

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON FRIDAY 7 JUNE 2019

Present: Councillor Garten (Chairman), B Hinder and Mrs Joy

1. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

2. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

3. EXEMPT ITEMS

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

4. APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR THE W HOUSE, WAREHOUSE, REAR OF 11-15 WEEK STREET, MAIDSTONE, KENT, ME14 1QW

The meeting commenced at 10.30 a.m.

The Chairman requested that all those participating in the hearing identified themselves as follows:-

Councillor Patrik Garten – Chairman
Councillor Bob Hinder – Committee Member
Councillor Mrs Denise Joy – Committee Member

Mr Stephen Thomas – Stephen Thomas Law, Spokesperson for the applicant

Mr Steven Moore – MD of the W House Ltd, applicant

Mr John Barnes – proposed General Manager/DPS of the W House

Also in attendance:

Representative from the Kent Messenger
Deputy General Manager from the W House Ltd

Jayne Bolas, Legal Officer
Caroline Matthews, Democratic Services Officer

The Legal Officer advised the Sub-Committee and those present that an email had been received at 7.45 a.m. from the son of the objector, Mr T Modell requesting an adjournment as he had spent the night in A & E in Colchester and did not know when he would be able to leave. He

requested that if possible the meeting be rescheduled. Mrs Bolas also advised that until this communication, there had been no previous notice of intention from Mr Modell on whether he was attending or not or wishes to call or produce evidence in support of his objection.

Members of the Sub-Committee were reminded that Regulation 20 of the Licensing Act 2003 (Hearings) Regulations states that if a party has failed to attend the hearing then the authority may consider it to be necessary in the public interest to adjourn the hearing to a specific date or hold the hearing in the party's absence. If the Authority decided to hold the hearing in the absence of that party, the authority shall consider at the hearing the application, representations or notice made by that party.

Mr Thomas, on behalf of the applicant, advised the Sub-Committee that in his opinion it was not necessary in the public interest to adjourn the hearing. If Members were minded to proceed they would consider the representation made by Mr Modell in any event. The submission from the objector sets out his concerns in connection with other premises underage issues and fears that the same issue will arise. If he were here he could only reiterate that objection as it stands. The arguments can be tested before a decision is made. The representations are based on fear and fear of potential issues is not a ground for refusal to grant.

The Sub-Committee advised that they would adjourn to consider whether to continue with the proceedings.

Meeting adjourned at 10.10 a.m. and reconvened at 10.15 a.m.

The Legal Advisor stated that Members of the Sub-Committee had considered that there was sufficient evidence to enable the hearing to continue.

The one objector had not provided any confirmation as to whether he was attending or sending a representative and had not provided any evidence to substantiate his allegations so the Sub-Committee were content to consider his written representation as he would not be prejudiced as no new material could be produced.

The Chairman asked all parties to confirm that they were aware of the hearing procedure and that each had a copy of the procedure document.

He also requested that all parties confirm that they had received the letters submitted by the applicant on 3rd June 2019 and then set out the procedure for the hearing.

The Committee Members confirmed that they had pre-read all the papers and the three letters referred to.

The Chairman asked if there were any draft conditions that had been agreed between the applicant and any of the other parties. Mr Thomas, for the applicant, advised that the conditions requested by the Police has been agreed and made part of the operating schedule by the applicant.

The Chairman asked the applicant to provide their opening remarks.

Mr Thomas advised the Sub-Committee that the W House was a 5 storey building (to the rear of Week Street) and overlooked Rose Yard. The owners saw it as an exciting upmarket business providing opportunities for small businesses and individuals to hire, such as for use as a dance studio, film shows, funeral wakes and parties etc with restaurant/bar facilities for alcohol and late night refreshment on each floor.

The conditions that the Police asked for included the requirement for a CCTV system to be installed and a member of staff who could operate the equipment should be on duty at all times the premises are open to the public and alcohol is on sale. After midnight door staff would be outside , there will be an incident book and as this is an event centre there will be risk assessments to address the licensing objectives for each type of event.

Mr Thomas advised that Mr Barnes would be the General Manager and very much wanted to take up the post of DPS. He had a wealth of experience in this area and was Chairman of the Maidstone Night time Economy, in the absence of Police. He has a reference from Chief Inspector Coleman (Retired). He was also responsible for contributing to Maidstone getting the Purple flag which was something new to Maidstone. Mr Thomas also referred to the statement in support provided by Ms Jacobs from the Urban Blue Bus who had described Mr Barnes as an excellent Chairman of the Night time Economy Group.

Mr Thomas also made reference to the fact that the business would be unique to Maidstone providing different types of entertainment and encouraging business at all times of day. It hoped to attract all ages including families and mixed age groups.

The Sub-Committee heard that the Source Bar, which the applicant also owned, asks for identification of everyone who walks through their door, irrespective of age and the allegation of underage drinking was totally refuted. A scanner picks up any fake ID produced. If there were, a concern or objection from the Police or Trading Standards would be expected.

Mr Thomas added that:-

- Challenge 25 was in operation and would be at the W House
- The report states that no complaints had been received by the Licensing Authority in relation to the Source Bar.
- The objector is a commercial rival and there is concern that the objection arises from concern over possible loss of business.

In response to questions from Members, it was stated that:

- All events would be risk assessed and discussed with the Police, there will be at least one member of door staff outside and the ratio of security staff is generally 1:100 if there is a high risk/large volume event. There will be generic risk assessments but anything out of the ordinary will have its own risk assessment and would be kept on site. This will give flexibility to the business and reassurance to the Police.
- The building had three separate staircases and three defined areas to hold events which all lead off to their own staircase.
- There was a separate area for VIPs which was on the second floor
- There was a function room on the third floor, all self contained.
- There would be a roof top terrace for smoking and general chatter but would not have a bar or regulated entertainment outside.
- There was a lift up to all floors.
- That the Dance Studio at the Hazlitt Theatre had been given the impression that the Hazlitt wanted to do something else with the Corn Exchange so this might not be a venue that they could use in the future. They were exploring use of the W House.
- Mr Barnes had run Jumping Jaks, Hot Shots and Liquid. Most of these events had 3,000 capacity. He had also run bars in Romford.
- Each event will have a different colour wrist band so they would not be able to accidentally enter another event.
- The roof top terrace would not have music played on it. The main purpose was for guests to go out and either have a smoke or enjoy the weather.
- The W House wanted to tap into the twilight economy which he felt was declining, other venues such as the Brenchley have an outside courtyard which was popular.
- The Rooftop terrace had a capacity of 100 and would not have an external bar, only the bar in the function room that leads off of this.
- Stag and Hen Parties would be considered but risk assessed on entry.
- That Mr Barnes had worked closely with the Environmental Enforcement Team in the past to control noise. If the terraced area becomes a problem with noise then they would move the hours of operation back.

- Social media is where they look to first and foremost for advertising events but would also advertise in the KM What's On guide.
- When Mr Barnes was not present, there was a Deputy General Manager who would take responsibility.
- All security officers would be trained to disperse people properly from the venue at night so that minimum disruption is caused to residents living in the town centre.
- Mr Thomas advised that he provides training for the staff on licensing issues.
- There would be a base of 10 full time staff coupled with part time staff.
- The business wanted to have flexibility like the Source Bar so applied for a 24 hour licence but it does not mean they would have to use it.
- There is dedicated First Aid Room in the basement with well stocked first aid equipment. When there are large events, the Urban Blue Bus would be able to use this facility as well.

In summing up for the applicant, Mr Thomas stated that the conditions requested by the Police will be accepted by the business.

The Chairman adjourned the hearing at 11.40 a.m. and declared that the sub-Committee would retire to private session to consider the application.

The hearing reconvened after Members of the Sub-Committee had considered the evidence and the Legal Advisor referred to the amended and additional conditions and the applicant confirmed that these were possible.

The Chairman announced that the Sub-Committee had agreed to grant the application subject to modified conditions appropriate for the promotion of the licensing objectives. The decision notice would be published within five working days of the meeting.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: **19/00989/LAPRE**

Applicant: The W House Ltd

Regarding the premises or club: The W House, Rear of 11-15 Week Street,
Maidstone, Kent ME14 1QW

Date of hearing: 7 June 2019

Date of determination: 7 June 2019

Committee Members: [Chairman]: Councillor Garten
Councillor B Hinder
Councillor: Mrs Joy

Legal Advisor in attendance at hearing: Mrs J Bolas

Democratic Services Officer in attendance at hearing: Mrs C Matthews

This was an application for:

✓ Grant

of a:

✓ Premises Licence Club Premises Certificate

A: Representations, evidence and submissions:

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

Applicant:

- Name: The W House Ltd
- Legal : Mr S Thomas, Stephen Thomas Law

Witnesses: Mr John Barnes, proposed General Manager/DPS
Mr Steven Moore, Managing Director Applicant Company.

- in writing in support from Chief Inspector Coleman (Retired), Ms Jacobs from Urban Blue Bus and John Barnes.

Other Persons:

- Trevor Modell – Director of Gallery Superclub

Witnesses and legal representatives in support of other persons

- None

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

Page 43 of the Agenda – Objection from Mr T Modell

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
Section 13 which relates to responsible authorities
Section 16-24 which relate to the grant of a premises licence

The Committee has taken into account the following provisions of the

Guidance under section 182 of the Act as amended and published April 2017:

Chapter 2 Licensing Objectives

Chapter 8 & 9 which relates to premises licences and 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 which relates to the 4 licensing objectives

Chapter 17.9 – 17.15 which relates to the prevention of crime and disorder

Chapter 17.16 – 17.18 which relates to public safety

Chapter 17.19 – 17.22 which relates to the prevention of nuisance

Chapter 17.23 – 17.26 which relates to the prevention 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

Paragraphs (state in full):

.....
N/A
.....
.....

C. Determination:

The Committee has decided to:

To grant the application subject to modified conditions appropriate for the promotion of the licensing objectives. If so, state the modified conditions: see below

Reasons for determination:

Members carefully considered the application, objector’s letter at Page 43 of the agenda and the allegation that the applicant and proposed DPS are connected with the Source Bar, where the objector alleges underage drinking is a problem and all licensing objectives are therefore not promoted. Members were mindful that there were no other objections from other persons or responsible authorities, particularly the Police, whose requested conditions are now part of the operating schedule, or trading standards. No evidence was provided by the objector of his allegations or any attempt made to produce evidence prior to the hearing. Members of the Sub-Committee heard from the representative of the

applicant concerning the proposed operation and questions were answered by the MD of the applicant company and the proposed General Manager/DPS. Members were satisfied from the responses that they had a high level of experience in managing licensed premises and were satisfied that they have a responsible attitude to promotion of the licensing objectives. Members also took into account 3 letters provided as additional evidence which supported the suitability of the proposed DPS.

In respect of all licensing objectives, Members were satisfied that the conditions put forward in the operating schedule, including those at Page 39 and 40 of the agenda put forward by Police subject to a minor amendment and additions are appropriate and proportionate to secure promotion of the licensing objectives.

The amendment being : "The Premises shall produce full risk assessments to cover the running of events at the premises. All events whether run as 'in house' or by outside organisers will comply with the appropriate risk assessment. These risk assessments either generic or event specific, as appropriate, will be agreed by the Police at least 72 hours prior to the event taking place."

Additionally: "The risk assessments will be kept in hard copy at the premises and be available for review by officers of the Licensing Authority on request, at any reasonable time ,for a period of 1 year following the events covered by it."

Reason: to allow the licensing authority opportunity to review to relevant risk assessment should there be any future issues.

Informative: Parties are reminded that should there be any future issues in respect of licensable activities, a review may be brought by application to the licensing authority.

PRINT NAME (CHAIRMAN): CLLR P Garten

Signed [Chairman]:

Date: 7 June 2019

