

## LICENSING SUB-COMMITTEE HEARING – 18 MAY 2018

### LICENSING SUB-COMMITTEE DECISION NOTICE (Decision made by the Sub-Committee on 18 May 2018)

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**NAME AND ADDRESS OF PREMISES:** Colebrook Park, Kingstanding Way, Tunbridge Wells, TN2 3UP.

**NAME OF APPLICANT FOR PREMISES LICENCE :** Mr Iain Nicholas Love c/o Mr Stephen Thomas, Stephen Thomas Law

**REASON FOR HEARING:** On 23 March 2018, an on-line application was made, under the provisions of section 17 of the Licensing Act 2003 for a new premises licence at Colebrook Park. During the 28-day public consultation period, a number of representations were made:

(1) The Borough Council's Environmental Protection Team had objected to the application on the grounds of the prevention of public nuisance, particularly: (a) querying the robustness of the Noise Management Plan; (b) in respect of an existing licence for the premises, the potential problems of (i) harmonisation of licensing conditions and (ii) breaches of conditions and any subsequent enforcement action.

(2) Kent Police had raised an objection on all four licensing objectives, on the basis of that they did not wish to see multiple licences at the site, with the potential of further noise and disruption issues, and doubt as to which licence-holder was responsible. They had requested that licensing conditions apply to the whole site.

(3) In addition, written representations had been made by three other objectors – including the Environmental Protection Team from Tonbridge & Malling Borough Council – on the grounds of significant noise pollution, leading to public nuisance. This was particularly during the evenings and night, leading to loss of sleep and significant disruption to family life. Objections were also made regarding the inadequacy of noise monitoring procedures.

(4) A further objection had been made by the existing licence-holder for the site, who felt that the 'prevention of crime and disorder' objective would be compromised through the issue of a second licence for the premises.

The existing licence-holder had also provided the views of the multi-agency Tunbridge Wells Event Safety Advisory Group in support of his objection; the Safety Advisory Group had concluded that a previous event organised by the applicant had been deemed 'unsafe'.

**DELIBERATION  
– LICENSING  
OBJECTIVES:**

The relevant licensing objectives were considered by the Sub-Committee:

**1. Prevention of Public Nuisance**

The Sub-Committee had regard to the representations made in writing and to the Sub-Committee at the hearing.

The Sub-Committee heard from the applicant that a sound consultant, familiar with the site, would be instructed to assist in the creation of a noise management plan which would be agreed with the Environmental Health team. The Environmental Health team agreed that there were ongoing discussions with the applicant to create a noise management plan that would address the concerns under this licensing objective. The applicant offered a condition whereby Tonbridge and Malling Environmental Health team would also be consulted in all circumstances that Tunbridge Wells Environmental Health were to be consulted.

Kent Police had raised concerns that, due to the possibility of confusion being created by two licences being operative simultaneously, they would prefer if the land owner would be the licence-holder. The applicant subsequently proposed a condition whereby, if agreed, the licence would be transferred to the current applicant and the land-owner jointly, with the licence not taking effect until such time as that transfer was completed.

Tonbridge and Malling Borough Council confirmed that they were working with Tunbridge Wells Borough Council regarding the premises and were happy with the proposed condition that they would be consulted regarding activities on the site.

The Sub-Committee heard representations from other persons regarding nuisance from the premises. However, there was contradictory evidence that the nuisance could have been from other premises.

On balance, having considered the evidence of all parties, the Sub-Committee has determined that the application, as it is currently made, combined with the further conditions that were offered during the Sub-

Committee, meets the objective of the Prevention of Public Nuisance and further notes that there is the opportunity in the future to review the licence in the event of a public nuisance occurring.

**2. Prevention of Crime and Disorder**

The Sub-Committee had regard to the representations made in writing and to the Sub-Committee at the hearing today.

The Sub-Committee noted that Kent Police were satisfied with the application and conditions proposed by the applicant with regard to this licensing objective.

**3. Public Safety**

The Sub-Committee had regard to the representations made in writing and to the Sub-Committee at the hearing today.

The Sub-Committee was of the view that the operating schedule as applied for was sufficient to promote this licensing objective.

**4. Protection of Children from Harm**

The Sub-Committee had regard to the representations made in writing and to the Sub-Committee at the hearing today.

The Sub-Committee found that there were no representations made in regard to Protection of Children from Harm. However, the Sub-Committee noted the policies and procedures of the event organiser in ensuring the safety of children.

**DECISION MADE:** That the application be granted, subject to the conditions previously offered and the further conditions offered at the hearing today, which will be confirmed in writing in five working days.

Additional notes made by the Sub-Committee at the meeting:

- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Other Persons should there be any concerns regarding the operation of, and/or, breaches of the licence.

- Other Persons and Responsible Authorities were reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices’ chief executive for the magistrates’ court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.