applicant. The additional objections received were outlined and shown in appendix 5 to the report.

The applicant was invited to make their opening remarks and reiterated the draft conditions agreed with Kent Police, with the premises well insulated due to its previous use as a night-time venue. The applicant had their own personal license. The businesses' nature was described, which included multiple games rooms for players to solve a task in the room that they were assigned. A bar area would be opened, with a mini golf course to be created in the future.

In response to questions from the panel Members, the applicant confirmed that it was not intended for the premises to become a drinking venue, but that customers could consume a few drinks before and/or after completing the games exercise. No drinks would be permitted in the games' rooms, with groups mixing in the premises lobby area only. The venue would be family friendly and it was preferred that customers pre-booked to ensure availability.

In relation to the venue's capacity, the applicant confirmed that the current maximum was 80 people rather than the 250 stated within the application, which would be monitored by three to four staff members. The additional capacity was to take account of future expansion, such as mini golf, at the premises. Kent Police had recommended suitable training courses for staff that would be serving alcohol, to be provided once hired. It was stated that personal licenses for staff members would be explored in the future.

The meeting adjourned between 10.20 a.m. to 10.30 a.m.

The applicant confirmed that children's parties occurred on Saturdays up until 2 p.m. and on Sundays; outside of core drinking hours. A separate area was being created for the use of conferences and parties. Children were expected to be supervised by an attending adult within their group. The agreements reached with Kent Police, to include CCTV provision and recordings, were reiterated in response to questions. The premises staff would patrol the hallways to the rooms throughout the opening times, to ensure appropriate behaviour from customers. Any intoxicated individuals would be prohibited from entering the games rooms, but customers would be permitted to drink before and after their booked activities.

The applicant confirmed that the premises had been open for one year prior to the Covid-19 pandemic and that he and his business partner had five years' experience in the industry with an Escape Room business in Canterbury. The location of the proposed mini-golf course was described, with tables at each hole to allow customers to consume drinks whilst playing.

The applicant was invited to make their closing statement, and in doing so reiterated that the sale and provision of alcohol at the premises was suitable.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present.

The meeting was adjourned for deliberations between 10.52 a.m. to 11.40 a.m.

The Sub-Committee returned and the Chairman stated that the decision had been made to grant the application in full, subject to an additional condition whereby a personal license holder had to be on duty at all times that the premises was open for the sale of alcohol.

It was confirmed that a written decision notice would be provided within five working days. Parties were reminded of the right of appeal to the Magistrates Court.

The meeting closed at 11.43 a.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the Minutes.



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: 21/00345/LAPRE

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Applicant: Mr Michael Knell

Regarding **PREMISE LICENCE (GRANT)**  
Escape Kent Prison Island, 60-61 High Street, Maidstone,  
Kent, ME14 1SR

Date(s) of hearing: 4<sup>th</sup> May 2021

Date of determination: 4<sup>th</sup> May 2021

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

Legal Advisor in attendance at hearing: Mrs Sarah Beasley, supported by Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Miss Oliviya Parfitt

Senior Licensing Officer in attendance at hearing: N/A

This was an application for

Grant

for a:

Premises Licence

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

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

### **Applicant**

Name: Mr Michael Knell

Witnesses: N/A

Other persons: Chris, joint owner (observing the proceedings)

### **Responsible Authorities**

Name: Kent Police made representations, subsequently withdrawn following proposed conditions being agreed

### **Other Persons**

Name: Mr Jamie Morgan (written representations only)

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

Name: 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 16 - 24 which relate to the granting 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 17.10 which relates to prevention of crime and disorder  
Chapter 17.19 which relates to the promotion of public safety

Chapter 17.22 which relates to the prevention of nuisance  
Chapter 17.26 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 subject to modified conditions necessary for the promotion of the licensing objectives. The conditions agreed between the applicant and the Police are accepted save for the amended condition 2. The Sub-Committee imposed a condition that at least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.

**Reasons for determination:**

**Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee noted that Kent Police had made a representation which was subsequently withdrawn following conditions being agreed. The conditions include, CCTV, that the DPS/a personal licence holder be available in person or contactable by phone during the time the premises are open for the sale of alcohol, drinkware, sealed containers for off premises consumption, incident book, training, Challenge 25, approved ID for proof of age and refusal register.

The Sub-Committee had regard to the written representation that there was a concern that granting an alcohol licence would lead to an increase of incidents of anti-social behaviour.

The Sub-Committee had regard to the written and oral submissions but were satisfied that the operating schedule, with the Police conditions, was sufficient to promote this licensing objective.

**Public Safety**

Reasons (state in full):

The Sub-Committee noted that Kent Police had made a representation which was subsequently withdrawn following conditions (as set out above) being agreed.

The Sub-Committee had regard to the written representation which included concerns around the confined space and irresponsible management.

The Sub-Committee heard from the applicant that the venue has 23 different rooms, each team is in their own room and the team moves through them. Staff patrol the landings which lead to the rooms to keep an eye on what is happening and to help if needed. CCTV is also in the corridors with a screen in the reception and the system records. There is no mixing of teams the only area where people might mix is in the lobby. The Prison Island rooms can, altogether, accommodate a maximum of 80 people, there may be people in the lobby and it is hoped to have a 10 hole mini golf. Alcohol cannot be taken into the Prison Island rooms, alcohol would be consumed in the lobby and for those playing mini golf tables would be provided at each hole.

With regard to the management and staff, the applicant stated he is involved with other similar businesses which are going from strength to strength and he now has his personal licence too. Staff who sell or supply alcohol to customers will have received licensing training in accordance with the agreed conditions.

The Sub-Committee noted that there was no representation from any responsible authority in respect of capacity. The Sub-Committee had regard to the written and oral submissions but were satisfied that the operating schedule, with the Police conditions, was sufficient to promote this licensing objective.

### **Prevention of Public Nuisance**

Reasons (state in full):

The Sub-Committee noted that Kent Police had made a representation which was subsequently withdrawn following conditions (as set out above) being agreed.

The Sub-Committee had regard to the written representation where the main concern around this issue related to noise.

The applicant stated the premises used to be a nightclub therefore its sound insulation was very good and the business now is a game entertainment venue aimed at adults with a family feel. Being able to serve alcohol is to add to the experience.

The Sub-Committee had regard to the written and oral submissions but were satisfied that the operating schedule, with the Police conditions, was sufficient to promote this licensing objective.

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

Reasons (state in full):

The Sub-Committee noted that Kent Police had made a representation which was subsequently withdrawn following conditions (as set out above) being agreed.

The Sub-Committee noted the written representation regarding the concern in respect of the venue being used for children's parties therefore potential mixing of children and intoxicated adults.

The Sub-Committee heard from the applicant that the business is aimed at adults with a family feel – any age could play and where adults and children play together that works. The venue can also host children's parties, this is not a big part of the business and is confined to Saturday up until 2pm and Sundays which would not be core drinking hours (i.e. Friday and Saturday nights). The minimum age for a children's party is 10 or 11 and the children are to be supervised by a booking adult(s). The applicant is also in the process of setting up separate areas for parties. The applicant reiterated that staff who sell or supply alcohol to customers will have received licensing training in accordance with the agreed conditions.

The Sub-Committee noted the operating schedule, as well as the conditions agreed with the Police, however determined that due to the potential mixing of children and adults on the premises that the following condition be imposed to promote this licensing objective:

- that at least one member of staff with a personal licence will be on duty at all times that the premises are open for the sale of alcohol.

PRINT NAME (CHAIRMAN): COUNCILLOR MR GARTEN

Signed [Chairman]:

A copy of the original document is held on file

Date: 05 May 2021