

# LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Tuesday 4 May 2021

Time: 10.00 am

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, Mrs Grigg, Joy, Hinder (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.*

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## **AGENDA**

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of the 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 premise licence under the Licensing Act 2003 for Escape Kent Prison Island, 60-61 High Street, Maidstone, Kent, ME14 1SR 1 - 37

## **ALTERNATIVE FORMATS**

The reports included in Part I of this agenda can be made 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](mailto:committee@maidstone.gov.uk) or **01622 602899**.

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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**Issued on Friday 23 April 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

# Agenda Item 7

**Agenda Item No:** 1 - Summary of Report

**Licence Reference** 21/00345/LAPRE

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

**Date:** 20<sup>th</sup> APRIL 2021

**Report Title:** ESCAPE KENT PRISON ISLAND, 60-61 HIGH STREET, MAIDSTONE, KENT,  
ME14 1SR

**Report Author:** Lorraine Neale

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

M	Supply of Alcohol (On and Off Sales)	Mon – Sun	11:00 – 23:00
O	Opening Hours	Mon – Sun	09:00 – 23:00

**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](mailto:lorraineneale@maidstone.gov.uk) – tel: 01622 602528

## Agenda Item No. 1

**Report Title:** ESCAPE KENT PRISON ISLAND, 60-61 HIGH STREET,  
MAIDSTONE, KENT, ME14 1SR

**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 Mr Michael Knell, in respect of the premises Escape Kent Prison Island, 60-61 High Street, Maidstone, Kent, ME14 1SR (Appendix 2 ) in respect of which 1 objection has been received from other parties (Appendix 5). There was some confusion on the application form as to whether the applicant was an Individual or a company. Mr Michael Knell was contacted on 21<sup>st</sup> April 21 and he confirmed that the applicant is intended as an individual. The Public notice and advert placed in the Downsmail on the 18<sup>th</sup> March 21 support this.

### 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:
- 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 to conditions 1 & 3-11 but disputed condition 2,

"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."

After discussion it was agreed by both parties to be amended to:-

“The DPS or a personal licence holder will be readily available either in person or contactable on phone all the time the premises are open for the sale of alcohol”

As all conditions had now been agreed the Police withdrew their objection (Appendix 3 & 4).

5. There is 1 representation from other parties (Appendix 5).

6. The table below illustrates the relevant representation which has been received

<b>Responsible Authority/Other Party</b>	<b>Licensing Objective</b>	<b>Associated Documents</b>	<b>Appendix</b>
Mr Jamie Morgan	Crime & Disorder Public Safety Public Nuisance Children from Crime	e-mail	5

There appear to be concerns that the granting of a licence for alcohol at these premises will put children at risk of harm due to an alleged lack of suitable management at the premises, this in turn will lead to an increase of incidents of anti-social behaviour. There are also concern that the premises will increase the levels of noise pollution in the area.

**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:**

Escape Kent Prison Island is a family friendly activity and has a calm and relaxed atmosphere. The focus is on teamwork, communication and fun. The style of activity encourages a standard of behaviour which will help promote the four licensing objectives.

**b) The prevention of crime and disorder:**

There is CCTV throughout the premises.

For each booking we take the name, email address and contact number for the lead booker.

Staff are present throughout our premises and monitor it physically as well as via the CCTV system.

**c) Public Safety:**

The maximum number of customers the premises will be able to accommodate will be no more than 250.

All fire escapes are carefully planned out and identified with the assistance of the local fire department, and regular fire checks are carried out.

**d) The prevention of public nuisance:**

Our premises was previously a night club with a late license and loud music, and as such it is very efficient at supressing noise. As our business will generally only play background music at a low volume level we do not see noise as an issue from the premises.

All our staff will have the relevant training to identify when individuals are drunk and should not be served alcohol.

## **e) The Protection of children from harm:**

All staff will have relevant training on asking customers for ID when purchasing alcohol, and a challenge 25 policy will be in place.

Staff monitor the areas where customers are present physically and via CCTV.

## **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:**

**17.10 Crime and Disorder**

**17.19 Public Safety**

**17.22. Prevention of Public Nuisance**

**17.26 Children from Harm**

### **CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.**

17.10 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.

17.11 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.

17.12 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.

17.13 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

17.14 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.

17.15 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.

17.16 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.

17.17 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.

17.18 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.

#### **CONDITIONS TO PROMOTE PUBLIC SAFETY.**

17.19 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.

17.20 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.

17.21 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.

### **CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.**

17.22 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.

17.23 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
- 17.24 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.
- 17.25 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.

### **CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.**

17.26 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.

17.27 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.

17.28 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.

17.29 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

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:	<b>Senior Licensing Officer</b> <a href="mailto:lorraineneale@maidstone.gov.uk">lorraineneale@maidstone.gov.uk</a>
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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 **Michael Knell** 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

**Escape Kent Prison Island  
60-61 High Street**

Post town

**Maidstone**

Post code

**ME14 1SR**

Telephone number of premises (if any)

**01622 671874**

Non-domestic rateable value of premises

**£ 90000**

If the premises is under construction please check here

If the premises hasn't been assigned a rateable value yet, please check here

**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

MR

Surname

KNELL

First names

MICHAEL JAMES

Are you 18 years or older?

- Yes
- No

Date of Birth

[REDACTED]

Nationality

[REDACTED]

Current postal address if different from premises address

[REDACTED]

Post Town

[REDACTED]

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

**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

Address

Registered number (where applicable)

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

Telephone number (if any)

E-mail address (optional)

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

17/05/2021

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)**

**Escape room premises on Maidstone High Street.**

**The premises has previously operated as a late hours night club**

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)<br>(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**





## 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)

None

## O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variation</b> (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	23:00	<p><b>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</b> (please read guidance note 6)</p>
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	

**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)

Escape Kent Prison Island is a family friendly activity and has a calm and relaxed atmosphere. The focus is on teamwork, communication and fun. The style of activity encourages a standard of behaviour which will help promote the four licensing objectives.

**b) The prevention of crime and disorder**

There is CCTV throughout the premises.

For each booking we take the name, email address and contact number for the lead booker.

Staff are present throughout our premises and monitor it physically as well as via the CCTV system.

**c) Public safety**

The maximum number of customers the premises will be able to accommodate will be no more than 250.

All fire escapes are carefully planned out and identified with the assistance of the local fire department, and regular fire checks are carried out.

**d) The prevention of public nuisance**

Our premises was previously a night club with a late license and loud music, and as such it is very efficient at suppressing noise. As our business will generally only play background music at a low volume level we do not see noise as an issue from the premises.

All our staff will have the relevant training to identify when individuals are drunk and should not be served alcohol.

**e) The protection of children from harm**

All staff will have relevant training on asking customers for ID when purchasing alcohol, and a challenge 25 policy will be in place.

Staff monitor the areas where customers are present physically and via CCTV.

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

**Please print the 'Consent of individual to being specified as premises supervisor form (shown on pages 19 and 20), and have the person specified above sign and confirm the details given.**

**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.**

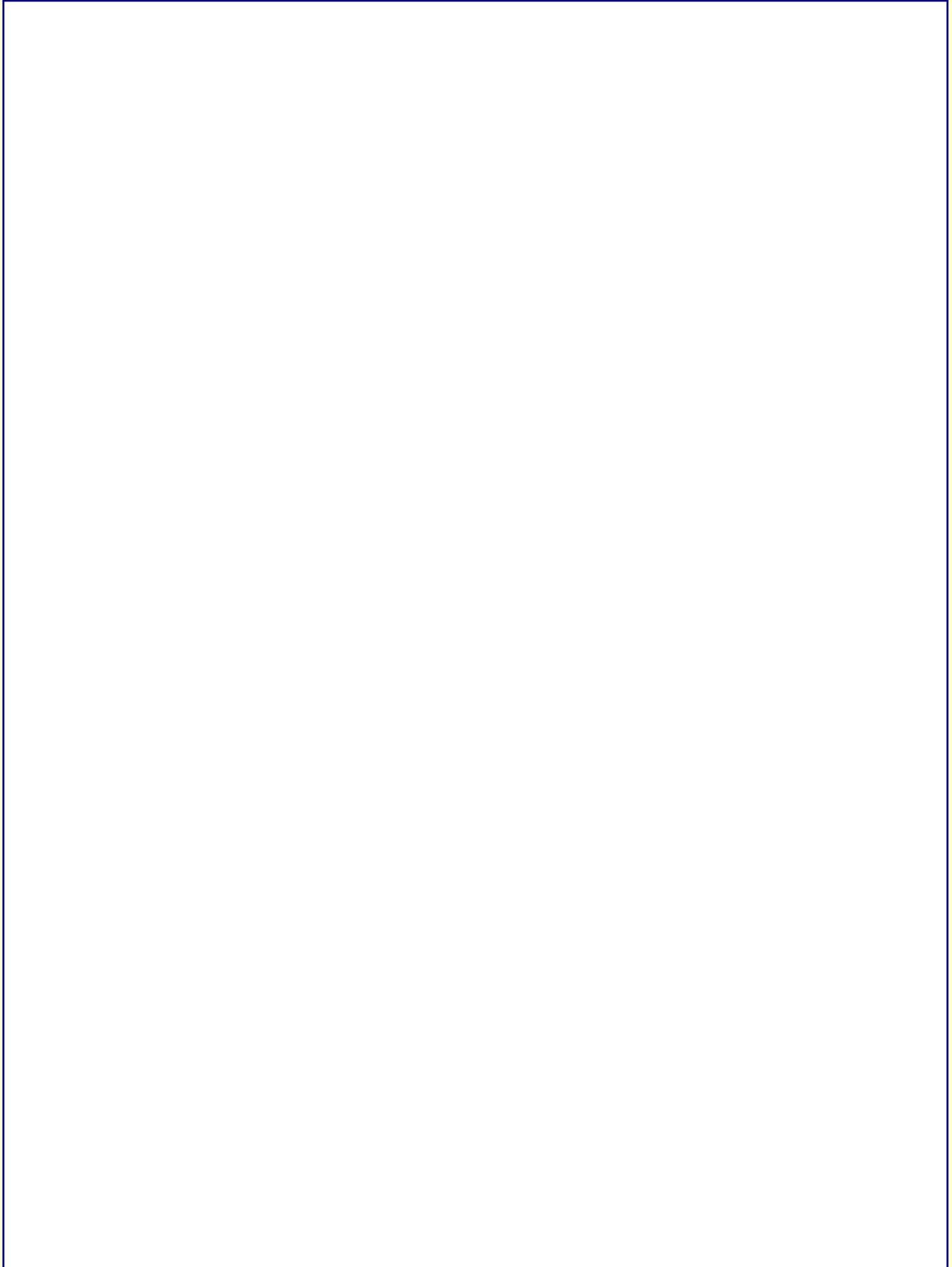
Confirmation

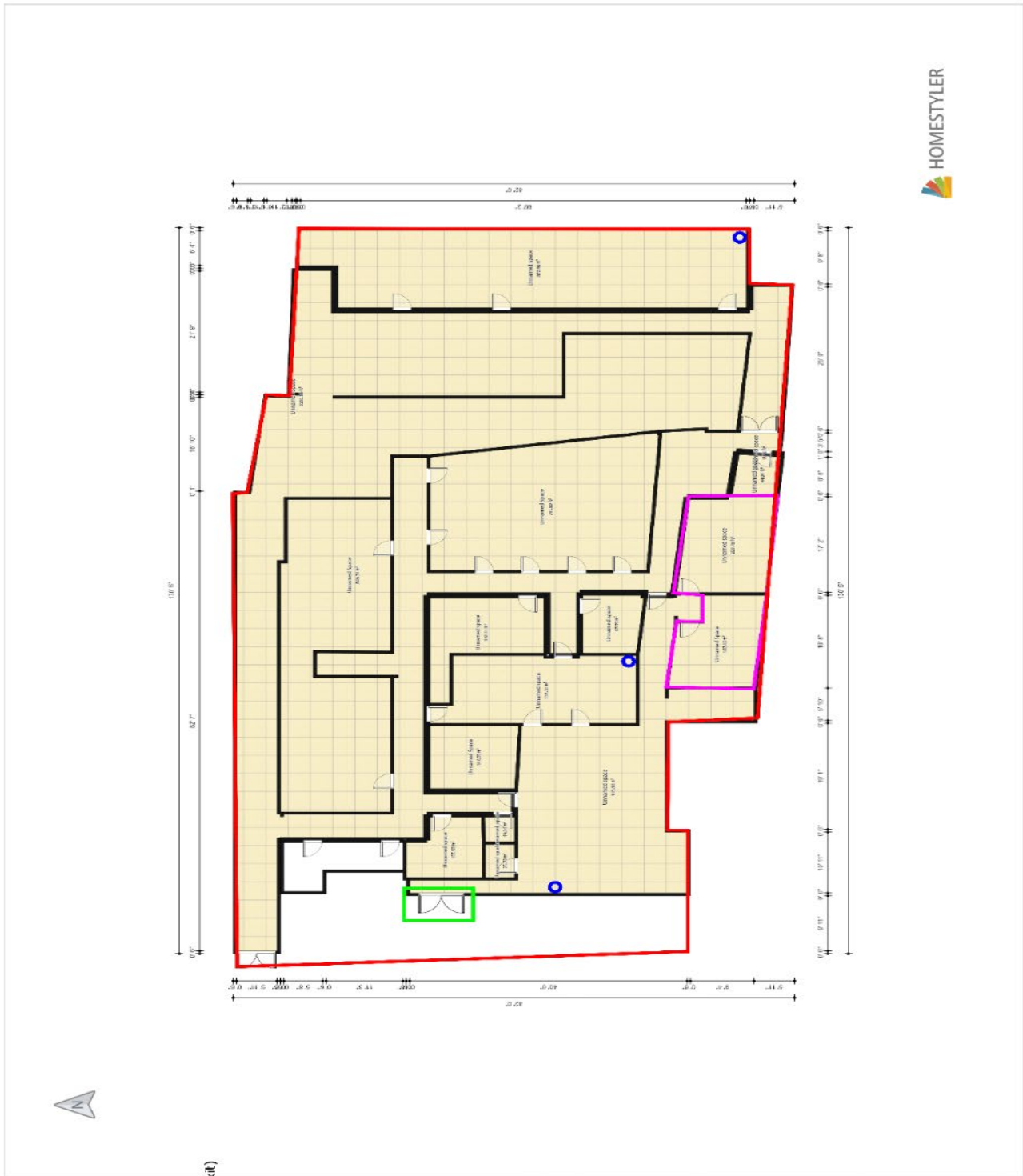
Name  Date   
 Capacity

**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 users to provide additional information or comments.



- Fire extinguisher
- ▭ Entrance/Exit (including fire exit)
- ▭ Toilets
- ▭ Licensed area



**Kent  
Police**

**Chief Officer of Police Representation** in relation to an application for **variation** of premises licence made under Part 3 **Section 34** Licensing Act 2003 (S35 Licensing Act 2003)

<b>Details of person making representation</b>	
Name of Chief Officer of Police	Chief Inspector Gary WOODWARD
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue Maidstone ME15 6NF
E-mail address	11187@kent.police.uk
Telephone Number:	

<b>Details of premises representation is about</b>	
Name of Premises:	Escape Kent Prison Island
Address of premises:	60-61 High Street Maidstone Kent ME14 1SR
Date application received by police	04/03/2021
Date representation sent to Licensing Authority	17/03/2021  <i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 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

The relevant representations within the meaning of S.35(5) of the Licensing Act satisfy the requirements of S.35(6) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

Kent Police make these representations in relation to an application for Escape Kent Prison Island, 60-61 High Street, Maidstone.

The location falls within Maidstone Town Centre's Public Space Protection Order and therefore it has already been evidenced that alcohol has a detrimental effect in the area.

This application is for prison island escape rooms which is a ground floor property with toilets. The applicant has requested the sale of alcohol whilst patrons enjoy their experience at the venue.

The requested hours of operation will be Monday to Sunday 09:00hrs to 23:00hrs and the sale of alcohol for consumption both on and off the premises will be between 11:00hrs and 23:00hrs each day, seven days a week.

Following discussion with the applicant it is our understanding that the intention is to allow patrons to consume alcohol throughout the premises except within the panic rooms. The applicant confirmed that a bar will be located at the front of the venue and they are currently building a miniature golf course. It is their intention that patrons will be able to consume alcohol whilst enjoying a round of golf.

It needs to be understood that this Premises Licence will potentially allow people to drink alcohol from 11:00hrs to 23:00hrs, some of them may become involved in acts of crime and/or disorder. If persons are involved in disorder this will have a significant impact on the local community and gives cause for concern for the safety of patrons and those near the premises for other reasons. It is clear that this will have a significant demand and resource on staff to control them and even then in reality all the staff will do is push the problem out of the premises and onto the streets where they become a police issue.

Maidstone Town Centre is undertaking a growth in residential premises and all residents should be entitled to a home in which they can live and sleep without being disturbed by licensed premises. Therefore steps need to be taken to control the noise coming from the premises as well as controlling the noise of customers attending the area to utilise the premises. It is obvious that people walking past your address will have an impact on your daily life. When you add in the fact that they have been drinking for some time, the problem will be magnified.

As with any venue the concerns are that if there are insufficient suitably trained staff to control the movement of patrons between the various areas then these issues may escalate quickly and items such as glassware may become weapons.

Kent Police believe the venue may undermine the licensing objectives and lead to a significant rise in crime and disorder within the area having an obvious detrimental effect on the residents and the wider community. The provision of alcohol within any premises gives concern to increased opportunities for crime in the form of theft offences, violence due to intoxication or nuisance due to the premises becoming a focal point for people, all of these give concerns for the safety of the public in the area for any purpose.

Any premises which sells alcohol will become a target for young people to attempt to purchase or otherwise obtain alcohol, this premises will be significantly more appealing due to the family experience of the escape rooms and miniature golf.

The premises will need to ensure that there are adequate measures in place in order to prevent this happening. Children will be permitted on site, however there will need to be sufficient controls in place to protect them from exposure to potentially intoxicated patrons attending the venue.



Due to the location of the premises there is a risk that it will become a focal point for crime and disorder, public safety and public nuisance. The premises will require very strong management to ensure that the staff, premises and the wider community are adequately protected and not subjected to issues arising from it.

The premises offers a number of events such as escape rooms to miniature golf which will attract various party groups including hen, stag and birthdays. This will have more impact on the premises controlling larger numbers and their behaviour. As the premises will cater for all needs from the young to the elderly and certain persons including children/elderly may be exposed to acts of drunken/rowdy behaviour from patrons on parties.

Kent Police does not feel that the operating schedule provides sufficient information to allay the concerns that this application gives rise to. Kent Police believes that should the premises licence be granted as applied for then strong conditions and management controls will be necessary to ensure that the licensing objectives are upheld 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:**

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, egress and include all areas to which the public have access, including fire escapes, stairwells and where the supply of alcohol occurs (with the exception of areas agreed by the Police, for example toilet cubicles).
  - b. The CCTV shall be recording at all times that the premises are open to the public.
  - c. 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.

- d. The Premises Licence Holder must ensure at all times a DPS or appointed members of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
2. 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.
  3. Toughened or polycarbonate glass will be used at the premises. All drinks will be supplied in polycarbonate or suitably toughened glass. Exception would be for bottled drinks, wine, champagne and cocktails.
  4. Alcohol sold for consumption off the premises will only be supplied in sealed containers. No persons will be permitted to remove alcohol from the licensed area in open containers.
  5. The DPS will be responsible for the maintaining of an incident book at the premises and this book will log all incidents which are "out of the ordinary" whether police are called or not.
  6. All persons that sell or supply alcohol to customers must have licensing training.
    - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
    - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
    - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
    - d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.

7. The premises will undertake the "Challenge 25" Scheme which will be advertised within the premises by way of sufficient posters to make the public aware.
8. All staff involved in the sale or supply of alcohol will be trained in the "Challenge 25" Scheme and such training will be recorded.
9. Only Home Office approved ID of proof of age will be accepted by staff. This will include photographic driving licence, a passport or a 'PASS' marked proof of age card.
10. A refusal register will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
  - a. Item refused.
  - b. Name of description of the person refused.
  - c. Reason for refusal.
  - d. Name of staff member making refusal
11. The register will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

**Signed: James Williams**

**Date: 17/03/2021**

**Print name: James WILLIAMS**

**Force Number: 11187**

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

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  
**Sent:** 26 March 2021 11:00  
**To:** Escape Kent <>; Licensing West Division Kent <west.division.licensing@kent.police.uk>; Lorraine Neale <LorraineNeale@maidstone.gov.uk>; Louise Davis <LouiseDavis@Maidstone.gov.uk>; licensing@sevenoaks.gov.uk  
**Subject:** FW: EXTERNAL - Re: FW: Escape Kent Prison Island

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 can the condition 2 be replaced with the following:

**The DPS or a personal licence holder will be readily available either in person or contactable on phone all the time the premises are open for the sale of alcohol.**

Please do not hesitate in contacting me to discuss.

Regards,

James

*James Williams*

**Police Constable 11187**  
**Maidstone Licensing Officer**

Internal | External | Mobile

e-mail

Address **Palace Avenue, Maidstone, Kent ME15 6NF**

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**From:** Escape Kent <>  
**Sent:** 26 March 2021 10:16  
**To:** James Williams PC 46011187 <>  
**Subject:** Re: EXTERNAL - Re: FW: Escape Kent Prison Island

Yes.

Mike

---

On Fri, 26 Mar 2021, 10:08 James Williams PC 46011187, <> wrote:

Mike,

Thank you for the response. Are you accepting the other conditions?

Regards,

James

---

**From:** Escape Kent <>  
**Sent:** 26 March 2021 09:33  
**To:** James Williams PC 46011187 <>  
**Subject:** Re: EXTERNAL - Re: FW: Escape Kent Prison Island

Thanks for this James, we're happy with this amendment.

Mike

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On Thu, 25 Mar 2021 at 17:15, James Williams PC 46011187 < > wrote:  
Mike,

As per our discussion. I have reworded condition 2. If you agree this and the remaining conditions I will withdraw police representations.

2. 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.

**The DPS or a personal licence holder will be readily available either in person or contactable on phone all the time the premises are open for the sale of alcohol.**

Regards,

James

-----Original Message-----

From: Jamie Morgan < >  
 Sent: 23 March 2021 12:20  
 To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>  
 Subject: Re: Prison island

Dear Lorraine

Thank you for coming back to me,

last year the venue had a huge probably with the traveler community with the police being called numerous times, serving alcohol is only going to increase this problem and cause unnecessary antisocial behaviour.

Going back to my point of organisational structure they have young children using the venue for party's and so on I don't Believe putting children and intoxicated adults in a confined space is accessible I personally Believe you will be putting children at risk.

Organisational structure should be a key factor taken into consideration when thinking of granting an alcohol license for a venue, how is it possible for somebody to regulate the responsible selling of alcohol when the people responsible for the alcohol and not responsible themselves.

I'm just a concerned citizen for the Maidstone area and I wanted to make my voice know and make a paper trail, and if in the unlikely event anything was to happen at prison island, harm was to come to a child or any other member of the community, we will be holding Sevenoaks Council responsible.

There is no need for a venue like prison island to need an alcohol license You are going to be creating a clear problem that is not only going to affect myself but other people in the area.

Sent from my iPhone

-----  
 > On 23 Mar 2021, at 10:01, Lorraine Neale <[LorraineNeale@maidstone.gov.uk](mailto:LorraineNeale@maidstone.gov.uk)> wrote:

>

> Dear Jamie

>

> Thank you for your comments, unfortunately as they stand this is not a valid representation, lack of organisational structure is not a licensing objective. If you wish to submit a valid objection you need to make it clear in your comments how granting the licence will affect the specific area in relation to the named premises in the application. The four licensing objectives in relation to premise licence applications are:

> •The prevention of crime and disorder

> •Public safety

> •The prevention of public nuisance

> •The protection of children from harm

>

> You need to address the objectives in your response and explain how granting the licence will have an affect to the immediate vicinity, you have mentioned noise pollution but you need to elaborate, also the Police have been consulted on this application and they have not raised concerns in relation to anti social behaviour, again if you have experience of this then please describe how. The closing date for representations is midnight on the 1st April 2021.

>

> Kind Regards

>

> Lorraine Neale

> Senior Licensing Officer

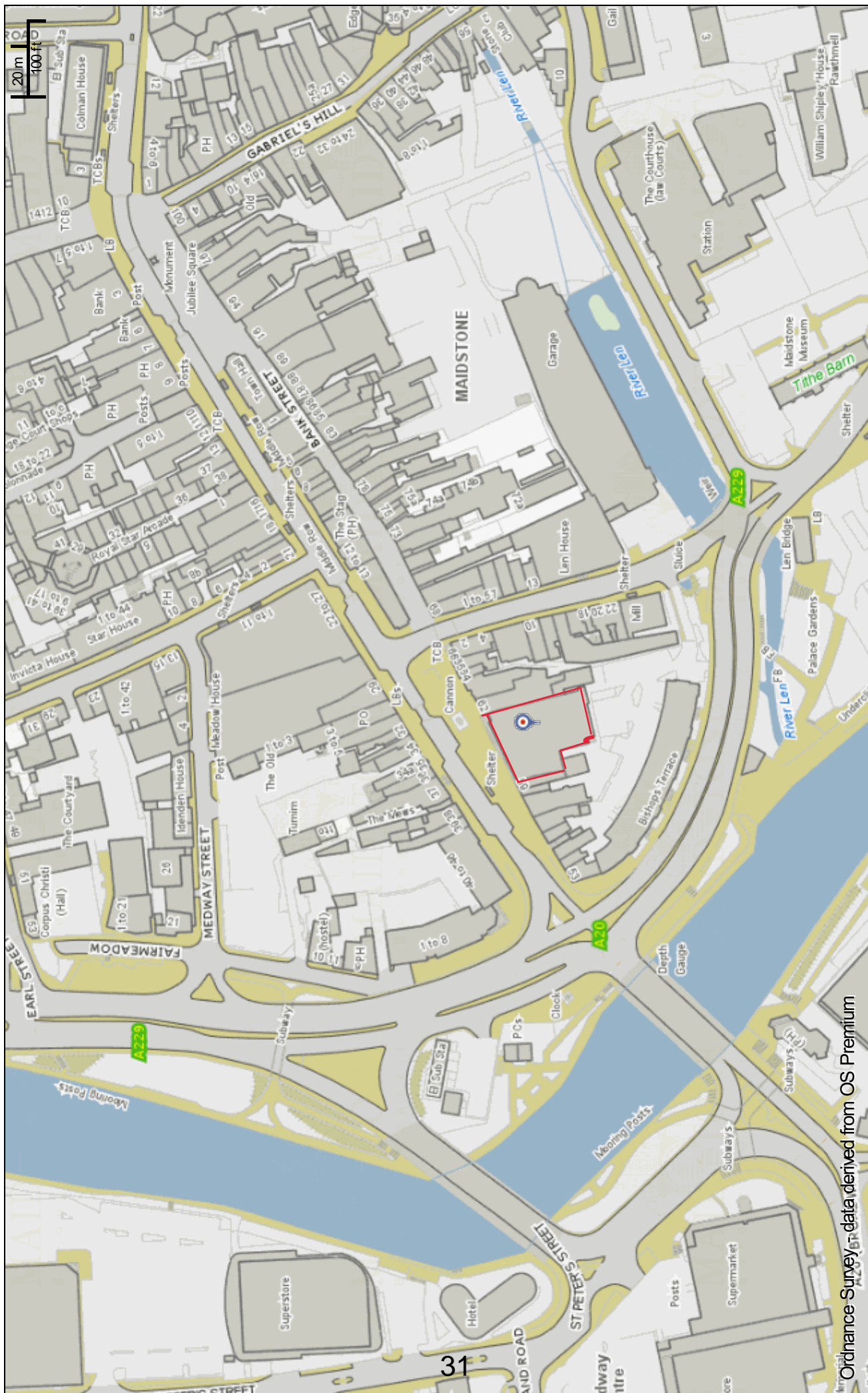
> Maidstone Borough Council, Maidstone House, King Street, Maidstone,  
> Kent ME15 6JQ t 01622 602528 e [lorryneale@maidstone.gov.uk](mailto:lorryneale@maidstone.gov.uk) w  
> [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

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> -----Original Message-----  
> From: Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>  
> Sent: 23 March 2021 08:55  
> To: Licensing (MBC) <[Licensing@maidstone.gov.uk](mailto:Licensing@maidstone.gov.uk)>  
> Subject: FW: Prison island

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> -----Original Message-----  
> From: Jamie Morgan < >  
> Sent: 22 March 2021 17:30  
> To: Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>  
> Subject: Prison island  
>  
> EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and  
> know the content is safe.  
>  
> Good afternoon  
>  
> I'm writing to you today to Contest the licence for prison island -  
> Maidstone, my reasons being  
>  
> 1, insufficient policy and procedures in place to running  
> establishment that serves alcohol  
>  
> 2, General incompetency with regard to management  
>  
> 3, insufficient training for staff members  
>  
> 4, several complaints to the police last year for antisocial behaviour  
>  
> 5, noise pollution  
>  
> I hope my reasons will be taken into account before granting a license to this establishment, which  
> I feel need more organisational structure before being considered for an alcohol license.  
>  
> I personally feel that if they were to be granted an alcohol license at this point in time this could  
> severely impact the community.  
>  
> Kind regards  
> Jamie Morgan  
>  
> Sent from my iPhone  
>



Ordnance Survey data derived from OS Premium

Escape Kent Prison Island  
 Scale: 1:2100

Printed on: 20/4/2021 at 20:13 PM by LorraineN



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)**

<b>RESPONSIBLE AUTHORITY</b>	<b>Tick if applicable</b>
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.