

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th August, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor

Councillors Mrs B Brown, R Roud and F Tombolis were also present as observers for training purposes.

Together with representatives of the Licensing Authority, Mr N Hossenboccus (Applicant), Mr D Hook (Solicitor to the Applicant) and Mr D Morgan (Manager), Councillor Mrs S Luck, Mr A Mills, Mrs C Mills, Mrs P Hill, Mr A Austin, Mrs P Austin, Mr S Donovan and Mrs A Echlin (Interested Parties)

PART 1 - PUBLIC

LA 15/65 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 15/66 APPLICATION FOR A NEW PREMISES LICENCE FOR THE FANCY GOAT, 40 HIGH STREET, WEST MALLING

The Panel gave consideration to an application made by Todo Sobre Limited for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of premises known as "The Fancy Goat" at 40 High Street, West Malling. The application related to the performance of plays; exhibition of films; Indoor sporting events; performance of live music; playing of recorded music; performance of dance; anything of a similar description to that falling within live music, recorded music of performance of dance; provision of late night refreshment and supply of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report, and the written representations received during the statutory consultation period (set out in Annexes 5 and 9 to the report). The Panel was advised that the representation from Kent Police had been withdrawn following the agreement of the Applicant to the conditions proposed in the written representation at Annex 5 of the report as amended by the email of the Licensing Coordinator (West Division) dated 17 August 2015. The Panel was further advised that the

representation from the Environmental Health Team had been withdrawn following the agreement of the Applicant to the conditions proposed in the representation at Annex 5 of the report as amended by the email of the Environmental Protection Team Manager dated 21 August 2015.

The Panel listened carefully to the representation made by Mr D Hook, Solicitor, on behalf of the applicant, Mr N Hossenboccus (General Manager and proposed Designated Premises Supervisor), Councillor Mrs S Luck (Borough Councillor for West Malling and Leybourne Ward) and by local residents Mr A Mills, Mrs P Hill, Mr A Austin and Mr S Donovan. The Panel was made aware of the concerns of residents in respect of the proximity of the premises to residential properties, noise, the party walls between the premises and residential property, the Courtyard at the rear of The Fancy Goat being used by patrons late at night and the emptying of bottles in to bins by staff.

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 s18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

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

Section a)	Performance of plays – Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section b)	Exhibition of films – Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section c)	Indoor sporting events – Sunday until Thursday from 07:00 hours until 23:30 hours. Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).
Section d)	Boxing or wrestling – Not applied for

Section e)	<p>Performance of live music –</p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p> <p>New Year's Eve and Christmas Eve: from 07:00 hours until 01:00 hours.</p>
Section f)	<p>Playing of recorded music –</p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section g)	<p>Performance of dance –</p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section h)	<p>Anything of a similar description to that falling within live music, recorded music or performance of dance –</p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p>
Section i)	<p>Provision of late night refreshment –</p> <p>Sunday until Thursday 23:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 23:00 hours until 00:30 hours.</p> <p>New Year's Eve and Christmas Eve: from 23:00 Hours until 01:30 hours.</p>
Section j)	<p>Supply of alcohol –</p> <p>Sunday until Thursday from 07:00 hours until 23:30 hours.</p> <p>Friday and Saturday from 07:00 hours until 24:00 hours (Midnight).</p> <p>New Year's Eve and Christmas Eve: from 07:00 hours until 01:00 hours.</p>

Subject to the Mandatory Conditions as defined in the Licensing Act 2003 and to the following conditions as agreed between the applicant and the responsible authorities:

1. CCTV to be installed in and around the premises covering internal and external areas accessed by customers.
2. Written notices and signs will be prominently displayed in all public areas informing customers that they are subject to recording by means of CCTV.

3. All CCTV cameras and recording equipment must be well maintained, kept in good working order and be subject to regular testing and inspection. Records of all testing and inspections must be maintained at the premises.
4. All images captured by CCTV must be of a continuous nature and be retained and stored securely for a minimum of 28 days.
5. CCTV images should be provided to Kent Police within a reasonable time period upon request when required for the purposes of investigation and detection of incidents or offences and to assist with the identification of person believed connected with offences.
6. Two door supervisors will be employed at the premises on Friday and Saturday nights from 21:30 hours until 30 minutes following the close of that day's trading.
7. Tables and chairs will be removed from outside the front of the premises by 22:00 hours every night.
8. After 22:00hrs no persons shall be permitted to take drinks, alcoholic or otherwise, in open vessels into the outside area at the front of the venue.
9. A policy of Challenge 25 will be adopted by the premises and all staff will be trained in the process required.
10. Notices will be displayed to discourage noise from patrons particularly using the outside areas of the premises, staff will be trained to challenge persons believed to be causing unnecessary noise nuisance.
11. Windows and doors to the premises shall be kept closed at all times (excepting access to and egress from the premises) to prevent noise from within the premises adversely affecting local residents.
12. Use of the rear courtyard by patrons and staff shall cease at 20:00 hours daily. No further use of the area shall occur until opening time on the following day. The door to this area will be kept securely closed and Notices shall be prominently displayed advising patrons not to use the area after 20:00 hours on any day.
13. No Bottle Bins shall be emptied between the hours of 21:00 and 08:00 on any day so as to minimise the potential for noise disturbance to local residents.
14. Signs shall be prominently displayed at all exits requesting patrons to leave quietly, so as to minimise the potential for noise disturbance to local residents.

15. No new admissions to the premises shall be permitted after 23:00 hours on any day.
16. Amplified live music will be restricted between 11:00 hours and 23:00 hours on any day, except New Year's Eve and Christmas Eve when it shall cease by 01:00¹

¹ Condition 16 was read out at the Licensing Hearing. However due to the Deregulation Act 2015 this condition is not valid between the Hours of 11:00 hours and 23:00 hours on any day.

LA 15/67 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.29 pm
having commenced at 10.00 am