

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

24 November 2020

To: MEMBERS OF THE LICENSING AND APPEALS PANEL
(Copies to all Members of the Council)

**NB ONLY MEMBERS
OF THE PANEL MAY
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held online via MS Teams on Wednesday, 2nd December, 2020 commencing at 10.00 am. Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of Interest

Decisions to be taken under Delegated Powers in accordance with paragraph 3, part 3 of the Constitution

3. Application for a Review of a Premises Licence at the Humphrey Bean, 94 High Street, Tonbridge 5 - 34

The report provides details of a request for a review of a Premises Licence made under s51 of the Licensing Act 2003

4. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

5. Exclusion of Press and Public 35 - 36

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information

PART 2 - PRIVATE

6. Urgent Items - Part 2

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D Keers (Chairman)

Cllr M C Base

Cllr N G Stapleton

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

02 December 2020

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Delegated

1 APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT THE HUMPHREY BEAN, 94 HIGH STREET, TONBRIDGE, TN9 1AP

1.1 Executive Summary

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for the review of a premises licence made under section 51 of the Licensing Act 2003 in relation to the premises known as The Humphrey Bean, 94 High Street, Tonbridge, TN9 1AP.

1.2 Background and Introduction

1.2.1 The Humphrey Bean has a premises licence under the provisions of the Licensing Act 2003, which authorises the following activities -

Licensable Activity	Days and Times
Sale of Alcohol	Sunday – Thursday 09:00 – 00:30 Friday & Saturday 09:00 – 01:00
Recorded Music	Sunday – Thursday 07:00 – 01:30 Friday & Saturday 07:00 – 02:00
Late Night Refreshment	Sunday – Thursday 23:00 – 00:30 Friday & Saturday 23:00 – 01:00

Non-standard timings for licensable activities:

For sale of alcohol and late night refreshment on Christmas Eve and Boxing Day from 09:00 hours until 02.00 hours. For the Thursday preceding Good Friday and for each Sunday preceding a Bank Holiday Monday from 09:00 hours until 01:00 hours. On the following days: Burns Night - 25 January, Australia Day - 26 January, St David's Day - 1 March, St Patrick's Day - 17 March, St George's Day - 23 April, St Andrew's Day - 30 November the terminal time is extended by one hour.

On New Year's Eve & New Year's Day the above may continue between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

- 1.2.2 A copy of the current premises licence is shown at **Annex 1**.
- 1.2.3 An application for a review of the premises licence for The Humphrey Bean was received from Mr Frank Adade on 14th October 2020. This review application can be seen at **Annex 2**.
- 1.2.4 The Licensing Authority placed pale blue A4 notices at the premises for a period of 28 days running from the 20th October 2020 until the 16th November 2020. In addition a notice was placed on the Council's website.
- 1.2.5 The time period between the 14th October 2020 and the 20th October was used to try and mediate between the applicant and the premises holder. This was unsuccessful, so the Review consultation period started.
- 1.2.6 At any stage, during the 28 day public consultation period, a responsible authority, or other party, may make representations in connection with any of the four licensing objectives namely:-
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

Provided that the grounds for the application for review are relevant to the promotion of the licensing objectives and, in the case of applications by other parties, are not vexatious, frivolous or repetitive, a hearing must be held to review the licence.

- 1.2.7 The applicant has made the following complaints to the Licensing Services about his concerns that the premises were serving drunk customers, and the fighting taking place outside of the premises. The following complaints have been made:
- 1) 12 October 2020 – Email with two videos
 - 2) 24 October 2020 – Email with two videos

1.3 The Application

- 1.3.1 The applicant is Mr Adade Frank, 88 High Street, Tonbridge, Kent, TN9 1AP
- 1.3.2 The grounds for the review are based on the following licensing objectives:
- The prevention of crime and disorder
 - Promotion of public safety
 - The prevention of public nuisance

1.3.3 Representations received from statutory consultees:

Fire Safety	Comments received. This is shown at Annex 3
Trading Standards	No comments received
Social Service	No comments received
Police	No comments received
Environmental Health	Comments received. This is shown at Annex 3
Health & Safety	Comments received. This is shown at Annex 3
Planning	Comments received. This is shown at Annex 3

1.3.4 During the 28 day consultation period, the licensing department have received two representations.

Letters Supporting Review Application	Letters supporting the premises
1	1
These are shown at Annex 4	These are shown at Annex 5

1.4 Reasons for referral

1.4.1 The Licensing Authority must, where an application under section 51 of the Licensing Act 2003, has been received hold a hearing to consider the application and any relevant representations that may have been received. Such applications are heard by the Council's Licensing Sub- Committee.

1.4.2 The applicant and other persons that have made representations have been invited to attend the hearing.

1.5 Policy Considerations

1.5.1 The following provisions of the Secretary of State's Guidance appear to be of particular relevance to this application:

Chapter 2 – The licensing objectives

Chapter 11 – Reviews

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to premises licence

1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 2 – This section sets out the Licensing objectives.

Sections 14 – This section set out the review process for club premises certificates.

1.6 Legal Implications - Determining the application

1.6.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

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

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

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

1.6.4 A determination of an application does not have effect until the time allowed for appeal has elapsed, or where an appeal is made, until the appeal has been disposed of (section 88 (11)).

1.6.5 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant, those making representations and the premises licence holder, against decisions of the Licensing Authority to the Magistrates' Court.

1.7 Options Open to the Panel

1.7.1 Having regard to the application and any relevant representations and the letters of support received, the Licensing Authority must take the steps mentioned below as it considers appropriate for the promotion of the licensing objectives (section 52 of the Licensing Act). The steps are

- (a) To modify the conditions of the licence*;

- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the designated premises supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence

*Modification of the conditions of the premises licence can include the alteration or omission of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place

1.8 Financial and Value for Money Considerations

- 1.8.1 None unless there is a successful appeal against the Panel decision to the Magistrates' Court. This could result in costs being awarded against the Council.

1.9 Risk Assessment

- 1.9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

1.10 Equality Impact Assessment

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

1.11 Recommendations

- 1.11.1 That members determine the application carefully, considering the application along with any representations and letters of support made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

Background papers:

contact: Anthony Garnett

Licensing legislation

TMBC Licensing Policy

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

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Schedule 12 Part A

Premises Licence Tonbridge & Malling Borough Council

Regulation 33,34

Premises Licence Number

15/00208/PREM issued 4th October 2019

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Humphrey Bean
94 High Street
Tonbridge
Kent
TN9 1AP

Telephone number 01732 773850

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale of Alcohol
Recorded Music
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Sunday to Thursday 09:00 - 00:30
Friday and Saturday 09:00 - 01:00

Recorded Music

Sunday to Thursday 07:00 - 01:30
Friday and Saturday 07:00 - 02:00

Late Night Refreshment

Sunday to Thursday 23:00 - 00:30
Friday and Saturday 23:00 - 01:00

Non-standard timings for licensable activities: For sale of alcohol and late night refreshment on Christmas Eve and Boxing Day from 09:00 hours until 02.00 hours. For the Thursday preceding Good Friday and for each Sunday preceding a Bank Holiday Monday from 09:00 hours until 01:00 hours. On the following days: Burns Night - 25 January, Australia Day - 26 January, St David's Day - 1 March, St Patrick's Day - 17 March, St George's Day - 23 April, St Andrew's Day - 30 November the terminal time is extended by one hour.

On New Year's Eve & New Year's Day the above may continue between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.
For recorded music on New Year's Eve & New Year's Day the above may continue between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

The opening hours of the premises

Sunday to Thursday 07:00 - 01:30
Friday and Saturday 07:00 - 02:00

Non-standard opening times:

On Christmas Eve and Boxing Day from 07:00 hours until 03.00 hours. For the Thursday preceding Good Friday and for each Sunday preceding a Bank Holiday Monday from 07:00 hours until 02:00 hours. On Burns Night - 25 January, Australia Day - 26 January, St David's Day - 1 March, St Patrick's Day - 17 March, St George's Day - 23 April, St Andrew's Day - 30 November the terminal times for the above are extended by one hour. New Year's Eve & New Year's Day the above may continue between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

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

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

JD Wetherspoon Plc
Wetherspoon House
Reeds Crescent
Watford
WD24 4QL

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

Registered Business Number 01709784

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

Gregory Wilkins


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

Party Reference  Licensing Authority: London Borough Of Croydon

Annex 1 – Mandatory conditions

Sale of Alcohol

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when 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.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (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 –
 - (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).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (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 or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences 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.
6. The responsible person shall 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.

Minimum Drinks Pricing

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 the 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.

Annex 2 – Conditions consistent with the Operating Schedule

1. Children will be required to vacate the bar by 21.00hrs unless they are eating in which case they will be required to vacate the bar by 21.30hrs.
2. Children must always be accompanied by an adult who will be required to maintain constant supervision of them

Annex 3 – Conditions attached after a hearing by the licensing authority

None

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I **Frank Adade**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Humprey Bean 94 High Street, Tonbridge TN9 1AP	
Post town Tonbridge	Post code (if known) TN9 1AP

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Adade

First names

Frank

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

88, High Street, Tonbridge, TN9 1AP

Post town

Tonbridge

Post Code

TN9 1AP

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

Please state the ground(s) for review (please read guidance note 2)

Over the past 18 months the level of violence, aggression and anti-social behaviour being shown by inebriated patrons of the Humphrey Bean seems to have accelerated.

This in part is in due to the irresponsible licensee of the Humphrey Bean and the lack of any discernible Police presence.

This past weekend there have been two separate incidents that led to a man being hit by a (almost certainly speeding) car. He was fighting with his pack of other 4 hyenas.

A man was thrown to the ground and set upon by the same 4 of 5 animals immediately outside of the Humphrey Bean pub entrance.

He was kicked in the head at least twice whilst cowering on the ground.

Nobody came out of the pub to aid, deter or intervene until it was well over.

I often hear the patrons and regularly find them at the rear of our car park urinating next to our vehicles.

A few weeks ago, it was a group of around 20 people getting into a fight, the same weekend a student was so catatonic an ambulance was called, but not before he was sick several times, (over himself) this was on a Saturday afternoon. (I offered him a bottle of water)

There were no staff from the Humphrey Bean aiding him.

Does this sound anything like a responsible Licensed premise?

This must stop before anybody is very seriously hurt

I also believe the 01.00hrs license for Friday and Saturday is too late as is the Monday to Thursday at 00.00hrs.

The High Street over recent years has become increasingly more residential with more families and to be awarded such a late license requires a responsible and accountable attitude for the relevant establishment, I do not believe the Humphrey Bean is able to demonstrate this.

Please provide as much information as possible to support the application (please read guidance note 3)

Over the past 18 months the level of violence, aggression and anti-social behaviour being shown by inebriated patrons of the Humphrey Bean seems to have accelerated.

This in part is in due to the irresponsible licensee of the Humphrey Bean and the lack of any discernible Police presence.

This past weekend there have been two separate incidents that led to a man being hit by a (almost certainly speeding) car. He was fighting with his pack of other 4 hyenas.

A man was thrown to the ground and set upon by the same 4 of 5 animals immediately outside of this pub entrance.

He was kicked in the head at least twice whilst cowering on the ground.

Nobody came out of the pub to aid, deter or intervene until it was well over.

I often hear the patrons and regularly find them at the rear of our car park urinating next to our vehicles.

A few weeks ago, it was a group of around 20 people getting into a fight, the same weekend a student was so catatonic an ambulance was called, but not before he was sick several times, (over himself) this was on a Saturday afternoon. (I offered him a bottle of water)

There were no staff from the Humphrey Bean aiding him.

Does this sound anything like a responsible Licensed premise?

This must stop before anybody is very seriously hurt

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

A complaint was made a few weeks ago about the noise, violence and antisocial behaviour

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5) **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **14/10/2020**

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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Anthony Garnett

From: McEvoy, Jordan [REDACTED]
Sent: 11 November 2020 15:07
To: Licensing Services
Subject: RE: Review of Humphrey Bean

Categories: Anthony

Hello,

Following the review of the documentation provided KFRS have no comments to bring forward in regards to the licensing review, we have carried out an audit on the premises previously and in regards to fire safety no issues were identified and all documentation and management procedures were deemed satisfactory.

Kind Regards,

Jordan

Jordan McEvoy

Building Safety | Fire Risk Inspector | Mid Group Fire Safety Office
Crew Manager | 49 Eastchurch
Kent Fire and Rescue Service | T: 01622 692121 ext. 7010 [REDACTED]
kentfire.org

| E-mail: Jordan.McEvoy@kent.fire-uk.org



**Kent Fire &
Rescue Service**



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National Fire
Chiefs Council**

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choosing a competent
risk assessor**

Anthony Garnett

From: Maria Brown
Sent: 23 October 2020 13:41
To: Licensing Services
Cc: Planning Enforcement; Planning Applications
Subject: RE: 20/02354/INF (MLB) Review of Humphrey Bean

Categories: Anthony

Dear Anthony

Planning permission was granted under TM/97/00513/FL for a change of use to class A3 traditional ale wine and food bar in June 1997. There are no planning conditions attached to the permission that would restrict opening hours. Consequently I am not aware of any planning controls that would have a bearing on the Licence Review. Similarly there do not appear to be any ongoing planning enforcement issues. Although I will copy this response to my colleagues in planning enforcement for certainty.

Regards

Maria Brown
Senior Planning Officer

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[Pay bills, report an issue or make an application online](#)



Anthony Garnett

From: environmental protection
Sent: 10 November 2020 11:51
To: Licensing Services
Subject: Review Application Humphrey Bean 94 High Street, Tonbridge, Kent, TN9 1AP.

Categories: Anthony

Dear Licensing Team
Comments from EH below:

Food Team Comments

Food and Safety have no specific relevant information regarding the licence review.
In terms of public safety- 2 officers walked past the premises on 9 October approx. 21:00 hours to make a COVID check and found premises to be compliant.

EP Comments

I can advise that whilst we do currently have an open complaint regarding noise from patrons of the Humphrey Bean, we are not at the time of writing on 6 November in receipt of any further details from the complainant and have not substantiated any form of nuisance in contravention of a licensing objective. I therefore cannot support this review or offer any recommendations to the panel.

Clare Judd
Environmental Protection Team
Planning, Housing and Environment Health
Tonbridge and Malling Borough Council

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[Pay bills, report an issue or make an application online](#)



STAY ALERT ▶ CONTROL THE VIRUS ▶ SAVE LIVES

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Anthony Garnett

From: Matt Boughton
Sent: 15 November 2020 12:22
To: Anthony Garnett
Cc: Katie Shipman; James Lark; Jon Botten; Karen King; Vivian Branson; Licensing Services
Subject: Re: Licensing Review application - Wetherspoons, Tonbridge

Dear Anthony,

Please take this as our response to the request for a review of the licence for Wetherspoons on Tonbridge High Street. We are writing in our capacity as Borough Councillors for Medway Ward. As you know Medway covers the east of Tonbridge High Street. I've copied in Castle Ward Councillors Vivian Branson and Karen King too.

While the premises in question is not within the boundaries of Medway ward, it is clearly a significant local licensed premises and one that many, including us, enjoy frequenting. It is also in very close proximity to a number of properties on Tonbridge High Street, Navigation House, Maylams Quay and most significantly Waterside Reach, all of which fall within Medway Ward.

Over the course of the past few months we have, sadly, had cause to report antisocial behaviour to Kent Police and also Tonbridge and Malling Borough Council. Much of this has taken place in the vicinity of Wetherspoons and we are keen to see the matter resolved. Residents should expect to live peacefully and while living near to the High Street will clearly bring some ambient noise, it is the level of disruption that has caused issues. Often this has resulted from people having one too many drinks from local pubs, including Wetherspoons.

However, this is not to say that Wetherspoons is the cause of the problems. Footage we have been shown and anecdotal evidence we have received from residents and drinkers suggests that many of the issues do not start in Wetherspoons, and rather its location and proximity to other pubs, takeaways and footpaths means it becomes a magnet for people heading home after a night out.

As a result we would not support the reduction in hours of operations at Wetherspoons unless further evidence could be provided that it was the cause of the problem. Rather we would like Kent Police to commit to more Officers patrolling Tonbridge High Street during the late evenings. We would also like an assurance that CCTV footage from the camera at the Botany can be made available at all opportunities to catch and identify the culprits of the antisocial behaviour. This would help prevent crime and disorder, improve public safety and prevent public nuisance in line with the licensing objectives.

Finally, this does not mean that we do not support further measures being taken by Wetherspoons, and other pubs and bars, to reduce antisocial behaviour. We know that they work very closely together through the Safer Towns partnership and are keen this continues. However, one action we would like to request is that each bar and pubs looks at installing its own CCTV so that they can identify any causes of trouble and act on them appropriately.

Best wishes

Jon Botten, Matt Boughton and James Lark
Councillors for Medway Ward, Tonbridge
Tonbridge and Malling Borough Council

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Anthony Garnett

From: Licensing Services
Sent: 11 November 2020 08:59
To: Anthony Garnett
Subject: FW: Wetherspoons

From: Adam Oliver [REDACTED]
Sent: 10 November 2020 22:55 [REDACTED]
To: Licensing Services <Licensing.Services@tmbc.gov.uk>
Subject: Wetherspoons

Licensing Representation.

I wanted to write in because I am an occasional visitor to Wetherspoons. in the times I have visited I have not seen any problems with Crime or disorder. I enjoy my visits to wetherspoons to chat with my friend Peter and put the world to rights, we can sit and enjoy a quiet drink and experience no problems at all. I have seen at peak times door people are used which I feel is helpful to deal with public nuisance. and I have never witnessed any problems with children coming to harm. Generally its a pub offering value food and drink to people who are enjoying themselves. I hope you will renew the licence so I can continue to drink my pint there from time to time. I feel like at the times I have been it family friendly.

thats just my perception but I hope it helps them

Adam Oliver
[REDACTED]

Sent from Yahoo Mail on licensing.services@tmbc.gov.uk

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Agenda Item 5

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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