



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: 20/02943/LAPRE

Applicant: Unity Parties Limited

Regarding **PREMISE LICENCE (VARIATION)**
The Green Room, 32-34 Earl Street, Maidstone, Kent,
ME14 1PS

Date(s) of hearing: 18th February 2021

Date of determination: 18th February 2021

Committee Members: Councillor Mrs Grigg (Chairman), Councillor Mr Garten 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: Ms Lorraine Neale

This was an application for:

Variation

for a

Premises Licence

A: Representations, evidence and submissions:

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

Applicant

Name: Unity Parties Limited
Legal Representative: Mr M Lavell

Witnesses: Mr E Rodal (Director) and Laurence Claughton (P&P Security)

Responsible Authorities

Name: Kent Police made a representation which was subsequently withdrawn following proposed conditions being agreed

Other Persons

Name: Anonymous on behalf of Mr B Turgut and written submissions from Dmitry Livchak, Robert Jones, Kerry King and Anne Bryson-Payne

Representations considered in the absence of a party to the hearing:

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 34 - 36 which relate to the variation 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 17.9 which relates to prevention of crime and disorder
Chapter 17.16 which relates to the promotion of public safety
Chapter 17.19 which relates to the prevention of nuisance
Chapter 17.23 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 as applied for. For clarity, this includes the conditions that were agreed with the Police prior to the hearing.

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, provision of risk assessment to cover the running of events at the premises which will be shared with Kent Police 120 hours prior to the event taking place and the engagement of security staff when the venue is operating more than just the ground floor restaurant. The Sub-Committee also heard on behalf of the applicant about the dispersal strategy to be implemented and the system that will be operated meaning customers can be identified and barred where appropriate.

The representative of Mr Turgut questioned the suitability of the applicant due to alleged issues relating to other licensed premises and other licensable activities however, the applicant confirmed it had been addressed with Kent Police and that Kent Police had made no representation in this application.

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 had regard to the written representations which included concerns centred around the potential of this variation to increase footfall and generate extra traffic.

The Sub-Committee heard on behalf of the applicant that it is hoped that the variation means the premises could offer an all evening entertainment venue thereby reducing people moving from venue to venue. The process of safe departure from the premises was also explained including, deployment of street marshals at peak times and security staff providing information about transport.

The Sub-Committee were satisfied that the operating schedule was sufficient to promote this licensing objective.

Prevention of Public Nuisance

Reasons (state in full):

The Sub-Committee noted that the objectors' main concerns around this issue were related to a potential increase in noise and disturbance. The Sub-Committee heard that the nearest residential neighbours are a few hundred metres away and it was stated that significant sound proofing measures had been taken by the building's former occupants. Evidence was provided in respect of acoustic tests undertaken by the applicant confirming there was no sound leaking from the premises. Measures such as, keeping windows shut after 9pm, bottle containers not being emptied after 11pm, deployment of street marshals at peak dispersal times and the general dispersal strategy were also detailed. The applicant stated that it is intended that contact details will be provided so that any issues can be reported easily.

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

Protection of Children from Harm

Reasons (state in full):

The Sub-Committee noted the written representation regarding the potential of drink driving in an area which is pedestrianised and the danger that poses to families with children visiting the area. It was submitted on behalf of the applicant that there was no greater risk of drink driving in these circumstances than with other Premises Licences and given the application to vary was in the main for late hours it would be unlikely that families would be in the area.

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): COUNCILLOR MRS GRIGG

Signed [Chairman]:

A copy of the original document is held on file

Date: ___ February 2021