

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

20 August 2014

To: MEMBERS OF THE LICENSING AND APPEALS PANEL
(Copies to all Members of the Council)

**NB ONLY MEMBERS
OF THE PANEL MAY
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Friday, 29th August, 2014 commencing at **9.30 am**

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of Interest

Decisions to be taken under Delegated Powers

3. Application for New Premises Licence for Doublegold Enterprises Ltd, 152-154 Tonbridge Road, Hildenborough 5 - 40

4. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

5. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information

PART 2 - PRIVATE

6. Urgent Items - Part 2

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs F A Kemp (Chairman)

Cllr M A Coffin

Cllr Mrs C J Woodger

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 August 2014

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 APPLICATION FOR A NEW PREMISES LICENCE FOR DOUBLEGOLD ENTERPRISES LTD, OLD FLORENCE PLACE, 152 - 154 TONBRIDGE ROAD, HILDENBOROUGH, TONBRIDGE, KENT, TN11 9HW

1.1 Introduction

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for a Premises Licence under section 17 of the Licensing Act 2003 for premises at Old Florence Place, 152 - 154 Tonbridge Road, Hildenborough, Tonbridge, Kent, TN11 9HW.

1.1.2 This is a new application for the provision of films, recorded music and supply of alcohol for consumption on the premises. The application was validated on the 18 July 2014, with the original 28 day consultation period running from the 21 July 2014 until the 17 August 2014. The consultation period was extended a further 7 days until the 22 August 2014 due to the late advertising of the application. All Responsible Authorities received a copy of application.

1.1.3 At any stage, during the 28 day public consultation period, a responsible authority, and other persons, may make representations in connection with any of the four licensing objectives namely:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by a person who is not a responsible authority, are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

1.1.4 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 current Statement of Licensing Policy was published in January

2014 and will remain in force for five years. The Policy will be available at the meeting, for reference purposes.

- 1.1.5 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 be made available at the meeting for reference purposes (Revised Guidance – June 2014).

1.2 The Application

- 1.2.1 The applicant is Doublegold Enterprises Ltd of Old Florence Place, 152 - 154 Tonbridge Road, Hildenborough, Tonbridge, Kent, TN11 9HW.
- 1.2.2 The application was received on 18 July 2014. A copy of the application is shown as **Annex 1**.
- 1.2.3 The application details are as follows:

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

The Designated Premises Supervisor will be Tony Michael French

1.3 Reasons for referral

- 1.3.1 The Licensing Authority must under the Act refer any application for hearing to the Licensing Panel if relevant representations are made by a responsible authority or other person.
- 1.3.2 The Licensing Authority has received two valid representations within the twenty eight day notice period (as of the 18 August 2014).
- 1.3.3 The Representations are shown at **Annex 2**
- 1.3.4 Members are reminded that representations are only relevant if they relate to one or more of the 4 licensing objectives (i) Prevention of crime and disorder, (ii) Public safety, (iii) Prevention of public nuisance and (iv) Protection of children from harm.
- 1.3.5 The applicant and other persons that have made representations have been invited to attend the hearing.

1.4 Representations received from statutory consultees (As of the 18 August 2014):

Fire Safety	has made no comments
Trading Standards	has made no comments
Social Service	has made no comments
Police	has made objections
Environmental Health	has made no comments
Health & Safety	has made no comments
Planning	has made no comments

- 1.4.1 Kent Police made a valid representation on the 13 August 2014 on the grounds of Prevention of crime and disorder and Protection of Children from harm. A copy of the representation is shown in **Annex 3**
- 1.4.2 Kent Police have proposed the following conditions which the applicant has accepted. As a result Kent Police have withdrawn their representation.

- 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.

1.5 Policy Considerations

- 1.5.1 The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 1.8 to 1.13 – These sections set out the Council's approach with regard to licensing and details other mechanisms to deal with potential problems.

Sections 2 – 6 – These sections set out the four licensing objectives and identifies matter that may be relevant to the promotion of each licensing objective.

1.6 Legal Implications

1.6.1 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Having regard to the relevant representations, the Panel must take such of the steps set out at paragraph 1.7.1 below, as it considers appropriate, for the promotion of the licensing objectives.

1.6.2 Section 18(10) of the Licensing Act permits the authority to grant a premises licence so that it has effect subject to different conditions in respect of:-

- Different parts of the premises concerned
- Different licensable activities covered

1.6.3 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of the Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.4 Whilst the applicant, responsible authorities or persons making representations all have a right of appeal to the Magistrates Court dependant on the decision of the Sub Committee, the decision made takes immediate effect.

1.6.5 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court.

1.7 Options Open to the Panel

1.7.1 The steps an authority may take are –

1. Grant the licence subject to
 - i. 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. Refuse to specify a person in the licence as the premises supervisor;
4. Reject the application.

1.8 Financial and Value for Money Considerations

1.8.1 None unless there is a successful appeal against the panel decision to the magistrates' court. This could result in costs being awarded against the council.

1.9 Risk Assessment

1.9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

S.17 Crime and Disorder Act 1998

1.9.2 There are obvious links to community safety and the perception of crime and disorder if licensed premises supplying alcohol are not adequately enforced.

1.10 Recommendations

1.10.1 That members determine the application carefully, considering the application along with any representations made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

Background papers:

Nil

Contact:

Anthony Garnett

Mohammad Bauluck

Adrian Stanfield

Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The Panel decision will be made in accordance with relevant legislation and the statutory licensing objectives
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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(Insert name and address of relevant licensing authority and its reference number (optional).)

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

~~XXXXXXXXXX~~ *Dubbegold Enterprises Ltd*
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Name and Postal address of premises or, if none, ordnance survey map reference or description			
<i>Old Florence Place</i> <i>152-154 Tonbridge Road</i> <i>Kent</i>			
Post town	<i>Hildenborough</i>	Postcode	<i>TN11 9HW</i>
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	XXXXXXXXXX Doublegold Enterprises Ltd
Address	Old Florence Place 152-154 Tanbridge Road Halesborough Kent TN11 9HW.
Registered number (where applicable)	As Above
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

*Artisan Café, Meeting rooms + Beauty Room on first floor.
Small Shop area with local goods.*

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

<i>N/A</i>

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	21.00	Extended for showing of mainly childrens films for birthday parties		
Tue	10.00	21.00			
Wed	10.00	21.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	21.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10.00	21.00			
Sat	10.00	21.00			
Sun	10.00	16.00	Extended hours to cover private events or ticketed event as and when applied.		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon	0800	2100	
Tue	0800	2100	<u>Please give further details here</u> (please read guidance note 3)
Wed	0800	2100	
Thur	0800	2100	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)
Fri	0800	2100	
Sat	0800	2100	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) extended hours to cover private event or ticketed/booked events as and when applied for.
Sun	1000	1600	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both -- please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1000	2100			
Tue	1000	2100			
Wed	1000	2100			
Thur	1000	2100			
Fri	1000	2100			
Sat	1000	2100			
Sun	1000	1600	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Alcohol mainly sold through themed events during the year and on Sunday afternoon tea. Extended hours to cater private events, functions/cocktail events as and when applied for		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

~~NA~~

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2100	
Tue	0800	2100	
Wed	0800	2100	
Thur	0800	2100	
Fri	0800	2100	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>Post 21:00hrs - further hours for private, ticketed/booked events only in line with the real events.</p>
Sat	0800	2100	
Sun	1000	1600	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

It will continue to be a cage and low risk premises.

b) The prevention of crime and disorder

Effective and responsible management of premises along with training of the staff and insertion of detail in process and procedure manuals.

c) Public safety

Provision of full CCTV system that can be reviewed upon request.

d) The prevention of public nuisance

CCTV
Patrons will be reminded to be aware of local residents nearby when leaving premises.
Staff training to ensure they can effectively deal with any issues that arise.

e) The protection of children from harm

Premises will have a challenge 25 policy
 Acceptance of accredited prog of age cards and/or photo driving licence

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. TMBG 240
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
 If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	17.07.14.
Capacity	Applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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176 Tonbridge Roan, Hildenborough, KENT TN11 9HP

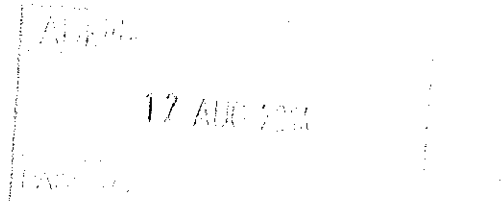
8TH August 2014

Licensing Services

Gibson Drive, Kings Hill,

West Malling, Kent

ME19 4LZ



Dear Sir

Application for Alcohol Licence at 152-154 Tonbridge Road, Hildenborough, TN1 9HW

I wish to object most strongly to the application by Dame Kelly Holmes of Doublegold Enterprises Ltd, for an alcohol licence for the Coffee Shop she is creating on the Tonbridge Road in Hildenborough, for the following reasons.

I wonder why this wasn't done at the initial request for Planning Permission for a "Tea Room"

1. Hildenborough is a small village of less than 5000 souls and there is already adequate provision of Public Houses, which also have restaurants/eating facilities, for the consumption of alcohol. From the north to the south of the village there are four on the Tonbridge Road – listed below - it doesn't need a fifth which is only yards from an existing establishment*.
 - a. The Cock Horse
 - b. The Half Moon*
 - c. The Flying Dutchman
 - d. The Hilden Manor
2. In the past we have had quite a lot of vandalism in the village, fuelled by alcohol, a coffee shop selling alcohol would very much increase the probability of that reoccurring.
3. A coffee shop would attract young people. Given the desire, for health reasons, to discourage young people from drinking alcohol it seems to me a very peculiar application. I am most surprised that Dame Kelly Holmes, a former athlete, sees this as a good idea.
4. A coffee shop would, hopefully, attract families with young children and babies, surely the sale of alcohol would be inappropriate and unnecessary.
5. Traffic chaos on the road & pavements, with cars parked, cycles coming & going & runners

I sincerely hope that this application will be considered carefully and impartially and refused.

Yours Faithfully

Ruth L Crouch (Mrs)

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**Licensing Services - Objections to the License Application for 152-154 Tonbridge Road
Hildenborough TN11 9HW**

From: Emma Keenan [REDACTED]
To: <licensing.services@tmbc.gov.uk>
Date: 15/08/2014 13:57
Subject: Objections to the License Application for 152-154 Tonbridge Road Hildenborough TN11 9HW
CC: [REDACTED]

Classification: Public

Dear Sirs

Please find below our objections to the License Application for 152-154 Tonbridge Road Hildenborough TN11 9HW. We live in the property immediately next to this property at 150 Tonbridge Road.

The prevention of public nuisance

Planning permission for this development of the café was given under certain specific conditions, one of which is that it may only open until 6pm Monday to Saturday "in the interest of residential amenity". This application is requesting hours of 10am til 9pm Monday to Saturday. We strongly object to the license being granted on a permanent basis until 9pm, 6 days a week. If the license is granted until 9pm is there a limit to the number of evenings that the cafe can open or could there be a blanket request to open every day until 9pm?

Another condition of planning permission is that any music played must not be audible outside of the building. We assume this would also cover the playing of films. Exactly how would this be policed by the Licensing team and work in practice? What will happen on a hot day when the windows are open? Again this condition was put in place in the interest of residential amenity and therefore we strongly object to such a license being granted on a permanent basis until 9pm.

The prevention of crime and disorder

There is already a public house selling alcohol within 100 metres of this café. The area does not need another establishment selling alcohol. Damage to our fence is already a regular occurrence, along with empty bottles being discarded on our property. To allow the café to also sell alcohol would greatly increase the probability of damage to our property. Are people going to be able to take alcohol away from the premises? This would potentially cause huge amounts of disruption to the local area - increased vandalism, noise etc.

Notwithstanding the issues that are going to be caused by lack of any parking for the cafe (and cars left overnight in the area if unable to be driven home) we understood that the cafe was to be an artisan cafe, promoting healthy living. Is alcohol really needed?

Given the proximity of our house to the cafe (we also have shared access over the front area of the cafe and have genuine safety concerns which would be greatly increased if customers of the cafe were under the influence of alcohol) we trust that our concerns are given due consideration.

Regards

Bruce & Emma Keenan

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Details of person making objection

Name of Chief Officer of Police	Chief Insp. Gillian Ellis
Postal Address: (Area Headquarters)	Tonbridge Police Station 1 Pembury Road Tonbridge TN9 2HS
E-mail address	neil.barnes@kent.pnn.police.uk
Telephone Number:	01622 604403

Details of premises representation is about

Name of Premises:	Old Florence Place
Address of premises:	152-154 Tonbridge Road Hildenborough TN11 9HW
Date application received by police	21/07/2014
Date representation sent to Licensing Authority	13/08/2014
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:
Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because

Please use separate sheets where necessary

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

Please see attached sheet

Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

Please see attached sheet

Signed: _____

Date: 13/08/2014.

Print name: .PC Neil Barnes 10051.....

Force Number: ...10051....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

Please give the reason for the representation and detail the evidence supporting it:

Kent Police make these representations in respect of the application for a new licence to be granted at 152-154 Tonbridge Road, Hildenborough. TN11 9HW. The licence if granted would allow for licensable activities to be held at the venue between 08:00hrs and 21:00hrs Monday to Saturday and between 10:00hrs and 16:00hrs on Sunday.

The premises are to be an "Artisan Café" style premises with meeting rooms, a beauty studio and a retail area. Kent Police have spoken to the applicant and it is our understanding that the premises are predominantly, to be a food led establishment with alcohol offered simply to compliment the food. However they also wish the flexibility to cater for other events such as private bookings or themed nights.

The licence as requested appears to present a relatively low risk to the licensing objectives, however the sale of alcohol does always present a risk and therefore steps will need to be taken to manage those risks. The most common problems the venue will face are:

Theft, Unfortunately opportunity thefts occur almost everywhere, however in a relaxed environment people tend to be even less guarded about their valuables.

The purchasing of alcohol by persons already drunk. All premises which serve alcohol are vulnerable to this risk. Because of the influence that alcohol has, people who are drunk tend to want even more alcohol and can be quite insistent on getting it. Although this risk will most likely occur during private functions staff will still need to be on their guard against it during normal daily business.

Noise breakout. The venue is to be located in a residential area and therefore there is a very real risk to the public nuisance licensing objective.

Kent Police must also take into account that a premises licence lasts for life, therefore the licence needs to protect the licensing objectives regardless of any future change to the venue's business plan.

Although the operating schedule mentions some of the conditions that Kent Police feel are appropriate for this licence, the conditions as listed in the operating schedule are not of sufficient detail to be able to determine if they will fully achieve their desired effect. Kent Police request that the following conditions be attached to the licence as they are easier to enforce for the Police and clearer to comply with for the staff. Therefore the wording, as used by Kent Police is more appropriate

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the licensing sub committee may take into account:

(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 Commissioners 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.