

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 29th August, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and
Cllr Mrs C J Woodger

Together with representatives of the Licensing Authority, Dame Kelly Holmes (the Applicant) and Mrs R Crouch (Interested Party).

PART 1 - PUBLIC

LA 14/65 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 14/66 APPLICATION FOR NEW PREMISES LICENCE FOR
DOUBLEGOLD ENTERPRISES LTD, 152-154 TONBRIDGE ROAD,
HILDENBOROUGH**

The Panel gave consideration to an application made by Dame Kelly Holmes of Doublegold Enterprises Limited for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of premises known as Café 1809 at Old Florence Place, 152-154 Tonbridge Road, Hildenborough. The application related to the provision of films, recorded music and supply of alcohol for consumption on the premises.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 1 and the written representations from Kent Police and other parties included at Annexes 2 to 3 of the report. The Panel heard in person from the Applicant and from Mrs R Crouch (local resident).

The Panel was advised that the representation from Kent Police had been withdrawn following the agreement of the Applicant to the conditions proposed in the written representation at Annex 3 of the report.

The Panel noted that, as a condition of planning permission issued for the change of use of the premises (Ref TM/13/02727/FL), a terminal hour had been set requiring that the premises should not be open to customers outside of the hours of 08.00 to 18.00 Monday to Saturday

and 10.00 to 16.00 on Sunday unless otherwise agreed by the Local Planning Authority. It was noted that the hours sought by the Applicant in the application for a Premises Licence were longer than permitted by the planning permission (Monday to Saturday). Members were conscious that planning and licensing were separate statutory schemes and that the application before them must be determined on its individual merits under the Licensing Act 2003, having regard to the representations, licensing policy and statutory guidance. The Panel noted that it was not bound by the decision of the Area 1 Planning Committee and vice-versa. Furthermore, in the event of the Panel's decision being in conflict with any existing planning restrictions upon the premises, the Applicant would need to make an application to the Council as Local Planning Authority to alter any planning restrictions.

In accordance with paragraph 13.18 of the Statutory Guidance, the Panel did not consider that the 'need' for licensed premises was a proper matter for their consideration under the Licensing Act 2003.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the licensing authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel also had particular regard to the provisions of the amended guidance issued under Section 182 of the 2003 Act in June 2014.

Having regard to the representations, both written and oral, the Panel considered that it would be appropriate to grant the licence subject to the imposition of suitable conditions in order to promote the licensing objectives. It did not consider that any conditions additional to those required by the 2003 Act i.e. the mandatory conditions and such conditions as were consistent with the operating schedule, together with those agreed with Kent Police, would be appropriate in order to promote the licensing objectives.

The Panel therefore

RESOLVED: That, subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and the following further conditions, the Premises Licence be Granted as follows:-

Section B	<p>Films – (Indoors)</p> <p>Monday to Saturday – 10:00 hours until 21:00 hours</p> <p>Sunday – 10:00 hours until 16:00 hours</p>
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Section F	<p>Recorded Music – (Indoors)</p> <p>Monday to Saturday – 08:00 hours until 21:00 hours Sunday – 10:00 hours until 16:00 hours</p>
Section J	<p>Supply of alcohol (On sales)</p> <p>Monday to Saturday – 10:00 hours until 21:00 hours Sunday – 10:00 hours until 16:00 hours</p>
Section L	<p>Opening hours</p> <p>Monday to Saturday – 08:00 hours until 21:00 hours Sunday – 10:00 hours until 16:00 hours</p>

- 1) CCTV to be fitted to a standard agreed by the Police that complies with the CCTV code of practice (Latest Edition), produced by the Information Commissioner's Office.
- 2) The CCTV system shall be maintained and serviced on a regular basis. Records shall be kept to that effect.
- 3) CCTV shall be operational at all times that the premises are trading.
- 4) The Police or local authority will be allowed to take a recording of the CCTV images by an appropriate format within 48hrs of the initial request being made by either the Police or Local Authority.
- 5) All staff employed in the sale or supply of alcohol will be trained in their responsibilities under the Licensing Act 2003. Such training will be fully recorded.
- 6) A Challenge 25 Scheme will be adopted at the premises, all staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. These records will be available to the police or other responsible authority upon request.
- 7) A refusal recording system will be in operation at the premises, all staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
 - I. Date & Time of refusal
 - II. Item refused
 - III. Name or description of person refused.
 - IV. Reason for refusal

- V. Name of the staff member making the refusal

- 8) The refusal system will be available for inspection by any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.

LA 14/67 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.30 am
having commenced at 9.30 am