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TUNBRIDGE WELLS BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MINUTES of the meeting held at the Virtual Meeting - Online, at 2.00 pm on Tuesday, 23 November 2021

**Present: Councillor Bob Backhouse (Chairman)
Councillors Hill and Pope**

Officers in Attendance: Trevor Horner (Licensing Officer), Robin Harris (Team Leader (Contentious)), Sharon Degiorgio (Senior Licensing Officer), Louise Kellam (Democratic Services Officer) and Caroline Britt (Democratic Services Officer)

CHAIRMAN'S INTRODUCTION

LSC5/19 The Chairman opened the meeting, introduced the members of the Sub-Committee panel, the officers in attendance, and outlined the procedures for the Summary Review. The applicant and respondents (along with the respondents' representative) were also introduced.

DECLARATIONS OF INTEREST:

LSC6/19 No declarations of interest were made by members at the meeting.

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENCING ACT 2003

LSC7/19 Trevor Horner, Licencing Officer, summarised the facts, relevant representations and matters relevant to the local authority licensing policy statement and statutory guidance in relation to the Summary Review.

Kent Police then presented their case, going through the reasoning for their application for the Summary Review and taking questions from members of the Panel.

A representative for the respondents Marstons PLC then presented their case, providing a proposal for interim steps prior to a formal Review for the Sub-Committee's consideration.

The Sub-Committee Panel considered the Interim Steps as set out by Marstons, in conjunction with Kent Police and agreed to the Decision as set out.

DECISION NOTICE

NOTE: The meeting concluded at 3.10 pm.

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LICENSING SUB-COMMITTEE HEARING – Tuesday 23 November 2021

LICENSING SUB-COMMITTEE DECISION NOTICE (Decision made by the Sub-Committee on Wednesday 24 November 2021)

NAME AND ADDRESS OF PREMISES: Pitcher & Piano, Church Road, Tunbridge Wells, Kent, TN1 1HT

NAME OF PREMISES LICENCE HOLDER: Marston's Plc

REASON FOR HEARING: Kent Police applied for a Summary Review of the Premises having certified that it was associated with serious crime and/or serious disorder.

In their application the Kent Police raised the following concerns:

- (1) Incidents of 'spiking' at this premises had increased exponentially in recent weeks.
- (2) Current measures at the premises were not sufficient to protect users from potential harm.
- (3) Immediate action was now required to significantly improve measures at the premises that would better protect users.

DELIBERATION – LICENSING OBJECTIVES: The relevant licensing objectives were considered by the Sub-Committee: (*delete as appropriate*)

1. Prevention of Public Nuisance

The Sub-Committee noted that there were no relevant representations under this licensing objective.

2. Prevention of Crime and Disorder

The Sub-Committee were satisfied that the comprehensive list of interim steps proposed by the premises licence holder and agreed by Kent Police would provide better protection for users of the Pitcher and Piano and were appropriate and proportionate to meet this licensing objective. For the interim measures to be implemented the premises licence would be suspended from the date of this decision notice to until 1 December 2021. A full review hearing will be convened to determine the longer-term position.

3. Public Safety

The Sub-Committee noted that there were no relevant representations under this licensing objective.

4. Protection of Children from Harm

The Sub-Committee noted that there were no relevant representations under this licensing objective.

DECISION MADE: That the Premises Licence shall be suspended until 11am on 1 December 2021

That the following interim steps be imposed to take effect from 24 November 2021 until a full review of the premises licence. That those interim steps be operative after 21:00 hours daily during that period of time.

Details of those interim steps and the conditions under which they would be delivered are detailed in the Appendix to this decision.

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.

Signed:

Date of Notice:

Councillor Bob Backhouse – Chair of the Licencing Committee
Chair of the Licensing Sub-Committee

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 A

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 A

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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