



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Name: Kent Police made representations, subsequently withdrawn following proposed conditions being agreed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