

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 17th December, 2008**

**Present:** Cllr A W Allison (Chairman), Cllr G Court and Cllr Mrs E M Holland.

With the consent of the Chairman, Councillors Atkinson, Baldock, C Brown, Homewood, Robins, Miss Sergison and Worrall were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Stone and Withey.

**PART 1 - PUBLIC**

**LA  
08/037 APPOINTMENT OF PANEL**

In view of the apologies for absence received it was

**RESOLVED:** That Councillor Homewood be appointed to this meeting of the Panel.

**LA  
08/038 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE  
CONSTITUTION**

**LA  
08/039 APPLICATION FOR VARIATION OF PREMISES LICENCE -  
ASDA, KINGS HILL, WEST MALLING**

The Panel gave consideration to an application made by ASDA, Kings Hill, West Malling for a variation of a premises licence to allow the sale of alcohol between 0000-2400 hours, Monday to Sunday and for the provision of late night refreshment between 2300 to 0500 hours, Monday to Sunday. The notice of the application had been displayed at the premises and advertised in a local newspaper and the Panel were advised that forty objections had been received during the statutory period.

The Panel heard from Claire Johnston, Solicitor, on behalf of the applicant and from Mr R Clarke, Mr J Howell and Mr I Rabbidge on behalf of the objectors. Mr C Brown spoke on the behalf of Kings Hill Parish Council. The Panel requested that ASDA be cognizant of the local residents' concerns and expected the ASDA policy document called 'Combating Alcohol Abuse' would be strictly adhered to.

**RESOLVED:** That, having considered very carefully the variation of a premises licence at ASDA, Kings Hill, West Malling and taken into consideration the Licensing Act 2003, statutory guidance, regulations, the adopted statement of licensing policy, the application, written representations received and oral evidence submitted to the meeting, the Licensing and Appeals Committee, sitting as a Panel, decided to grant the licence.

#### REASONS

There was no substantive evidence before the Panel to warrant refusal.

LA  
08/040

#### **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF SANCHOS KEBAB AND PIZZA TAKEAWAY**

The Panel gave consideration to an application made by Mr Sezgin Gezen for a new premises licence for the sale of alcohol and late night refreshment at Sanchos Kebab and Pizza Takeaway, 156 High Street, Tonbridge. The notice of the application had been displayed at the premises and advertised in a local newspaper and the Panel were advised that one representation had been received from a local resident, Mr P J Freeman, on the grounds of public nuisance. The Panel were advised that the representation made by Kent Police had been withdrawn subject to the application of the fifteen conditions outlined in the representation, should the Panel see fit to grant the application.

**RESOLVED:** That, having considered very carefully the application for a new premises licence at Sanchos Kebab and Pizza Takeaway, 156 High Street, Tonbridge and taken into consideration the Licensing Act 2003, statutory guidance, regulations, the adopted statement of licensing policy, the application, the one written representation received and noted that negotiation had taken place leading to the withdrawal of representations from the police and the conditions agreed as a result, the Licensing and Appeals Committee, sitting as a Panel, decided to grant the licence subject to the following conditions:-

1. A sign or written notice will be displayed immediately on or outside the premises, or at entrances, indicating the hours in which the premises are open to the public;
2. A minimum of three members of staff on the premises after 2100hrs to close of business;
3. Premises to be a member of Pubwatch and use the two-way radio communication between licensed premises in Tonbridge town centre, the police and local authority CCTV;
4. The radio equipment will be kept in working order at all times;
5. The equipment will be on at all times the premises are open to the public, and will be monitored by a responsible member of staff;
6. All instances of Crime and Disorder will be reported to the police as soon as reasonably practicable;

7. A notice to be prominently displayed requesting customers to leave the premises and area quietly;
8. Alcohol may only be sold to customers inside the premises until 2300hrs, after this time alcohol may only be sold with food orders delivered away from the premises;
9. Alcohol may only be sold to customers purchasing food orders to the value of £5.00 or more;
10. Supply of alcohol to each customer will be limited in quantity to no more than four items, i.e. four bottles or cans;
11. Signs to be clearly displayed informing customers that drinks may not be opened or consumed on, or in the immediate vicinity of the premises;
12. All staff to be trained in their responsibilities in relation to the sale of alcohol (including but not restricted to Underage sales and Sale of Alcohol to drunk/intoxicated persons and training records must be maintained on the premises including date, signature of staff member and content of training received;
13. All possible measures must be taken to ensure deliveries including alcohol are only supplied to persons over the age of 18 years of age;
14. All delivery drivers to be fully trained in Challenge 21 procedure and the requirements of supplying alcohol to minors or those in an unfit state under the Licensing Act 2003;
15. No alcohol to be available for self selection by customers and any displayed in the premises be contained within cabinets only accessible to staff from the food service area;
16. The staff are to do regular and frequent sweeps of the area within the immediate vicinity to ensure littering is kept to a minimum; and
17. A 30 metre area in all directions from the shop frontage is to be cleared of litter on a frequent and regular basis during open hours.

**REASONS**

To ensure the premises keeps within the licensing objectives and in particular the prevention of crime and disorder, public nuisance and public safety.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**LA  
08/041**

**EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information the following matter be considered in private.

**PART 2 - PRIVATE****DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE  
CONSTITUTION**

**LA 08/042 APPLICATION FOR A PRIVATE HIRE DRIVERS' LICENCE  
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an individual)**

The Chief Solicitor submitted details of an application received for a Private Hire Drivers' Licence. The Panel was advised that the applicant had passed the required Driving Standards Agency driver's test and the medical examination and had declared that he had a conviction for a drugs offence for which he had been sentenced to 21 years imprisonment. The Panel gave careful consideration to the written and oral statements made by the applicant and all agreed that he should be given an opportunity to prove himself and considered that any breach of the trust shown to him by the panel would necessarily result in his being brought back before them.

**RESOLVED:** That the applicant be granted a Private Hire Drivers' Licence.

The meeting ended at 2129 hours