

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

Applicant: Mr Michael Knell

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

Date(s) of hearing: 4th May 2021

Date of determination: 4th 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