

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Tuesday, 1st July, 2014

Present: Cllr C Brown (Chairman), Cllr Mrs J A Anderson and Cllr S M King

Together with representatives of the Licensing Authority, Mr J Lefournour (the Applicant) and Mr C Stroud (Interested Party).

PART 1 - PUBLIC

LA 14/47 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

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

LA 14/48 APPLICATION FOR A NEW PREMISES LICENCE FOR "WHERE MEMORIES MEET", 188 TONBRIDGE ROAD, WATERINGBURY

The Panel gave consideration to an application made by Mr J Lefournour for a Premises Licence under Section 17 of the Licensing Act 2003 for the premises known as "Where Memories Meet" of 188 Tonbridge Road, Wateringbury. The application related to the provision of plays, films, live music, recorded music, performance of dance, provision of anything of a similar description to live music, recorded music or performance of dance and supply of alcohol for consumption both on and off the premises.

Details of the representations received during the statutory consultation period were set out in Annex 2 to the report. The Panel noted that no objections or comments had been made by the statutory consultees.

The Panel listened carefully to the representations made by the applicant, Mr J Lefournour and by Mr C Stroud, a local resident and interested party, in respect of the objections raised in his written representation. The relevant part of his objection concerned the issue of noise arising from the proposed licensable activities and the times of those activities as well as the potential for such noise to cause a public nuisance.

The Panel had regard to the written representations set out in Annex 2 to the report and to the Policy considerations set out at paragraph 1.5 of the report of the Director of Central Services and Monitoring Officer.

The Panel was satisfied that the promotion of the licensing objectives (and, in particular, the prevention of public nuisance) could be achieved by the measures proposed in the Applicant's operating schedule and the condition, previously agreed with the Environmental Health Service, restricting the frequency of events to a maximum of three per week.

In accordance with the objectives contained within the Licensing Act 2003 and Guidance received from the Secretary of State and the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing Committee, sitting as a Panel,

RESOLVED: That the Premises Licence be Granted as follows:-

Section 6	Plays – (Indoors) Monday to Sunday – 12:00 until 23:00
Section 7	Films – (Indoors) Monday to Sunday – 07:00 until 23:00
Section 10	Live Music – (Indoors) Monday to Sunday – 07:00 until 23:00 Classical, Jazz or operative live performances held once or twice a month.
Section 11	Recorded Music – (Indoors) Monday to Sunday – 07:00 until 23:00
Section 12	Performance of dance – (Indoors) Monday to Sunday – 07:00 until 23:00
Section 13	Provision of anything of a similar description to live music, recorded music or performance of dance – (Indoors) Monday to Sunday – 07:00 until 23:00 Comedy Acts, Cabaret, Magic etc
Section 15	Supply of alcohol (Both on and off sales) To allow the supply of alcohol Monday to Sunday from 07:00 hours until 23:30 hours.
Section 17	Opening hours Monday to Sunday from 07:00 hours until 23:30 hours

Subject to the following conditions:-

Mandatory Conditions (imposed by law)

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. The responsible person shall take all reasonable steps to ensure that staff on the Premises do not carry out, arrange or participate in any irresponsible promotions in relation to the Premises. In this condition, the phrase “irresponsible promotion” shall have the meaning set out in Paragraph 1(2) of the Schedule to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability)
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. 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 a holographic mark.
7. 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) customers are made aware of the availability of these measures
8. Where any film is being shown on the Premises, admission of children must be restricted in accordance with any recommendation

made by the British Board of Film Classification (BBFC), or where the licensing authority has notified the holder of the premises licence that s.20(3) of the Licensing Act 2003 shall apply, admission of children must be restricted in accordance with any recommendation made by the licensing authority.

Conditions from the Operating Schedule or Agreed with Responsible Authorities

9. Members of staff must be trained in their responsibilities under the Licensing Act 2003.

10. A register of persons refused the service of alcohol shall be maintained at the Premises and available to view at any reasonable time by the police, licensing authority or other responsible authority. Such register shall contain: (a) time of refusal; (b) name or description of person refused sale; (c) item refused; (d) reason for refusal; (e) name of staff member making the decision to refuse.

11. The maximum number of live performances and other events shall be limited to 3 in any given week.

Conditions Imposed by the Licensing Panel

12. All regulated entertainment and performances to be restricted to the basement area of the premises.

LA 14/49 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.26 pm
having commenced at 7.30 pm