

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

**MINUTES OF THE MEETING HELD ON THURSDAY 18 FEBRUARY
2021**

Present: Councillors Garten, Mrs Grigg (Chair) and Joy

51. APOLOGIES FOR ABSENCE

There were no apologies for absence.

52. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

53. ELECTION OF THE CHAIRMAN

RESOLVED: That Councillor Mrs Grigg be elected as the Chair for the duration of the meeting.

54. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

55. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

56. EXEMPT INFORMATION

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

57. APPLICATION TO VARY A PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR THE GREEN ROOM, 32 – 34 EARL STREET, MAIDSTONE, KENT, ME141PS

The persons participating in the hearing were identified as follows:

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

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

Senior Licensing Officer – Ms Lorraine Neale

Online Facilitator/Democratic Services Officer – Miss Oliviya Parfitt

Democratic Services Officer (in attendance for training purposes) – Mrs Lara Banks

Applicant – Unity Parties Limited

Witnesses to be called by the Applicant:

Legal Representative – Mr Marcus Lavell

Mr Enrique Rodal – Director of Unity Parties Limited and The Green Room

Mr Laurence Claughton – P&P Security

Objector – Anonymous stated to be on behalf of Mr B Turgut.

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 Chair 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 persons 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 facility 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 Chair's invitation.

The Sub-Committee confirmed that they had read all the papers.

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

The Senior Licensing Officer introduced the variation application. The representations submitted by Kent Police on 8 January 2021 had been withdrawn on 12 January 2021, as these were agreed by the applicant with some alterations.

The five objections received were outlined. Additional documents had been provided to the Sub-Committee from the Applicant on Tuesday 16 February 2021; dispersal strategy, sound and security report, upcoming events, support letter, correspondence between the Police Licensing

Officer and the applicant and a map showing the late-night venues in Maidstone.

The applicant's witnesses were invited to address the panel, with Mr Rodal referencing the building's longevity and use as a music venue within the town centre. The facilities within the building would include a whisky room, pizza restaurant, jazz room, record shop and a members only cocktail and champagne bar. The clientele would have to be over 25 years of age.

Mr Rodal stated that the hours requested within the variation application would allow for increased staffing opportunities, with reference to the Covid-19 pandemic, and would provide the business with flexibility to operate late-night hours when necessary, but that on Fridays, Saturdays and Bank Holiday Sundays the venue would remain open until 4 a.m. This has been discussed with Kent Police's Licensing Officer.

Mr Lavell addressed the panel in relation to the objections received. The draft conditions agreed between the applicant and Kent Police were noted, (therefore there were no objections received from Kent Police), with no objections received from the Environmental Health Officer. Mr Rodal confirmed that signs would be displayed at the premises and on social media to discourage drink driving and noise pollution, with any customers being barred from re-entry if found to be creating a noise nuisance. The applicant would co-operate fully with the Police if there was any criminal incidents. Further reference was made to the sound report provided to the panel and the sound-proofing measures taken by the building's previous owner.

Mr Rodal confirmed that street marshals would be in the local vicinity during exit times. Mr Cloughton was invited to address the panel and confirmed that three SIA trained door staff would control entry to and exit from the premises during the early hours, with 13 to 16 security staff in total, with an extra SIA trained staff member per every 70-80 customers during busier periods. The head of security had over 15 years of experience, with the strategy for dealing with customers causing noise pollution outlined.

Mr Rodal spoke of the importance of the premises' ID scanner upon entry, in controlling and managing undesirable behaviour. To provide reassurance to local residents, a monthly newsletter would be distributed to contain a minimum of four contact numbers that could be contacted at any time, with an invitation extended to those residents that wished to discuss any resulting issues.

In response to questions from the panel, Mr Rodal confirmed that customers would be granted entry irrespective of whether they had visited the premises' restaurant, for an entry fee, but that a time limit could be implemented if necessary. Contact numbers for the premises could be supplied to the local ward Members, with a meeting to take place with the necessary parties, prior to business's opening if the application was agreed. At Mr Lavell's suggestion, Mr Rodal confirmed that a WhatsApp

group for quick communication could be created. The buildings full capacity was 800 customers.

In responding to further questions from the panel, Mr Rodal confirmed that there was no intention to attract customers from other areas, such as London, into Maidstone. The premises was intended to introduce a different type of venue into the town centre.

Mr Rodal clarified that the request for draft beer arose from a longstanding law that allowed bottled beer only. The ID scanner would be used for events only, with an agreement reached with Kent Police that risk assessments would be completed two weeks before each event with a metal detector in place at the premises. The business proposed had been modelled on the Shoreditch Hotel, as a multi-function venue.

Mr Rodal confirmed that the restaurant within the premises would close at 10 p.m. on weekdays (except Fridays) and that if there were no events, there would be no security staff present.

Mr Rodal reconfirmed that entertainment would be provided until 4 a.m. on Friday and Saturday nights. The variation application was intended to provide the business with the flexibility to show boxing matches, rather than host matches.

The applicant's witness, Mr Rodal, confirmed that they would accept questions from Anonymous, stated to be on behalf of Mr Turgut as the individual had not stated their presence at the start of the meeting.

With regard to noise pollution, Mr Rodal reconfirmed that the street marshals and SIA trained security staff would manage customer exit from the building, with a lollipop provided to customers to encourage a quiet exit. The premises was intended to provide an alternative offering to Maidstone to prevent residents travelling out of the area for entertainment, rather than attracting customers from afar. The venue would be a multi-function premises.

Mr Rodal confirmed to the panel that the dancing space available within the premises would depend on the event being held, with a calendar of events to be provided to Kent Police.

The objector was invited to address the panel and referenced previous events either run or promoted by Mr Rodal, expressing concerns on the lack of social distancing measures in place and the disregard for local residents through the noise levels of the events.

There were no questions from the panel. Mr Rodal responded that an enquiry was undertaken in relation to a previous event, with no further action taken.

The applicant was invited to make a closing statement. Mr Lavell reiterated the agreements reached with Kent Police and the lack of representations from Environmental Health. The progressive approach to

the premises and local street management and the number of jobs that would be created if the application was approved, were reinforced. Mr Rodal reinforced the statements due to a loss in connection from Mr Lavell.

The objector did not wish to make any further statements.

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

The Sub-Committee returned and the Chair outlined the decision to grant the variation application in full. The written decision would be provided within five working days and parties were reminded of the right to review a premises licence and the right of appeal to the Magistrates' Court.

The meeting closed at 12.01 p.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: 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