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TUNBRIDGE WELLS BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 11.00 am on Monday, 20 December 2021

**Present: Councillor Patrick Thomson (Chairman)
Councillors Pope and Hill**

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

CHAIRMAN'S INTRODUCTION

LSC1/19 The Chairman opened the meeting, introduced the members of the Sub-Committee panel, the officers in attendance, as well as the applicant and respondents. It was then confirmed that modified conditions had already been agreed between the parties.

DECLARATIONS OF INTEREST:

LSC2/19 No declarations of interest were made by members at the meeting.

APPLICATION FOR A REVIEW OF PITCHER & PIANO, 35 CHURCH ROAD, TUNBRIDGE WELLS

LSC3/19 Mr Horner, the Licensing Officer, was then invited to provide an introduction to the report. He first confirmed that all parties present at the hearing had had sufficient time to read their reports. Mr Horner then summarised the facts, relevant representations and matters relevant to the local authority licensing policy statement and statutory guidance in relation to the application, including the previous Summary Review. No questions were put to Mr Horner.

Police Inspector Ian Jones and solicitor Michelle Hazlewood gave brief comments of their support for the agreed Conditions to be added to the Premises' Licence, as well as the agreed voluntary actions to be taken by the Premises.

Question and Discussions from Members and other parties included:

- Maximum capacity had been set at 499 because venues which had a capacity of 500 and over required Covid Passports. While the capacity had been set at 450 within the Interim Steps on 23 November, this was a temporary limit and needed to be practical for the business moving forward.
- There had been increased Police presence around the Premises and the incidents that occurred at the venue after its reopening had been standard incidents for a nightclub, rather than the serious incidents which triggered the Summary Review, and had been handled by the Premises well. Kent Police felt Marstons were being proactive regarding the situations which did arise.
- Marstons had taken the ongoing situation seriously and had learnt a lot.

- There had been significant improvements in CCTV quality and area coverage, but finetuning may still have been necessary.
- Marstons had found that customers were happy with new safety precautions, and especially female customers were pleased with the searches at the Premises entrance.
- Both Kent Police and Marstons asked for the Interim Steps to fall away, to be replaced by the new Conditions and voluntary actions

The Panel then retired to consider the Conditions and voluntary actions proposed and agreed between Kent Police and Marstons plc.

DECISION NOTICE ENCLOSED

NOTE: The meeting concluded at 12.40 pm.

LICENSING SUB-COMMITTEE HEARING – 20/12/2021

LICENSING SUB-COMMITTEE DECISION NOTICE (Decision made by the Sub-Committee on 20/12/2021)

NAME AND ADDRESS OF PREMISES: Pitcher & Piano, 35 Church Road, Tunbridge Wells, Kent TN1

NAME OF PREMISES LICENCE HOLDER: Marstons plc

REASON FOR HEARING: Kent Police called a Summary Review of the Premises.
In their representations the applicant raised the following concerns:
(1) The Premises was associated with serious crime and/or serious disorder.
(2) There were a number of incidents of 'spiking' on the Premises

DELIBERATION – LICENSING OBJECTIVES: The relevant licensing objectives were considered by the Sub-Committee:

1. Prevention of Public Nuisance

There were no representations in respect of this Licensing objective

2. Prevention of Crime and Disorder

The Sub-Committee were satisfied that the Conditions agreed between Kent Police and Marstons plc are appropriate and proportionate to promote this Licensing objective. Further that the Interim Steps imposed at the hearing on 23 November 2021 should be removed and that the condition in Annex 3 in respect of CCTV be removed from the Licence and the conditions 2 & 3 of Annex 4 of the existing Licence in relation to Door Supervisors also be removed.

3. Public Safety

There were no representations in respect of this Licensing objective

4. Protection of Children from Harm

There were no representations in respect of this Licensing objective

DECISION MADE: That the Licence be modified to include the Conditions agreed between the Parties as appearing at Appendix E of the Agenda report.

The condition in Annex 3 in respect of CCTV be removed from the existing Licence and the conditions 2 & 3 of Annex 4 of the existing Licence in relation to Door Supervisors also be removed.

The Sub-Committee recommend instigation of the Voluntary Actions as set out at Appendix F of the Agenda report.

DECISION MADE IN RESPECT OF INTERIM STEPS: The Sub-Committee are satisfied that the Interim Steps imposed at the hearing on 23 November 2021 should cease to apply.

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:



Councillor Patrick Thomson
Chair of the Licensing Sub-Committee

Date of Notice: 20/12/2021