

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 15th June, 2011

Present: Cllr A W Allison (Chairman), Cllr J A L Balcombe and Cllr Mrs F A Kemp.

Councillors Brown, Mrs Brown, Robins, Rogers, Trice and Worrall were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

LA DECLARATIONS OF INTEREST

11/040 There were no declarations of interest made.

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

**LA APPLICATION FOR A NEW PREMISES LICENCE FOR CAFE
11/041 TROIKA, 49 HIGH STREET, BOROUGH GREEN**

The Panel gave consideration to an application for a new premises licence made by Mr P Hamilton and Mrs I Bowman for:

- Films: Monday to Sunday 08.00 to 23.00. Christmas Eve and New Year's Eve 08.00 to 00.30
- Indoor sporting events: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 23.30
- Live music: Friday and Saturday 19.30 to 22.30. Sunday 14.00 to 18.00. Christmas Eve and New Year's Eve 19.00 to 00.30
- Recorded music: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Performance of dance: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Anything similar to recorded music and performance of dance: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Provision of facilities for making music: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Provision of facilities for dancing: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Provision of facilities similar to making music or for dancing: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.
- Late Night Refreshment: Monday to Sunday 23.00 to 23.30. Christmas Eve and New Year's Eve 23.00 to 00.30
- Supply of Alcohol: Monday to Sunday 08.00 to 23.00. Christmas Eve

and New Year's Eve 08.00 to 00.00

- Hours Open to the Public: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30.

Notice of the application had been advertised in a local newspaper and the Panel was advised that three relevant representations had been received from nearby residents Mr G Pascoe, Mr N Thompson and Mr S Eade (detailed in Annex 2 to the report) and from Environmental Health and Housing Services (as a responsible Authority). The Applicant had also submitted a petition containing 58 names in favour of the application (28 of whom were regarded as being interested parties for the purposes of the Licensing Act 2003).

The Panel heard from the Applicants' legal advisor Mr D Draper, the Applicants themselves, Mr N Thompson and Mr G Pascoe.

Having considered very carefully the application and the representations made by the applicants' representative, the applicants, interested parties and the responsible authorities in accordance with the objectives contained in the Licensing Act 2003 and taken into account the issues set out in the report and the objectives contained in the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence, as applied for, be granted subject to:-

- (1) the mandatory conditions set out in the Licensing Act 2003;
- (2) conditions consistent with the operating schedule set out at page 25 of the agenda; and
- (3) the following additional conditions:
 - Unless otherwise agreed in writing, only the items expressly set out in the applicant's email dated 02.11.2010 shall be allowed for sale off the premises or similar products that do not involve primary cooking on the premises. Such sales shall be incidental and ancillary to the primary use of the premises as a wine bar/bistro;
 - Late Night Refreshment: Monday to Sunday 23.00 to 23.30. Christmas Eve and New Year's Eve 23.00 to 00.30;
 - Supply of Alcohol: Monday to Sunday 11.00 to 23.00. Christmas Eve and New Year's Eve 11.00 to 00.00;
 - Hours Open to the Public: Monday to Sunday 08.00 to 23.30. Christmas Eve and New Year's Eve 08.00 to 00.30;
 - All other proposed licensable activities set out in the application were withdrawn by the applicant at the Panel hearing; and
 - No drinking containers to be taken outside the premises.

The Panel reminded all the parties that the licence may be reviewed at

any time and encouraged the licence holder to liaise with local residents to ensure that the licensing objectives were not undermined.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
11/042**

EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 2138 hours
having commenced at 2015 hours