



A G E N D A

LICENSING SUB-COMMITTEE

Monday 20 December 2021 at 11.00 am
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Backhouse (Chairman), Councillors Pope and Hill

Quorum: 3 Members

- 1 Chairman's Introduction** (Pages 3 - 4)
Announcement on procedural matters.
- 2 Declarations of Interest:** (Pages 5 - 6)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.
- 3 Application for a review of Pitcher & Piano, 35 Church Road, Tunbridge Wells** (Pages 7 - 28)

EXEMPT ITEM(S)

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the particular paragraphs shown on the agenda and on the attached reports.

- 4 Exempt Appendices to Item 3** (Pages 31 - 38)

Democratic Services Team

Town Hall
ROYAL TUNBRIDGE WELLS
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All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Speaking at Meetings

Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

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Chairman's Introduction

For Licencing Sub Committee on Monday 20 December 2021

Procedural Item

Announcement on procedural matters.

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Declarations of Interest

For Licencing Sub Committee on Monday 20 December 2021

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

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Application for a summary review of a premises licence – Pitcher and Piano, Tunbridge Wells

For Licensing Sub Committee on 20 December 2021

Summary

Lead Member: Councillor Bob Backhouse

Lead Director: Paul Taylor, Director of Change and Communities

Head of Service: Gary Stevenson, Head of Housing, Health and Environment

Report Author: Trevor Horner, Licensing Officer

Classification: Partially Exempt from Disclosure – Exempt Appendix A and B exempt by virtue of the following paragraphs of Schedule 12A of the Local Government Act 1972 (as amended): Paragraph 1 (Information relating to any individual); Paragraph 2 (Information which is likely to reveal the identity of an individual); and Paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

Wards Affected: Culverden

Approval Timetable	Date
Licensing Sub Committee	20 December 2021

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Members determine the application for summary review and take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives, giving appropriate weight to:
 - The merits of the review application.
 - The representations and supporting information presented by all parties.
 - The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

- The Council's Statement of Licensing Policy.

1. Purpose of report and executive summary

- 1.1 This report sets out details of an application for a summary review of a premises licence, made under the provisions of Section 53 of the Licensing Act 2003.
- 1.2 In accordance with the provisions of Section 53(B) of the Licensing Act 2003 the licensing authority must hold a hearing to consider whether it is necessary to take interim steps any interim steps that may be necessary and to give the holder of the premises licence the opportunity to make representations.

2. Introduction and background

- 2.1 Pitcher and Piano is situated at 3-5 Church Road, Tunbridge Wells, and has the benefit of a premises licence granted under the provisions of the Licensing Act 2003. Attached at **Appendix A**.
- 2.2 On 22 November 2021 the Council received an application for summary review of the premises licence from the chief officer of police made in accordance with the provisions of Section 53A Licensing Act 2003. The grounds for review given in the application are that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both. Application attached as **Exempt Appendix A**
- 2.3 A copy of the "Certificate to accompany the application for the review of a premises licence under section 53A of the Licensing Act 2003" is attached at **Exempt Appendix B**.
- 2.4 On receipt of such an application the licensing authority, must arrange a hearing to determine the application for a full review of the premises licence within 28 days commencing the day following the day on which the application was received.
- 2.5 In accordance with the requirements of section 53A of the Act and regulation 39, Licensing Act (Premises licences and club premises certificates) Regulations 2005, a public notice was displayed by the licensing authority at or near the premises. A copy was also displayed at the Town Hall, and a copy placed on the Council's website for a period of no less than seven consecutive days commencing 23 November 2021.
- 2.6 During the 10 working days public consultation period, responsible authorities or other persons may make representations in connection with the application for review under any of the four licensing objectives namely:-
 - Prevention of crime and disorder
 - Prevention of a public nuisance
 - Public safety
 - Protection of children from harm

- 2.7 Before determining the application for a full review of the premises licence, the Licensing Authority must hold a hearing to consider the application and any representations received. Providing that the representations are relevant to the promotion of the licensing objectives and in the case of those made by other persons are not frivolous or vexatious.
- 2.8 Notwithstanding the requirements outlined above, in accordance with the requirements of Section 53B of the Licensing Act 2003, a meeting of the Licensing Sub-Committee was held on 23 November 2021, to consider whether it was necessary to take interim steps pending the full review of the licence.
- 2.9 The Licensing Sub-Committee decided to take the interim step of adding to the premises licence the conditions offered by the legal representative for the licence holder and agreed by Kent Police, as set out in **Appendix B**.

3. Available options

3.1 The steps a licensing authority may take are:

- Modify the conditions attached to the premises licence.
- Exclude a licensable activity from the premises licence.
- Remove the designated premises Supervisor.
- To suspend the premises licence for a period not exceeding three months.
- To revoke the premises licence.

3.2 Members are advised that the interim steps taken on 23 November 2021 cease to have effect on determination of the application for summary review (subject to the right of appeal provided by section 53C (11) of the Licensing Act 2003), except where those steps, or any part of them, form part of the decision made by the Sub-Committee at the hearing.

4. Preferred Option and Reason

4.1 That Members determine the application, and take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives, giving appropriate weight to:

- The representations and supporting information presented by all parties;
- The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003;
- The Council's Statement of Licensing Policy

5. Consultation on Options

5.1 Other than the statutory consultation described in Part 2 of the report above, no other consultation is required by the Licensing Act 2003.

6. Implementation

6.1 The Chairman will announce the Sub-Committee's decision prior to the conclusion of the hearing.

6.2 The applicant, any person who made relevant representations and the chief officer of police will subsequently receive written confirmation of the decision.

6.3 A copy of the Decision Notice will be placed on the Council's website.

6.4 In accordance with the provisions of Section 181 and Schedule 5, Licensing Act 2003 the applicant and any person who made a relevant representation has a right to appeal the decision made by the Licensing Authority. The appeal must be made to the Magistrates' Court within a period of twenty-one days from the date on which the appellant receives notification of the decision from the licensing authority.

7. Appendices and Background Documents

Appendices:

- Appendix A: Premises licence
- Appendix B: Interim Steps

Exempt Appendices:

- Exempt Appendix A: Summary Review Application form
- Exempt Appendix B: Certificate accompanying the summary review application.

Background Papers:

- Revised Guidance issued under Section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- TWBC Statement of Licensing Policy
https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/394593/Ratified-Statement-of-Licensing-Policy-V1-2021-2026.pdf
- LGA Licensing Act 2003 – Councillors handbook (England and Wales)
<https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales>

8. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Licensing Act 2003

The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which Section 4(2) sets out as:-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The Sub-committee is permitted under Section 18 (3) of the Licensing Act 2003, having had regard to relevant representations, to take such steps, as it considers necessary, for the promotion of the licensing objectives.

Agenda Item 3

Section 18(3) of the Licensing Act 2003 states 'where relevant representations are made, the authority must:-

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of the Licensing Policy and any guidance issued by the Secretary of State under section 182

Each application that comes before the Sub-Committee must be treated on its own merits, and the Sub-Committee must take its decision based upon:

- a) The merits of the application
- b) The promotion of the four licensing objectives
- c) The policy of the Licensing Authority
- d) The Guidance issued under Section 182 of the Licensing Act 2003
- e) All valid representations made

Whilst the applicant, responsible authorities or persons making representations all have a right of appeal to the Magistrates Court dependant on the decision of the Sub Committee, the decision made takes immediate effect.

Human Rights Act

Article 1 of the First Protocol is concerned with the protection of property and provides that every person is entitled to peaceful enjoyment of his possessions. The term 'possessions' is given a broad definition and includes a licence.

Article 8 is concerned with the right to respect for private and family life. It states that Everyone has the right to respect for his private and family life, his home and his correspondence. 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. The Council has had the proper regard for Article 8.

Article 6 relates to the right to a fair hearing. The applicant has seen this report prior to this hearing and is aware of the reason why the Sub-Committee is considering this application. [Report author to insert comment on legal issues including what is the legal authority for this decision or report, what if any are the legal implications? Seek legal advice when completing.

The relevant legal officer must sign off the report before it is submitted to Democratic Services.]

Robin Harris, Contentious Team leader, 06.12.2021

B. Finance and Other Resources

No implications

Trevor Horner, report author, 06.12.2021

C. Staffing

No implications

Trevor Horner, report author, 06.12.2021

D. Risk Management

No implications

Trevor Horner, report author, 06.12.2021

E. Environment and Sustainability

No implications

Trevor Horner, report author, 06.12.2021

F. Community Safety

Premises' licence reviews provide for appropriate formal oversight when licensing conditions may have been breached.

Section 17, Crime and Disorder Act 1998

17(1) 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 functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Terry Hughes, Community Safety manager, 06.12.2021

G. Equalities

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users

No implications

Trevor Horner, report author, 06.12.2021

H. Data Protection

Article 5, General Data Protection Regulation 2016

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

No implications.

Trevor Horner, report author, 06.12.2021

I. Health and Safety

No implications

Trevor Horner, report author, 06.12.2021

J. Health and Wellbeing

No implications - Trevor Horner, report author, 06.12.2021



PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	14/00657/LAPMV
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Pitcher & Piano 3 - 5 Church Road Royal Tunbridge Wells Kent. TN1 1HT	
Telephone number	01892 510555

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Films Indoor sporting events Live music Recorded music Performances of dance Sale or Supply of Alcohol Late Night Refreshment

Times the licence authorises the carrying out of licensable activities	
Films (Indoors)	
Monday to Wednesday	11:00 - 02:00
Thursday to Saturday	11:00 - 03:00
Sunday	12:00 - 01:00
<i>to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.</i>	
Indoor sporting events (Indoors)	
Monday to Wednesday	11:00 - 02:00
Thursday to Saturday	11:00 - 03:00
Sunday	12:00 - 01:00

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Appendix A

to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.

Live music (Indoors)

Monday to Wednesday	11:00 - 03:00
Thursday to Saturday	11:00 - 04:00
Sunday	12:00 - 02:00

to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.

Recorded music (Indoors)

Monday to Wednesday	11:00 - 03:00
Thursday to Saturday	11:00 - 04:00
Sunday	12:00 - 02:00

to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.

Performances of dance (Indoors)

Monday to Wednesday	11:00 - 02:00
Thursday to Saturday	11:00 - 03:00
Sunday	12:00 - 01:00

to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.

Sale or Supply of Alcohol

Monday to Wednesday	11:00 - 02:00
Thursday to Saturday	11:00 - 03:00
Sunday	11:00 - 01:00

On Sunday and Monday evenings which form part of a bank holiday weekend, Christmas Eve and Boxing Day the terminal hour is extended to 03:00hrs.

On New Years Eve from 10.00 hrs until terminal hour for New Years Day trading.

Late Night Refreshment (Indoors)

Monday to Wednesday	23:00 - 02:00
Thursday to Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve Boxing Day. New Years Eve 10.00hrs to New Years Day terminal hour.

The opening hours of the premises

Thursday	11:00 - 04:00
Friday	11:00 - 04:00
Saturday	10:00 - 04:00
Sunday	11:00 - 02:00
Monday to Wednesday	11:00 - 03:00

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The non-standard opening hours of the premises

On Sunday and Monday evenings which form part of a bank holiday weekend, Christmas Eve and Boxing Day the terminal hour is extended to 04:00hrs.
On New Years Eve from 10.00 hrs until terminal hour for New Years Day trading.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises.

Part 2**Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence**

Marstons PLC
Marston's House
Brewery Road
Wolverhampton
WV1 4JT

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 31461

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Shahpur Sherazi
2 Chiltern Walk
Royal Tunbridge Wells
Kent
TN2 3NJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 05/00457/LAPER/2270
Licence Authority: Tunbridge Wells Borough Council



Gary Stevenson
Head of Environment and Street Scene
Tunbridge Wells Borough Council

Annex 1 – Mandatory conditions

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 06 April 2010

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

Appendix A

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervision

- Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

Exhibition of films

- Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

- Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Embedded conditions

Conservatory door and windows are kept closed at all times after 23:00 hours.

The kitchen extract is switched off at 21:30 hours.

Annex 3 – Conditions consistent with the Operating Schedule

No customer carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.

Where CCTV is installed with recording facilities such recording shall be retained for a period of 30 days made available within a reasonable time upon request by the police.

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Appendix A

No new admissions of children under the age of 16 shall be permitted to the premises after 21:00 hours

Annex 4 – Conditions attached after a hearing by the licensing authority

- 1.No bottling out to be undertaken outside the premises between the hours of 22:00 hours and 09:00 daily.
- 2.On Thursday, Friday and Saturday evenings, when SIA registered door supervisors are employed at site; they will remain in situ until 30 minutes after closure of the premises.
- 3.On Thursday, Friday and Saturday evenings, when SIA registered door supervisors are employed at site, when the external area to the rear of the premises is in operation, a door supervisor will supervise this area from 22:00 hours until close.
- 4.Clearly displayed notices reminding customers that residents can be affected by unruly behaviour and loud conversations shall be posted in the premises.
- 5.On evenings when a DJ is employed at the premises he/she will make an announcement to remind customers that they venue is situated in a residential area and requesting that they treat neighbours with respect by leaving the venue as quietly as possible.
- 6.A telephone number for complainants to contact the venue shall be displayed in the premises; the phone will be located within the premises so that it will be answered by an official of the venue whenever the venue is operating.
- 7.The premises will draft and submit to the Environmental Protection Unit a general noise management plan. This plan will include the management of external areas including queues. The plan will be reviewed annually with the Environmental Protection Unit.
- 8.Any external DJ appearing at the venue will utilise equipment provided by the premises and/or ensure that any music is channelled through the premises' public address system and noise limiting equipment.
- 9.Reduction of music level fifteen minutes before the end of night to allow customers acclimatisation.
- 10.The external area to the front of the premises will close to members of the public at 23:00 hours.

Annex 5 – Plans

Please see attached

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INTERIM STEPS IMPOSED FOLLOWING A HEARING

- (a) The Premises Licence shall be suspended until 11 a.m. 1st December 2021.
- (b) Interim steps to take effect from 24th November 2021 until formal Review, interim steps to be operative after 21:00 hours daily during that period of time.
- i. On entry:
 - The premises shall operate a no ID no entry system.
 - Everyone entering the premises will be searched.
 - At the point of entry there will be 5 individuals – 3 SIA registered door staff and 2 other staff members supplied by the premises.
 - The provision of Body Worn Camera will be used by the lead SIA door person on the door.
 - Use of the metal detection wand will be used during searches.
 - ii. Change of feel of interior:
 - The level of lighting shall be increased in the bar areas and areas adjacent to the dance floor.
 - Reduce the density of people in the premises:
 - The premises shall reduce occupancy by 25% to 450 persons.
 - SIA door staff will wear Hi Vis tabards along with floor walkers.
 - iii. Cup Covers:
 - Cup covers will be provided to place over drinks at time of purchase.
 - iv. Staff will undertake the CPL training package on spiking and a record of this training will be maintained.
 - v. The premises will actively support undercover operations by Kent Police to identify and apprehend the individuals involved in offending on the premises.
 - vi. For those conditions annexed to be regarded as the Operating Schedule of the Premises Licence

CONDITIONS

CCTV

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 retained securely 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 are capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
 - (e) The Police or local authority will be given a copy of the CCTV in a suitable format within 48 hours of any reasonable request.
 - (f) A member of staff shall be present at all reasonable times when the premises is operating to download footage from CCTV or Body Worn Cameras upon the reasonable request of the Police.
2. Door supervisors shall be employed from 21:00 hours on Friday, Saturday, Bank Holiday Sundays until 30 minutes after the premises closes to the public. The management will employ door supervisors at other times in accordance with their assessment of risk. The ratio of door supervisors to customers shall be 2 door supervisors per initial 100 customers and 1 door supervisor per 100 customers thereafter.
3. All door supervisors should at all times when working wear uniform that clearly identifies them to the public as door supervisors.
4. *One door supervisor member shall have the benefit of a Body Worn Camera, recording visual pictures and audio, recordings from which shall be retained for at least 31 days and made available for inspection when required by the Police.*
5. When door supervisors are employed they will undertake body searches. There shall be at least one male and one female door supervisor available, so as to undertake searches appropriate to the customers identified gender before gaining entry to the premises. Door supervisors to search confiscate and exclude those found to be carrying illegal drugs or offensive weapons.

Appendix B

6. When searches are undertaken the Licence Holder shall erect and maintain clear and prominent notice on the exterior of the premises advising customers that:
 - It is a condition of entry is that customers agree to be searched
 - The Police will be informed if anyone is found in possession of controlled substances or weapons.
7. Door supervisors will be issued with a door control policy setting out the door supervisor's responsibilities in particular but not limited to:
 - (a) Control of occupancy.
 - (b) Supervision of any queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet so as to not disturb neighbours in the vicinity
 - (c) A procedure for door supervisors engaged in searching persons as a condition of entry
 - (d) To ensure the dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the end of licensable activities
 - (e) Prevent patrons from leaving the premises with open containers and bottles
 - (f) Provision of written statement to the Police in relation to criminal investigations and securing premises or part of the premises for the purposes of forensic investigation.

All door supervisors to be trained in connection with the policy prior to commencement of work.
8. Regular toilet checks shall be undertaken during trading hours which will be recorded with the date and time, such records to be available for inspection by Police Licensing Officer or authorised Officer of the Licensing Authority.
9. The premises shall have a written drug policy which will contain but not limited to the following:
 - (a) Strategies to minimise the use and supply of illegal drugs within the premises.
 - (b) Agreed procedure for the handling and retention of any article seized and/or found.
 - (c) Clear policy for the handling and packaging of seized items.
 - (d) Recording of items held by the premises and time, date and method of delivery to the Police.
 - (e) In agreement with the Police use of IONTRACK (Drug Testing Machine) as a condition of entry by customers.
 - (f) To the agreement to the undertaking of swabbing for detection of drugs when deemed necessary by the Policy.
10. Premises to actively participate in Safe Towns Radio System and to notify the Police of incidents.
11. The premises to actively take part in local initiatives and to attend Pubwatch so long as the same exists.

Appendix B

12. When the premises operates after 23:00 hours on Thursdays, Fridays, Saturdays and Bank Holiday Sundays a Personal Licence Holder to be on site at all times save for in the event of an emergency.
13. A digital or written record shall be kept detailing all incidents that occur at the Premises, this must be completed immediately after the incident or at the latest before the staff member finishes their shift detailing the following:
 - (a) The day, date and time of the incident
 - (b) The member of staff making the entry.
 - (c) All members of staff involved in the incident
 - (d) An account of the incident
 - (e) Details of any persons injured, and the injuries sustained
 - (f) If Police were contacted, by what method (phone, town radio), by whom and incident number provided
 - (g) Any other details thought relevant
14. A digital or written record by way of 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
 - (e) The incident and refusal registers will be available for inspection to any Police Officer or Local Authority Licensing Officer at any reasonable time.

Children

15. No person under the age of 16 shall be on the premises after 21:30 hours unless attending a pre-booked function or dining.
16. The premises will undertake the "Challenge 21" Scheme and it will be advertised with sufficient signage to ensure patrons are aware.
17. The proof of age that will be accepted by staff will be a photographic driving licence, a passport, a 'PASS' marked proof of age card, Foreign identity cards and military cards.

Training

18. All persons employed whether paid or unpaid at the venue will have training in respect of Challenge 21, Drugs Policy, Admission Policy, Public Safety and vulnerability.
19. Initial training shall take place within 6 weeks of employment, training shall be refreshed every year. Records of all training shall be retained on the premises for inspection by the Police or Local Authority Licensing Officer upon reasonable request.

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Exempt Appendices

For Licencing Sub-Committee on Monday 20 December 2021

Private Document

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the particular paragraphs shown on the agenda and on the attached reports.

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Exempt Appendices to Item 3

For Licensing Sub-Committee on 20 December 2021

Reason why exempt

The following documents are exempt from disclosure by virtue of:

Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to any individual.

Paragraph 2 of Schedule 12A of the Local Government Act 1972 (as amended): Information which is likely to reveal the identity of an individual.

Paragraph 7 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972 (as amended).

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972 (as amended).

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