

Licensing and Appeals Panel

22 September 2025

Part 1 - Public

Delegated



Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Environmental Health
Report Author	Samantha Kemp, Licensing Officer

Application for a new premises licence at The Market House, 130 High Street, Tonbridge, Kent, TN9 1DE

1 Recommendations

- 1.1 That Members determine the application carefully, considering the application along with any representations made and any further information provided at this continuation hearing, following the adjourned Hearing on 06 August 2025 and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

2 Introduction and Background

- 2.1 The Panel adjourned the hearing on 06 August 2025 under reg. 12(1)(a) of the Licensing Act 2003 (Hearing) Regulations 2005 until 22 September 2025 so that the applicant can provide Environmental Protection with a noise report prepared by a suitably qualified person regarding the potential noise in the common parts of the flats above the premises when amplified sound is being played in The Vault and so that the Panel can fully consider the representation being made by the responsible authority for Environmental Protection.
- 2.2 At the time of writing this report, no formal tests have been conducted, and no further information has been received from the applicant regarding the noise report.
- 2.3 The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's Statement of Licensing Policy runs from 2025 until 2030. The Policy will be available at the hearing, for reference purposes.
- 2.4 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to Guidance issued by the Secretary of

State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. The Guidance will also be made available at the hearing for reference purposes.

3 Other Options

3.1 The steps an authority may take are –

1. Grant the licence subject
 - i. to such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - ii. any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
2. Exclude from the scope of the licence any of the licensable activities to which the application relates.
3. Reject the application.