

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

18 August 2015

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 Wednesday, 26th August, 2015 commencing at **10.00 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 a new Premises Licence for The Fancy Goat, 40 High Street, West Malling 5 - 108

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 109 - 110

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

Decisions to be taken under Delegated Powers

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 J A Anderson (Chairman)

Cllr H S Rogers

Cllr M Taylor

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

26 August 2015

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 APPLICATION FOR A NEW PREMISES LICENCE FOR THE FANCY GOAT, 40 HIGH STREET, WEST MALLING, KENT, ME19 6QR

1.1 Executive Summary

1.1.1 The Licensing and 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 the premises called The Fancy Goat, 40 High Street, West Malling, Kent, ME19 6QR.

1.1.2 This is a new application for 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 or performance of dance; provision of late night refreshment and supply of alcohol.

1.2 Background and Introduction

1.2.1 The previous premises licence issued to The Fancy Goat (11/00923/PREM) was issued on the 29 September 2011 with the premises holder being "The Fancy Goat Ltd".

1.2.2 The Fancy Goat Ltd went into Liquidation on the 19 November 2014 and as a result of Tonbridge & Malling Borough Council (Licensing Authority) having not been given an "interim authority" notice within 28 consecutive days of The Fancy Goat Ltd going into liquidation the premises licence lapsed.

1.2.3 The application was validated on the 14 July 2015, with the 28 day consultation period running from the 15 July 2015 until the 11 August 2015.

1.2.4 A map showing the location of The Fancy Goat and surrounding properties is shown at **Annex 1**

1.2.5 A Satellite map showing the location of The Fancy Goat and surrounding properties is shown at **Annex 2**

1.2.6 At any stage, during the 28 day public consultation period, a responsible authority, or an interested party, 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 interested parties, are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

1.2.7 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 2011 and will remain in force for three years. The Policy will be available at the meeting, for reference purposes.

1.2.8 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.

1.3 The application

1.3.1 The applicant is Todo Sobre Ltd T/A The Fancy Goat, 15 Cooling Close, Maidstone, Kent ME14 5RB

1.3.2 The application which was received on 14 July 2015, is attached to this report as **Annex 3**

1.3.3 The application details are as follows:

Section a)	Performance of plays – Monday until Sunday from 07:00 hours until 01:00 hours.
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Section b)	Exhibition of films - Monday until Sunday 07:00 hours until 01:00 hours.
Section c)	Indoor sporting events - Monday until Sunday 07:00 hours until 01:00 hours.
Section d)	Boxing or wrestling – Not applied for
Section e)	Performance of live music - Monday until Sunday 07:00 hours until 01:00 hours. New Year's Eve and Christmas Eve: from 07:00 hours until 03:00 hours.
Section f)	Playing of recorded music - Monday until Sunday 07:00 hours until 01:00 hours. New Year's Eve and Christmas Eve: from 07:00 hours until 03:00 hours.
Section g)	Performance of dance - Monday until Sunday 07:00 hours until 01:00 hours. New Year's Eve and Christmas Eve: from 07:00 hours until 03:00 hours.
Section h)	Anything of a similar description to that falling within live music, recorded music or performance of dance - Monday until Sunday 07:00 hours until 01:00 hours.
Section i)	Provision of late night refreshment - Monday until Sunday 23:00 hours until 01:00 hours. New Year's Eve and Christmas Eve: from 23:00 Hours until 03:00 Hours.
Section j)	Supply of alcohol - Monday until Sunday 07:00 hours until 01:00 hours. New Year's Eve and Christmas Eve: from 07:00 hours until 03:00 hours.

1.3.4 The Designated Premises Supervisor will be Noor Hossenboccus.

1.4 Reasons for referral

- 1.4.1 The Licensing Authority must under the Act refer any application for hearing to the Licensing & Appeals Committee, if relevant representations are made by a responsible authority or an interested party.
- 1.4.2 The Licensing Authority has, during the representation period received sixteen representations from interested parties, including four from a Responsible Authority (Kent Police; Planning; Food and Safety Team and Environmental Protection).
- 1.4.3 A summary of the Representations made by Responsible Authority is shown at **Annex 4**
- 1.4.4 A complete detailed set of the Representations by Responsible Authority received is shown at **Annex 5**
- 1.4.5 A map showing the location of The Fancy Goat and people who have made a Representation is shown at **Annex 6**
- 1.4.6 A Satellite map showing the location of The Fancy Goat and people who have made a Representation is shown at **Annex 7**
- 1.4.7 The applicant and other persons that have made representations have been invited to attend the hearing.
- 1.4.8 A summary of the Representations made by interested parties is shown at **Annex 8**
- 1.4.9 A complete detailed set of the Representations by interested parties received is shown at **Annex 9**

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 - Determining the application

1.6.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

- 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 Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.4 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. Modify the conditions of the licence. (a condition is modified if any of them is altered or omitted or any new condition is added)
3. Exclude from the scope of the licence any of the licensable activities to which the application relates;

4. Refuse to specify a person in the licence as the premises supervisor;
5. 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.

1.10 Equality Impact Assessment

- 1.10.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.11 Recommendations

- 1.11.1 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:

Licensing Act 2003
Licensing Act Guidance
Statement of Licensing Policy

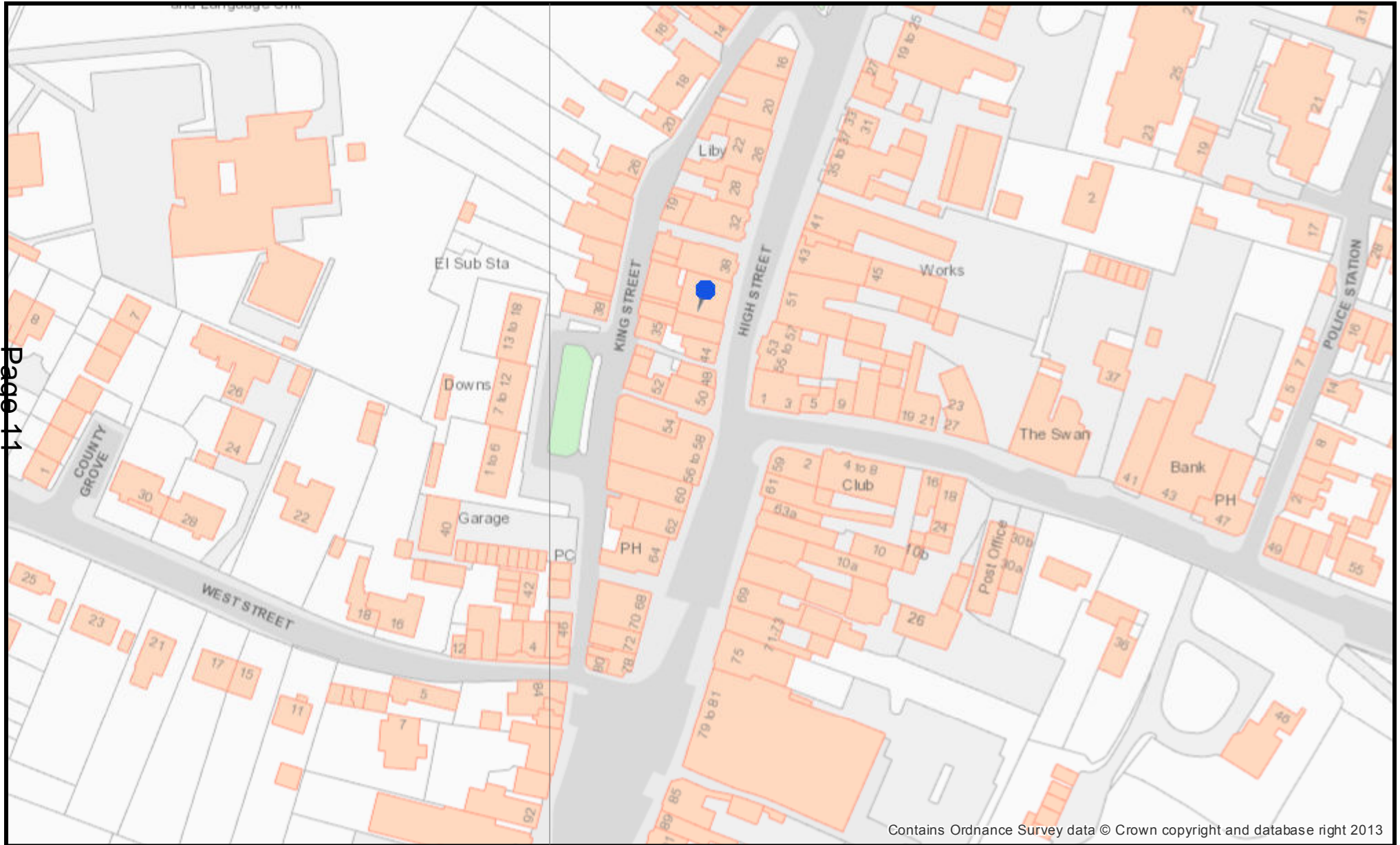
Contact:

Anthony Garnett 6151
Katie Rigg - 6027

Adrian Stanfield
Director of Central Services and Monitoring Officer

THE FANCY GOAT

For Premises Hearing



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Map Dated: 12 Aug 2015

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THE FANCY GOAT

For Premises Hearing

ANNEX 2



Page 13



Scale 1:1,250

568000000000

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Map Dated: 12 Aug 2015

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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.

TODO SOBRE LTD T/AS
I/We THE FANCY GOAT
(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 THE FANCY GOAT 40 HIGH STREET WEST MALLING KENT			
Post town		Postcode	ME19 6QR
Telephone number at premises (if any)	01732 871222		
Non-domestic rateable value of premises	£ 18,000		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) 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)

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)					

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	Todo Sobre Hd ^{Las} THE FANCY GOAT
Address	15 COOLING CLOSE MADSTONE KENT ME14 5RB
Registered number (where applicable)	9245926
Description of applicant (for example, partnership, company, unincorporated association etc.)	Company
Telephone number (if any)	01732 871 222
E-mail address (optional)	info@the-fancy-goat.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
17	08	2015

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

DD	MM	YYYY
11	11	1111

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

RESTAURANT / BAR

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

--

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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	7.00	01.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	7.00	01.00			
Wed	7.00	01.00		<u>State any seasonal variations for performing plays</u> (please read guidance note 4)	
Thur	7.00	01.00			
Fri	7.00	01.00	<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	7.00	01.00			
Sun	7.00	01.00			

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	<u>Please give further details here</u> (please read guidance note 3)		
Mon	7.00	1.00			
Tue	7.00	1.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed	7.00	1.00			
Thur	7.00	1.00	<u>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</u> (please read guidance note 5)		
Fri	7.00	1.00			
Sat	7.00	1.00			
Sun	7.00	1.00			

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	7.00	1.00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	7.00	1.00	
Wed	7.00	1.00	
Thur	7.00	1.00	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 (please read guidance note 5)
Fri	7.00	1.00	
Sat	7.00	1.00	
Sun	7.00	1.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	7.00	1.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	7.00	1.00			
Wed	7.00	1.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	7.00	1.00			
Fri	7.00	1.00	<u>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</u> (please read guidance note 5) NEW YEARS EVE 7.00-3.00 CHRISTMAS EVE, 7.00-3.00		
Sat	7.00	1.00			
Sun	7.00	1.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	7.00	1.00			
Tue	7.00	1.00			
Wed	7.00	1.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	7.00	1.00			
Fri	7.00	1.00	<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)		
Sat	7.00	1.00	NEW YEAR EVE 7.00 3.00		
Sun	7.00	1.00	CHRISTMAS EVE 7.00 3.00		

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	7.00	1.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	7.00	1.00			
Wed	7.00	1.00		State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur	7.00	1.00			
Fri	7.00	1.00	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 (please read guidance note 5)		
Sat	7.00	1.00		NEW YEARS EVE	7.00 - 3.00
Sun	7.00	1.00		CHRISTMAS EVE	7.00 - 3.00

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	7.00	1.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	7.00	1.00	Please give further details here (please read guidance note 3)		
Wed	7.00	1.00			
Thur	7.00	1.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	7.00	1.00			
Sat	7.00	1.00	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 (please read guidance note 5)		
Sun	7.00	1.00			



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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	1.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	1.00			
Wed	23.00	1.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	1.00			
Fri	23.00	1.00	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 (please read guidance note 5) NEW YEARS EVE 23.00 - 03.00 CHRISTMAS EVE 23.00 - 0.30		
Sat	23.00	1.00			
Sun	23.00	1.00			

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	07.00	01.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	07.00	01.00			
Wed	07.00	01.00			
Thur	07.00	01.00			
			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)		
Fri	07.00	01.00	NEW YEARS EVE 07.00 – 03.00 CHRISTMAS EVE 07.00 – 03.00		
Sat	07.00	01.00			
Sun	07.00	01.00			

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

Name	NOOR HOSSENBODDUS
Address	
Postcode	
Personal licence number (if known)	TM/PER/05/00121
Issuing licensing authority (if known)	TOWBRIDGE & MALLING.

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).

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	7.00	2.00	
Tue	7.00	2.00	
Wed	7.00	2.00	
Thur	7.00	2.00	<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>NEW YEARS EVE 7.00 - 4.00</p> <p>CHRISTMAS EVE 7.00 - 4.00</p>
Fri	7.00	2.00	
Sat	7.00	2.00	
Sun	7.00	2.00	

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)

I am fully aware of the Licensing objectives, in the day to day Running of the premises.

b) The prevention of crime and disorder

EFFECTIVE and responsible Management of premises
TRAINING and Supervision of STAFF

c) Public safety

CCTV for 28 days.

d) The prevention of public nuisance

Door Supervisors. x 2 21.30 - 01.30 Friday & Saturday

e) The protection of children from harm

Challenge 25 in operation.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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	14/7/15	
Capacity	MANAGER	

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)			
[REDACTED]			
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.

Summary of Representations for Fancy Goat, 40 High Street, West Malling ME19 6QR

Responsible Authorities Representations

	Licensing Act 2003 – Licensing Objectives				
	Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm	Outside of Licensing Act 2003
Kent Police	<p>Proposed conditions</p> <ol style="list-style-type: none"> 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 on Friday and Saturday. 8. After 22:00hrs on Friday and Saturday 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. Use of the rear courtyard will cease at 8pm every day, the door to this area will be kept 				

		Licensing Act 2003 – Licensing Objectives			Outside of Licensing Act 2003
		Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	
		<p>securely closed and notices will be displayed requesting customers not to access this area.</p> <p>10. A policy of Challenge 25 will be adopted by the premises and all staff will be trained in the process required.</p> <p>11. 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.</p>			
Environmental Protection	Page 34	<p>Officers have investigated these complaints and recommend the following conditions be attached to the Premises Licence:</p> <ol style="list-style-type: none"> 1. Windows and doors to the premises shall be kept closed (excepting access/egress to/from the premises) to prevent noise from within the premises adversely affecting local residents. 2. 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. Notices shall be prominently displayed advising patrons not to use the area after 20:00 hours on any day. (This arrangement is already in place on an informal basis.) 3. 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. 4. 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 5. No new admissions to the premises shall be permitted after 23:00 hours on any day. 			
Food and Safety		No Comments			

	Licensing Act 2003 – Licensing Objectives				
	Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm	Outside of Licensing Act 2003
<p>Planning</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 35</p>					<p>This licence application diverges significantly from the hours approved by the parent planning permission TM/06/01342/FL (ie requesting 07.00 to 1:00 (til 03.00 at Christmas and New Years Eve).).</p> <p>1. The premises shall only be open for the preparation and sale of food between the hours of 0800 to midnight Monday to Saturday and between the hours of 1000 and 2330 on Sundays and Public Holidays.</p> <p>Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.</p>

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**Kent
Police**

Chief Officer of Police Representation in relation to an application for **grant** of premises licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Inspector Gillian Ellis
Postal Address: (Area Headquarters)	Police Station Pembury Road Tonbridge Kent TN9 2HS
E-mail address	ellen.shaw@kent.pnn.police.uk
Telephone Number:	01732 379255

Details of premises representation is about	
Name of Premises:	The Fancy Goat
Address of premises:	40 High Street West Malling Kent ME19 6QR
Date application received by police	15 th July 2015
Date representation sent to Licensing Authority	31 st July 2015 <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	X
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	

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

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:

Kent Police have received the application for the grant of a premises licence for The Fancy Goat following the lapse of the previous licence under which this premises operated. The premises are located on the High Street of West Malling which has a busy night time economy combined with a large number of residential properties situated on or within close proximity to the High Street.

Kent Police have received complaints with regard to noise nuisance and anti-social behaviour which have been attributed to this premises and therefore believe that it is necessary to make representations in relation to this application in order to address the issues which are believed to be emanating from the premises.

Issues which have been reported to Kent Police from local residents concern noise from use of outside spaces including the rear courtyard and the area to the front of the premises directly onto the pavement of the High Street. Whilst it is not possible to attribute all noise from the front of the premises to patrons of this venue, due to members of the public passing by en-route to or from the main town centre, it is certainly justifiable to say that where there is a collection of customers outside the venue then it is reasonable to expect a level of control from the premises. The trading hours requested in the grant application are later than other venues within the town (although they are in line with the previous premises licence) and it is therefore likely that this will make the venue a target for customers, particularly on Friday and Saturday, leaving other venues and wishing to continue drinking prior to making their way home. It will be necessary for the premises to take control of this situation to ensure that customers arriving at the venue late, and possibly already intoxicated, are sufficiently controlled by staff to minimise any nuisance and prevent any crime and disorder that they may cause.

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

Kent Police believe that the following conditions would assist with promoting the licensing objectives and in controlling the issues described in the above section and therefore request consideration to their attachment to any premises licence granted:

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 on Friday and Saturday.
8. After 22:00hrs on Friday and Saturday 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. Use of the rear courtyard will cease at 8pm every day, the door to this area will be kept securely closed and notices will be displayed requesting customers not to access this area.
10. A policy of Challenge 25 will be adopted by the premises and all staff will be trained in the process required.
11. 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.

Signed:



Print name: Ellen Shaw

Date: 31st July 2015

Force Number: PSE 52479

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.

Anthony Garnett - The Fancy Goat 40 High Street West Malling ME19 6QR

From: environmental protection
To: Licensing Services
Date: 10/08/2015 10:39
Subject: The Fancy Goat 40 High Street West Malling ME19 6QR
CC: jj

In respect of the above application the EH comments are as follows:

Environmental Protection Peter Thomason:

Since opening as The Fancy Goat, the Environmental Protection Team have received complaints from several residents about noise emanating from the premises as follows:

06-Mar-14 (14/00189/NOICOM) re bottle emptying;
08-May-14 (14/00403/NOICOM) re patron noise and amplified music;
08-Dec-14 (14/01107/NOICOM) re noise from Chiller / A/C units (not a Licensable Activity); &
02-Jan-15 (15/00001/NOIENT) re amplified music.

Officers have investigated these complaints and recommend the following conditions be attached to the Premises Licence:

1. Windows and doors to the premises shall be kept closed (excepting access/egress to/from the premises) to prevent noise from within the premises adversely affecting local residents.
2. 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. Notices shall be prominently displayed advising patrons not to use the area after 20:00 hours on any day. (This arrangement is already in place on an informal basis.)
3. 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.
4. 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
5. No new admissions to the premises shall be permitted after 23:00 hours on any day.

Food and Safety Melanie Henbest: No comments:

The Env. Protection Team
Do it Online!

www.tmbc.gov.uk/noiseandpollution

Licensing Services - Re: New Premises Application

From: Marion Geary
To: Ellen Shaw; Licensing Services; TFS.midgroup@kent.fire-uk.org; enviro...
Date: 16/07/2015 14:57
Subject: Re: New Premises Application
CC: Glenda Egerton; Louise Reid; ek

Dear Anthony,

This licence application diverges significantly from the hours approved by the parent planning permission TM/06/01342/FL (ie requesting 07.00 to 1:00 (til 03.00 at Christmas and New Years Eve).).

1. The premises shall only be open for the preparation and sale of food between the hours of 0800 to midnight Monday to Saturday and between the hours of 1000 and 2330 on Sundays and Public Holidays.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

This was an extremely controversial site in the past and whilst I would request a planning application to match the licensing proposed hours, I would have to take advice from EP as to the likelihood of receiving objections to these new hours,

thanks

Marion

Marion Geary
Area Planning Officer (Team 2)
Tonbridge and Malling Borough Council
Tel 01732 876252
Fax 01732 876363

Have you tried contacting us at
www.tmbc.gov.uk/do-it-online?



www.tmbc.gov.uk

>>> Licensing Services 15/07/2015 15:56 >>>>

Please find an amended application received from the applicant with Sale of Alcohol and Late Night Refreshment ticked on page 5 of the application.

Regards

Anthony Garnett
Licensing and Community Safety Manager

Licensing Team
Email: licensing.services@tmbc.gov.uk

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INTERESTED PARTIES

Representations made



158 00 000000

158 00 000000

Page 43

568 00 000000

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Scale 1:2,500

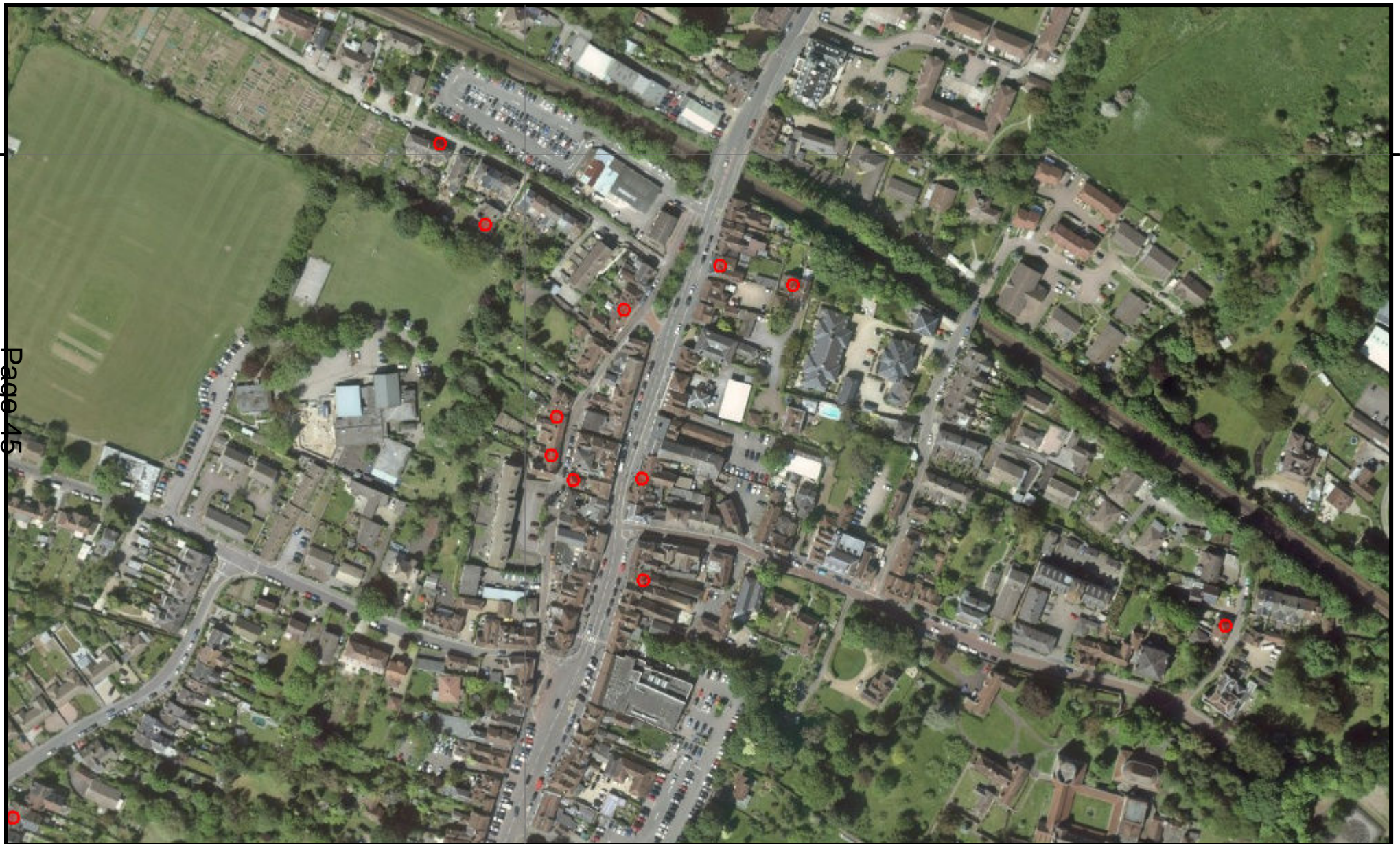
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Map Dated: 12 Aug 2015

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INTERESTED PARTIES

Representations made



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158 00 000000

Page 45

568 00 000000



Scale 1:2,500

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Map Dated: 12 Aug 2015

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Summary of Representations for Fancy Goat, 40 High Street, West Malling ME19 6QR

Interested parties

Interested party	Licensing Act 2003 – Licensing Objectives				Outside of Licensing Act 2003
	Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm	
Cllr Mrs T Dean			<ul style="list-style-type: none"> • rowdiness of customers • playing of loud music. 		<ul style="list-style-type: none"> • alleyway by the side of the premises for smoking, vomiting and urinating, • Waste bins • Taxi outside
	<p>Recommend: - In the interests of public safety and amenity for residents and customers of other businesses I ask that the hours of operation are restricted in such a way that operations can be tightly monitored, and in any event not beyond the hours of 11pm.</p>				
Cllr S Luck	<ul style="list-style-type: none"> • Anti-social behaviour 	<ul style="list-style-type: none"> • Disorder 	<ul style="list-style-type: none"> • Noise • Excessive loud music 		<ul style="list-style-type: none"> • Geographical location of premises • Taxis • Alleyway used as toilet • Noise from Air conditioning units / chillers
	<p>Recommend: - The License because of the proximity of residential premises, should not have live music, recorded back ground music only, all windows and doors shut, with the sale of alcohol with food only, till 12pm</p>				
West Malling Parish Council			<ul style="list-style-type: none"> • Noise complaints during and after trading hours 		<ul style="list-style-type: none"> • Taxis • Slamming car doors • Parking • Smoking outside
	<p>Recommend: - From the complaints made to WMPC and from observations made by Councillors, WMPC feels that this request is excessive and would like to suggest that a shorter licensing period is granted, particularly from Sunday to Thursday inclusive, to allow some residential amenity to neighbouring properties.</p>				
Richard Selkirk Parish Councillor	Aligned Representation with comments from Cllr Mrs T Dean				

Interested party	Licensing Act 2003 – Licensing Objectives				Outside of Licensing Act 2003
	Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm	
Mr and Mrs Mills	<ul style="list-style-type: none"> Increased anti-social behaviour 		<ul style="list-style-type: none"> Unacceptable levels of noise Patrons and staff using Courtyard (Noise, smoking and drinking) 		<ul style="list-style-type: none"> Increased refuse Air conditioning and Chiller units
	<p>Recommend: - We would like an 8pm curfew to be placed on their licence stating that the opening of the doors and windows to the rear of the property, along with use of the external courtyard after this time, are prohibited.</p> <p>We would also request that all licensable activities are to cease at 11pm in line with the majority of licensed premises and restaurants within West Malling.</p>				
Mrs Ann Echlin MBE, BA, JP 48			<ul style="list-style-type: none"> Noise 		<ul style="list-style-type: none"> Loud conversations while walking to their cars Banging of car doors
	<p>Recommend: - To refuse the application as applied for on the grounds that the local residents have good cause to believe that their peace will be disturbed.</p>				
Mr & Mrs A Austin	<ul style="list-style-type: none"> Drunkenness Anti-social behaviour 		<ul style="list-style-type: none"> Music 		<ul style="list-style-type: none"> People blocking the footpath Alleyway used as toilet Very young children living 20ft deprived of sleep
	<p>Recommend: - Sale of Alcohol and music to stop at 23:00 and back doors and courtyard closed at 20:00 hours</p>				
Mr J Holcombe		<ul style="list-style-type: none"> Having felt vulnerable being heckled whilst walking past. 	<ul style="list-style-type: none"> Noise 		
	<p>Recommend: - Music should be off at 11pm along with the sale of alcohol</p>				
Mr S. P. Donovan					<ul style="list-style-type: none"> Noise from smokers outside of premises Noise from people congregating outside
	<p>Recommend: - Closing time should be midnight and music stopped at 11:30 pm. New year closing time should be 1am.</p>				

Interested party	Licensing Act 2003 – Licensing Objectives				Outside of Licensing Act 2003
	Prevention of Crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm	
					<ul style="list-style-type: none"> Taxi and Cars parked up outside premises
Mr V Stokes			<ul style="list-style-type: none"> Music 		<ul style="list-style-type: none"> Drunken people in early hours of morning
	Recommend: - Any Late licence should be applied for on a special occasion only basis.				
Nigel A M and Helen O Cooke			<ul style="list-style-type: none"> Noise 		<ul style="list-style-type: none"> People on pavement outside smoking, drinking and making noise. Taxi Swan History of Restaurants at 40 High Street.
	Recommend: - We request you not to grant the requested licence				
Mrs Patricia Hill			<ul style="list-style-type: none"> Noise from staff emptying bottles 		<ul style="list-style-type: none"> Large Waste Bins Black Sacks of foul smelling food Smoking and Cigarette ends on the ground. Slamming car doors Noise from people using the footpath
	Recommend: -				

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Anthony Garnett - Re: Objection to granting of Licence to The Fancy Goat

From: <Trudy.Dean@kent.gov.uk>
To: <Anthony.Garnett@tmbc.gov.uk>
Date: 10/08/2015 10:26
Subject: Re: Objection to granting of Licence to The Fancy Goat
Attachments: ATT00001.bmp

Thanks for your mail. Please use my home address
49 Offham Rd, west Malling, ME19 6RB
Trudy

Kind Regards,
Trudy Dean
49 Offham Road, West Malling, Kent, ME19 6RB

Sent from my iPhone

On 9 Aug 2015, at 18:54, Anthony Garnett <Anthony.Garnett@tmbc.gov.uk> wrote:

Dear Cllr Mrs Dean,

Thank you for your Representation in respect to the Fancy Goat.

In order to make this Representation valid it needs to have an address associated with it.
Could I therefore request that you forward an address to be associated with this Representation.

Thank you

Regards

Anthony Garnett
Licensing & Community Safety Manager
Tonbridge & Malling Borough Council
Secure email: Anthony.Garnett@tmbc.gcsx.gov.uk

<mime-attachment.bmp>

Have you tried contacting us at www.tmbc.gov.uk/do-it-online ?

>>> On 09/08/2015 at 16:54, in message <124B9566-C332-4CD4-BFD2-2DF6681F25FD@kent.gov.uk>, <Trudy.Dean@kent.gov.uk> wrote:

Dear Mr Garnett,
I write as the local County Councillor for West Malling in respect of the Licence application from the above premises.

West Malling is a thriving market town and I support its mixed economy of businesses shops and catering establishments including cafes, restaurants

and pubs. However, the town is a tightly packed built environment where residential premises exist above, adjacent to, and opposite these premises. They can all only thrive when the interests of both are respected in a reasonable manner.

I have as councillor received a number of complaints about the operation of The Fancy Goat in excess of any I have received regarding other licensed premises in the town. I have attended two meetings with groups of residents in King Street in the last six months to hear of their experiences.

Residents have had to make calls to the Police on many occasions regarding the excessive rowdiness of customers, aggravated by the playing of loud music. King Street and High Street residents are separated from the Fancy Goat only by the width of the road, and in one case only by a party wall. The noise has

made it impossible to sleep, particularly for children.

Clients have commonly used the alleyway by the side of the premises for smoking, vomiting and urinating, the evidence of which has on many occasions been cleared by residents themselves for public safety and amenity.

Wet and dry waste foodstuffs often exceed the capacity of the waste bins

~~and are deposited haphazardly in sacks in the street, sometimes unsealed, and are then split~~

open by the many foxes attracted to the site as a result. Fat and wet trails mark the road endangering the public.

The publicans of West Malling recognise the need to avoid conflict with neighbours and in the main restrict their hours of opening accordingly.

The Fancy Goat seeks to remain open beyond the hours of others on a regular basis until 1am. The result is that clients of the many other licensed premises then continue drinking at The Fancy Goat with the resultant escalation of the type of complaints described above.

There is a daily problem with staff of the Fancy Goat leaving vehicles overstaying the waiting restrictions in the High Street outside the premises, and in the

evening several taxis wait outside obstructing the flow of traffic. The restricted hours are there to maximise turnover of customers, and overstaying those restrictions disadvantages customers and owners of other businesses in the town.

Residents have tried over many months to gain voluntary cooperation from the Fancy Goat management, but continue to find the operation of the premises cause offences of public nuisance on a regular basis, making their family lives intolerable on many occasions. I understand there have been meetings with Borough officers concerning noise, and waste disposal. But the problems have persisted and one is forced to conclude that the management of The Fancy Goat are incapable of operating the business within reasonable levels of public amenity and safety. Far from addressing the complaints, they seek to have opening hours further into the night and early hours when disturbance is likely to have even greater effect.

I understand that the business is now in receivership, and this increases my concern that competent managerial skills exist amongst the current managers.

I hope the licensing panel will take these comments into account.

If they nevertheless agree to grant a licence, in the interests of public safety and amenity for residents and customers of other businesses I ask that the hours of operation are restricted in such a way that operations can be tightly monitored, and in any event not beyond the hours of 11pm.

Your sincerely
Trudy Dean
Sent from my iPad

Have you tried contacting us at www.tmbc.gov.uk/do-it-online ?

This e-mail may contain information which is sensitive, confidential, or protectively marked up to OFFICIAL-SENSITIVE level and should be handled accordingly. If you are not the intended recipient of this e-mail or any part of it, please inform the sender immediately on receipt and do not copy it or disclose the contents to any other person. All e-mail traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Licensing Services - Fw: The Fancy Goat

From: "sandra luck" [REDACTED]
To: <Licensing.services@tmbc.gov.uk>
Date: 10/08/2015 16:28
Subject: Fw: The Fancy Goat

From: [sandra luck](mailto:sandra.luck)
Sent: Monday, August 10, 2015 3:52 PM
To: Licensing.service@tmbc.gov.uk
Subject: Fw: The Fancy Goat

From: [sandra luck](mailto:sandra.luck)
Sent: Saturday, August 01, 2015 1:53 PM
To: Licensing.services@tmbc.gov.uk
Subject: The Fancy Goat

The Old Clock Shop
63 High Street
West Malling
Kent
ME19 6NA

Reference The Fancy Goat.

I would also like to attend and give my concerns as a Borough Councillor

Are you aware of the position of the Fancy Goat? It is on an island between the High Street with 2 way traffic, and a back road called King Street with only single lane traffic. The other 3 restaurants along that stretch of the High Street do not cause a problem.

The premises 40 High Street was originally a public house called The Rose and Crown and in those days it shut, I think it at 11pm, then it became an Antique shop, then a Licensed Restaurant.

Since The Fancy Goat has opened there have been many complaints about noise, excessive loud music, noise and disorder from the customers inside and outside the premises till very late, passed 1am, plus cars and taxis late at night. There is an alley way near the side of the premises that goes from the High Street to Kings Street where customers regularly use it as a toilet, and it is a great concern with the antisocial behaviour.

There has been an incident where the police have been called because the staff lost control of their customers.

They do have a door supervisor there at week ends, but it does not stop the noise coming from inside and outside the premises, the door supervisor cannot control the customers outside the premises from the antisocial behaviour they cause till past 1am

The rear which backs onto King Street a residential street. The continuous noise from the air conditioning units and chillers, staff using bad language, very loud music with rear doors that open onto the courtyard, until past 1am, it is a great concern and is extremely stressful for the residents of King Street, many of who, have young children. They have tried regularly to complain to the management of the restaurant, but to no avail.

The air conditional units and chillers need to be insulated so they do not emit any noise, staff need controlling, and re training, court yard doors need to remain shut in the evening, and the music, background music only

It is an unsuitable premises for a late drinking and a music license till 1pm, there are too many residential premises in close proximity, front and rear, as it is has a late license for drink and music, customers from other establishments go there for a late drink. Hence all the problems of anti sociable behaviour and excessive noise. It has become a late night drinking den.

There has been a lack of staff training, to control and regulate their customers, The staff, managers and owners have had no regard for the local residents and have not taken any steps to eradicate the problems that their establishment has caused

~~The license because of the proximity of residential premises, should not have live music, recorded back ground music only, all windows and doors shut, with the sale of alcohol with food only, till 12pm~~

Sasha Luck
Borough Councillor
West Malling & Leybourne

Premises Licensing Application 15/00977/PREM The Fancy Goat, High Street, West Malling
West Malling WMPC (WMPC) is keen to encourage and actively supports a vibrant economy in established business areas such as West Malling High Street and licensed premises providing alcohol and various entertainments feature prominently in the High Street.

However, WMPC has received an increasing number of complaints over the last twelve months about one High Street premises, The Fancy Goat.

The complaints centre on noise from the premises both during and after trading hours and particularly in the early hours of the morning. Member of the public have complained that the Fancy Goat's management seems unable to control the noise from music and/or from customers on the premises and have noted that the management seems particularly unreceptive when complaints are made.

Customer dispersal is often noisy; particularly as little effort is made to dissuade taxis and cars from waiting at the front of the building, thus adding vehicle noise, including slamming doors, to noise from rowdy behaviour, often at times when there is little background noise for the disturbance to dissipate into.

Complaints have also noted that the management do not appear to discourage their customers from parking outside the premises during daytime trading hours, despite the vehicle(s) being parked outside the designated zone. This causes a pinch point and
~~obstruction to High Street traffic.~~

While management may enforce a strict no smoking policy on the premises, it should be noted that staff from The Fancy Goat have been seen smoking in the adjacent alleyway. Fortunately, the cigarette butts are removed by a street cleaning officer during the week, although they can accumulate over the weekend.

While WMPC appreciates that the hours quoted on the licence application are to cover occasional extended use as well as core trading times, it is concerned that the request is to allow activities, however infrequent, to be licensed from 07.00 to 01.00 for 7 days a week.

From the complaints made to WMPC and from observations made by Councillors, WMPC feels that this request is excessive and would like to suggest that a shorter licensing period is granted, particularly from Sunday to Thursday inclusive, to allow some residential amenity to neighbouring properties.

WMPC would also like to request that The Fancy Goat's management continue to use the Temporary Event Notice arrangement to cover any extension of hours above those suggested by the WMPC, to ensure better premises management and to lessen disturbance to residents.

West Malling Parish Council
9 High Street
West Malling
Kent ME19 6QH

Anthony Garnett - Re: Objection to granting of Licence to The Fancy Goat

From: Richard Selkirk <[REDACTED]>
To: <anthony.garnett@tmbc.gov.uk>
Date: 09/08/2015 21:49
Subject: Re: Objection to granting of Licence to The Fancy Goat
CC: [REDACTED]

Anthony,

As a local resident and Parish Councillor I agree completely with the objections outlined by our County Councillor.

Please add my objections to the list as a separate entry.

I have photographic evidence of some of the issues raised and am happy to supply.

Richard Selkirk
11 Frog Lane
West Malling
ME19 6LN

On 9 Aug 2015, at 16:54, <Trudy.Dean@kent.gov.uk> <Trudy.Dean@kent.gov.uk> wrote:

Dear Mr Garnett,
I write as the local County Councillor for West Malling in respect of the Licence application from the above premises.

West Malling is a thriving market town and I support its mixed economy of businesses shops and catering establishments including cafes, restaurants and pubs. However, the town is a tightly packed built environment where residential premises exist above, adjacent to, and opposite these premises. They can all only thrive when the interests of both are respected in a reasonable manner.

I have as councillor received a number of complaints about the operation of The Fancy Goat in excess of any I have received regarding other licensed premises in the town. I have attended two meetings with groups of residents in King Street in the last six months to hear of their experiences.

Residents have had to make calls to the Police on many occasions regarding the excessive rowdiness of customers, aggravated by the playing of loud music. King Street and High Street residents are separated from the Fancy Goat only by the width of the road, and in one case only by a party wall. The noise has made it impossible to sleep, particularly for children.

Clients have commonly used the alleyway by the side of the premises for smoking, vomiting and urinating, the evidence of which has on many occasions been cleared by residents themselves for public safety and amenity.

Wet and dry waste foodstuffs often exceed the capacity of the waste bins and are deposited haphazardly in sacks in the street, sometimes unsealed, and are then

split

open by the many foxes attracted to the site as a result. Fat and wet trails mark the road endangering the public.

The publicans of West Malling recognise the need to avoid conflict with neighbours and in the main restrict their hours of opening accordingly. The Fancy Goat seeks to remain open beyond the hours of others on a regular basis until 1am. The result is that clients of the many other licensed premises then continue drinking at The Fancy Goat with the resultant escalation of the type of complaints described above.

There is a daily problem with staff of the Fancy Goat leaving vehicles overstaying the waiting restrictions in the High Street outside the premises, and in the evening several taxis wait outside obstructing the flow of traffic. The restricted hours are there to maximise turnover of customers, and overstaying those restrictions disadvantages customers and owners of other businesses in the town.

Residents have tried over many months to gain voluntary cooperation from the Fancy Goat management, but continue to find the operation of the premises cause offences of public nuisance on a regular basis, making their family lives intolerable on many occasions. I understand there have been meetings with Borough officers concerning noise, and waste disposal. But the problems have persisted and one is forced to conclude that the management of The Fancy Goat are incapable of operating the business within reasonable levels of public amenity and safety. Far from addressing the complaints, they seek to have opening hours further into the night and early hours when disturbance is likely to have even greater effect.

I understand that the business is now in receivership, and this increases my concern that competent managerial skills exist amongst the current managers.

I hope the licensing panel will take these comments into account.

If they nevertheless agree to grant a licence, in the interests of public safety and amenity for residents and customers of other businesses I ask that the hours of operation are restricted in such a way that operations can be tightly monitored, and in any event not beyond the hours of 11pm.

Your sincerely

Trudy Dean

Sent from my iPad

Mr and Mrs A Mills
 36 King Street
 West Malling
 Kent
 ME19 6QT

3 August 2015

Dear Mr Garnett

Re. Premises Licence Application 15/00977/PREM (The Fancy Goat, 40 High Street, West Malling)

With reference to the above premises licence application, we wish to formally submit our objections to the granting of this licence, in its current form. We do so on the basis of the events of the past eighteen months that the Fancy Goat has been in business (operating under a licence that mirrors this current application).

Throughout that entire period we and our neighbours, have experienced extensive problems, including:

- **Excessive and unacceptable levels of noise** – both from the playing of recorded and live music until the very early hours (in particular on a Friday and Saturday night); from the opening of the rear doors and the use of the external courtyard by both customers and staff until the very early hours; from the emptying of their bottle bins after 9pm; and from the air conditioning and chiller units which the proprietors of the Fancy Goat installed into what should have been the external refuse store. Both the courtyard and the refuse store are only 5 metres from the front of our property, and more importantly the bedroom where our two very young children sleep. They are also directly adjacent to the front of our neighbours property (no.35)
- **Increased anti-social behaviour** – Over the last eighteen months we have witnessed an appalling rise in the number of incidents of anti-social behaviour in the streets and alleyways surrounding The Fancy Goat.
- **Increased refuse** – what should have been the external refuse store for The Fancy Goat now houses their air conditioning and chiller units. As such they have completely inadequate provision for the storage of their refuse. In the past bags of rubbish have frequently been dumped on their rear fire exit and in the street, attracting foxes and other vermin (see dated photos attached).

We have tried on numerous occasions to raise our concerns with the owners/manager of the Fancy Goat, and have even offered potential solutions to the problems that we face, but to no avail. Over the last eighteen months they have shown absolutely no regard for the concerns or issues of local residents,

merely paying lip service to any objections that we have raised, ignoring the suggestions we have made, and on occasion even lying to us. Our suggestion, for example, that they undertake the most basic task of placing a sign on the rear door to inform customers that the courtyard could not be used after 8pm was completely ignored until the Council became involved and made a similar suggestion. They also seem to be of the opinion that they have no responsibility for the actions and behaviour of their customers.

This attitude, combined with the events of the last eighteen months, has led us to the opinion that they have not demonstrated the effective and responsible management of the premises or the effective training of their staff, which they suggest in this latest application, and that they have little regard for the licensing objectives to which they also claim to adhere, in particular the prevention of public nuisance and the prevention of crime and disorder.

As you are aware, under various pieces of legislation both we, and all of our neighbours, have the statutory right to a family life, respect for our home and the right to enjoy our properties without interference or nuisance from others. The Fancy Goat have not demonstrated, at any point, that they have any desire to acknowledge these rights, or indeed do anything about the public nuisance that they have been causing.

Whilst considering the points raised within our objections it is also worth noting that the premises in question sits in the middle of a conservation area within a quaint and rural town in Kent. King Street, at the rear of the property, is mentioned within local tourist literature as a road that features some of the oldest medieval properties in the area and is pitched as one of the main reasons for visiting West Malling. The properties in King Street are listed and single glazed.

Detailed objections

As noise and anti-social behaviour are directly linked to the two licensing objectives which we believe The Fancy Goat has failed to meet, the following sets out some specific examples of the issues we have had to endure over the last eighteen months. For a fuller picture we also enclose a diary of events covering this period, as far as possible. This can be supplemented by diary sheets that have been periodically submitted to the Council (also enclosed).

Opening of the rear doors and use of the courtyard

The external courtyard of The Fancy Goat is only 5 metres away from the front of our property and the front bedroom where our very young children sleep. We have had to endure patrons, and indeed the staff of The Fancy Goat itself, consistently using the courtyard for smoking and drinking, often until the very early hours. The noise this creates is unbearable, even with the windows closed, and very frequently wakes our children up. Indeed, individual conversations can clearly be heard from within our home by patrons on the courtyard.

Previous establishments that have traded from 40 High Street; Pinch & Manhattans were subject to an 8pm curfew on the use of the courtyard and the opening of the rear doors, by way of a Noise Abatement Notice. The council's own officer, Jane Healey, made note at the time of hearing

particularly in the first few months after opening, that music has also been playing well beyond the 1am curfew stipulated on their licence.

Again, both we and our neighbours have made numerous representations to The Fancy Goat over the excessive volume but to little avail. On one occasion the manager even said that the sound system had been 'hacked' and that there was nothing they could do about it. To have nothing done, when they have a statutory responsibility to control the levels of noise emanating from their premises, is one thing but to patronise the local residents in this way is something else.

The Fancy Goat, on its own website, promotes itself as a fine dining restaurant and cocktail bar. Indeed, that is our understanding of the terms on which the previous licence was granted, and on the basis of which the current one is being applied for. The levels of music on a Friday and Saturday night until the early hours, are however, akin to what you would expect to find in a nightclub.

In addition, while we realise that live bands are no longer a licensable activity, we would like to draw your attention to our experience of 13 June 2015 when the Fancy Goat had a live band playing at a private party. The noise emanating from The Fancy Goat was so loud that every word to every song could be clearly distinguished in our house, even with the television on at an extremely high volume. ~~Even comments that the singer made between songs were so loud it was almost like she was in the room with us. Sleeping in the front bedroom was virtually impossible for our children and our entire evening was ruined because there was no escape from it.~~

On this basis, we object to the extended opening hours of The Fancy Goat in this licence application, both in terms of their ability to play live and recorded music until 1am, in their ability to serve alcohol and late refreshments until 1am and to remain open until 2am (3am and 4am respectively on Christmas and New Years Eve).

Such extended, and unconditional, hours for a restaurant in a very small and quaint town, and in such close proximity to residential properties, are excessive and unnecessary. The Fancy Goat is not supposed to be a nightclub but at present they are using their extended licence to operate as one on certain days of the week. Aside from severely affecting our quality of life, and in particular the wellbeing of our children who frequently do not get a good nights sleep, this also encourages excessive drinking and increased anti-social behaviour in West Malling (see our points below).

We would ask that the extended opening hours of The Fancy Goat be rejected and that the hours of their licence be kept in line with the majority of licensed premises and restaurants within West Malling (i.e. all licensable activities to cease at 11pm).

Air Conditioning and Chiller units

As outlined above, the proprietors of the Fancy Goat installed their air conditioning and chiller units into what should have been the external refuse store. The noise levels we have had to endure in the last eighteen months as a result of these units has been unbearable. So much so, that it has been the subject of a separate investigation by the council and the issuing of a noise abatement notice.

While we can appreciate that this issue is not a licensing issue, per se, the extended opening hours of The Fancy Goat obviously have an impact on the length of time that the air conditioning and chiller units are in use. If customers are on the premises until 2am (and 4am at Christmas and New Year), then the

conversations that took place in the courtyard from inside our house. This is within a letter dated 24th July 2008 and a copy enclosed for reference.

In line with previous establishments in 16 May 2014 an informal agreement between the Council and The Fancy Goat was also reached over the opening of the external doors and the use of the courtyard. Neither were to be used after 8pm. Despite this, the very next evening (17 May) patrons were once again out on the courtyard until very late. After a neighbour complained the staff of The Fancy Goat closed the rear doors but left everyone drinking on the courtyard itself. On 3 June 2014 the staff of The Fancy Goat had a party in the courtyard until 1am, which woke our children up and could be heard at the back of our house. When the manager was approached the next day about this, the excuse that was given was that "they weren't there" and "it was only the staff and not any customers".

A further example, on 17 October 2014 a number of very drunk and very raucous customers were using the courtyard at midnight. My husband had to go around to The Fancy Goat, in his pyjamas, to ask the manager to close the rear doors and bring the customers inside. The customers in question were incredibly abusive and essentially ignored the manager and the door staff remaining on the courtyard. It took the doorman nearly 10 minutes, amid a torrent of abusive shouting, for him to get the customers inside.

~~On 28 February 2015 my husband had further cause to pay the Fancy Goat visit at 12:30am, again in his pyjamas, to ask the staff to bring the customers in from the courtyard because, yet again, they had woken our entire family up.~~

On 2 April 2015 the customers using the courtyard at 9pm woke our daughter up. A six minute phone call to The Fancy Goat asking them to sort this issue out resulted in the manager expressing the view that they had done something about it as soon as we had phoned so where was the problem? Our view that the onus should not be on us to contact The Fancy Goat once our children had been woken up and that the management should do more to keep their customers under control was met with disbelief.

Exactly these problems were experienced, again, as recently as 25 July 2015.

This blatant disregard for an agreement which was reached with the council over a year ago, and indeed the unwillingness of The Fancy Goat to take any responsibility for this matter, is completely unacceptable.

In our opinion the only way The Fancy Goat will adhere to the 8pm curfew on the closure of the rear doors and the use of the courtyard is if it is formally made a condition of their licence.

We would also ask that this condition be included in every future licence ever granted to 40 High Street, West Malling. The geographical proximity of our properties and those of our neighbours to the rear of 40 High Street is never going to change and the use of the courtyard by any business operating at that address will be inevitable unless conditions are imposed.

Excessively loud music

Unacceptable levels of noise as a result of excessively loud music until the early hours is a frequent occurrence, in particular on a Friday and Saturday night. It is often very difficult to sleep in our front bedroom and can often be heard at the back of our house (see diary sheet entries). On occasion,

air conditioning is in use well beyond that. We have experienced countless nights when our children have either been unable to get to sleep or have been woken up in the night and found it very difficult to get back to sleep because of the noise that they generate (see diary sheets). The noise is completely pervasive and often becomes the only thing you can focus on, even with the television or radio on.

We can appreciate that this is not the responsibility of the licensing team but the extended opening hours of The Fancy Goat do contribute to this issue. Therefore, once again, we object to the extended opening hours being applied for under this licence.

Increased Anti-Social Behaviour

There are few licensed premises in West Malling which have such extensive opening hours, and those that do have them, do not routinely use them. As such, this often leaves The Fancy Goat as the only licensed premises in West Malling still open after the pubs and restaurants have closed. Customers therefore descend upon The Fancy Goat, in particular on a Friday and Saturday, after closing time elsewhere which has perpetuated the situation with regard to it operating like a nightclub.

This has also led to increased, and unacceptable, levels of anti-social behaviour in the immediate vicinity of The Fancy Goat. ~~Every weekend patrons have either vomited or urinated in the alleyway opposite our~~ house and on one occasion an individual even vomited down the side of our car. Drunk and abusive customers are often loitering and/or arguing in the street and we are aware of at least one occasion (22/3/14) where the police had to be called to The Fancy Goat when a private party got out of hand and the management of The Fancy Goat failed to contain the situation.

On this basis we would, once again, ask that the extended opening hours of the Fancy Goat be rejected and the hours of their licence be kept in line with the other restaurants in the town.

Conclusion

The fact of the matter is, the geographical proximity of 40 High Street to a significant number of residential properties essentially makes it unsuitable for a licensed premises with such extensive hours, in terms of both its opening times and the activities for which it is licensed.

Indeed, we feel that the points outlined within this letter clearly question whether the current management of The Fancy Goat has demonstrated effective and responsible management of the premises thus far; and whether they can be considered to have promoted the Council's licensing objectives. As such it raises the question of whether a licence should be granted at all.

In light of this, and as the Council is already aware, we were collating evidence with a view to submitting our own application for a review of the Fancy Goat's licence. Current events have made that unnecessary and as such we now implore the Council to take into consideration all of the points we have raised, and all of the evidence we have collated, when assessing the suitability of this licence application.

To summarise:

We would like an 8pm curfew to be placed on their licence stating that the opening of the doors and windows to the rear of the property, along with use of the external courtyard after this time, are prohibited.

We would also request that all licensable activities are to cease at 11pm in line with the majority of licensed premises and restaurants within West Malling.



Andrew and Claire Mills

Tonbridge & Malling Borough Council
 Date: 6 March 2014
 Our ref: PMTEH/14/00189/NOICOM
 TONBRIDGE AND MALLING BOROUGH COUNCIL
 PLANNING, HOUSING & ENVIRONMENTAL HEALTH SERVICES

NAME CLAUDE MILLS
 ADDRESS 36 KING STREET
WEST MALLING
 SIGNED [REDACTED]

INCIDENT RECORD ABOUT THE FANCY GOAT 40 HIGH STREET WEST MALLING (address complained)

Before completing this form, please read the Guidance Notes attached

Date	Time Started	Duration of Incident(s)	Description of Incident	How did this affect you? (Eg poor sleep, could not enjoy garden, Could not hear TV)
7/3/14	11 AM	ALL DAY & INTO EARLY MORNING	NOISE FROM THE AIR CONDITIONING UNIT LOCATED AT THE SILENCERS FROM OUR HOME	CAN BE HEARD OVER THE TV UNABLE TO SLEEP IN FRONT BEDROOM
8/3/14	"	"	"	" UNABLE TO ENJOY CAR PROPERTY
9/3/14	"	SPREAD ALL DAY & NIGHT	AIR CONDITIONING UNIT RAN ALL NIGHT DESPITE THE RESTAURANT BEING CLOSED	HEARD OVER TV UNABLE TO SLEEP IN FRONT BEDROOM
10/3/14	10.30 AM	ALL DAY UNTIL LATE	NOISE FROM AIR CONDITIONING UNIT	"
11/3/14	11 AM	"	"	"
16/3/14	6 PM	UNTIL THE EARLY HOUR	NOISE FROM AIR CONDITIONING UNIT DESPITE RESTAURANT BEING CLOSED	"
17/3/14	11 AM	ALL DAY	NOISE FROM AIR CONDITIONING UNIT	"
18/3/14	11 AM	ALL DAY	"	"
19/3/14	11 AM	UNTIL THE EARLY HOUR	"	"
20/3/14	11 AM	"	"	"
21/3/14	10.30 AM	ALL DAY & NIGHT	TURNED OFF AT 7 AM	"
21/3/14	10.30 PM	UNTIL 2 AM	INCREDIBLY LOW MUSIC WITH A HEAVY BEAT HEARD FROM RESTAURANT. COULDN'T HEAR AT THE BACK OF OUR HOUSE	UNABLE TO SLEEP IN FRONT BEDROOM
22/3/14				
22/3/14	10.30 AM	ALL DAY & NIGHT	AIR CONDITIONING NOISE	HEARD OVER TV, DIFFICULT TO ENJOY CAR PROPERTY, DIFFICULT TO SLEEP
22/3/14	2.30 PM	ALL AFTERNOON	VERY LOW MUSIC - BEAT UNDOES ALL OPEN & PEOPLE USING THE EXTERNAL COURTYARD AS A SMOKING TERRACE. NOISE SO LOUD WE COULD HEAR CONVERSATION INDIVIDUAL CONVERSATIONS WHILE SITTING IN OUR LANCE	HEARD OVER TV, VERY DIFFICULT TO ENJOY CAR PROPERTY

WE WERE AWAY 12 - 15 MARCH SO UNABLE TO COMMENT ON THIS PERIOD.

TONBRIDGE AND MALLING BOROUGH COUNCIL
ENVIRONMENTAL HEALTH AND HOUSING

INCIDENT RECORD ABOUT FANCY GOAT, 40 HIGH ST (address complained about)
Before completing this form, please read the Guidance Notes attached

NAME CLAIRE MILLS
ADDRESS 36 KING STREET,
WEST MALLING
SIGNED [REDACTED]

Date	Time Noise Started	Time Recorder Started	Time Recorder Stopped	Time Noise Stopped	Windows Open/Slightly Open/Closed	Description of Incident	Nature of Disturbance Caused
16/5/14	8 PM	9 PM	9.10 PM	12.30 AM	CLOSED	VERY LOUD MUSIC & AIR CONDITIONING UNIT	COULD BE HEARD OVER THE TV.
	"	10.30 PM	10.40 PM	"	"	VERY LOUD MUSIC WITH A HEAVY BASS	UNABLE TO SLEEP IN FRONT BEDROOM
	"	11 AM	12.10 AM	"	"	" PLUS STAFF PUTTING OUT BOTTLE BINS AT 12.20 AM	UNABLE TO SLEEP
17/5/14	8 PM	8.15 PM	8.20 PM	8.20 PM	CLOSED	PEOPLE ON THE COURTYARD OF THE FANCY GOAT, VERY LOUD	INDIVIDUALS CONSIDERABLY HEARD IN OUR HOUSE PARTICULARLY IN GETTING OUR CHILDREN TO SLEEP.
17/5/14	9 PM	10 PM	10.10	11.50 PM	CLOSED	DOOR OPEN, EVERYONE ON COURTYARD DRINKING & SMOOKING. HAVE OBSERVED THE STAFF & MANAGER COMING IN AND OUT & SERVING DRINKS TO THOSE ON THE TERRACE. SO THEY ARE FULLY AWARE THAT PEOPLE ARE OUT THERE	NOISE COULD BE HEARD OUTSIDE
	"	10.35	10.45	11.30 PM	CLOSED	AFTER A COMPLAINT TO THE MANAGER BY ONE OF THE NEIGHBOURS HE REFUSED TO SHUT THE DOOR. WHICH THEY HAVE DONE. HOWEVER THEY HAVE LET PEOPLE REMAIN ON THE TERRACE SO STILL VERY LOUD.	UNABLE TO SLEEP IN FRONT BEDROOM

Office Ref: 14/00189

TONBRIDGE AND MALLING BOROUGH COUNCIL
ENVIRONMENTAL HEALTH AND HOUSING

INCIDENT RECORD ABOUT The Fox Gate

Before completing this form, please read the Guidance Notes attached

PLANNING HOUSING & ENVIRONMENTAL HEALTH SERVICES
21 JAN 2015
address completed about

NAME Claire Hill
ADDRESS 36 King Street
SIGNED Wed. Mallin

Date	Time Started	Duration of Incident(s)	Description of Incident	Nature of Disturbance Caused
8/12/14	6am	6 hrs	noise coming from the chiller units located at the rear of the FG in their external bin store	constant noise can be heard in the house and the TV. unable to watch from home very loud.
8/12/14	8 AM	3 hrs	NOISE FROM CHILLER UNITS	DIFFICULT TO SLEEP IN FRONT BEDROOM. KEPT WAKING UP. CHILLERS
9/12/14	7.30 AM	2 1/2 hrs	NOISE FROM CHILLER UNITS	constant noise heard over TV in front room
10/12/14	7.30 AM	2 hrs	increasing loud noise from the chiller units. is like banging - horrible objects in the same room.	difficult to sleep in front bedroom
12/12/14	8pm	1.1 PM	excessive noise from chiller units	very difficult to sleep in front bedroom. very noisy chiller. very difficult to sleep in front bedroom.

Office Ref: 14/1107 (a)

Diary Sheet

Date	Time Started	Duration of Incident(s)	Description of Incident	Nature of Disturbance Caused
12/12/14	10:30 AM	UNTIL 1 AM	VERY LOUD MUSIC WITH A HEAVY BASS	LOVE OUR DAUGHTER UP
13/12/14	5 AM	UNTIL 8:30 AM	LOUD NOISE FROM CHILLER UNIT	WAKE OUR CHILDREN UNABLE TO GET BACK TO SLEEP
14/12/14	9 AM		NOISE FROM CHILLER UNIT	DIFFICULT TO SLEEP
16/12/14	6:30 PM	UNTIL MIDNIGHT	"	SLEEP
20/12/14	5:30 AM	7 AM	"	COULDN'T GET CHILDREN TO SLEEP
"	9 PM	1 AM	VERY LOUD MUSIC WITH A HEAVY BASS	COULDN'T HEAR TV
28/12/14	2 PM	ALL DAY	NOISE FROM CHILLER UNIT & RESTAURANT	WOULD BE HEARD OVER TV
		NIGHT	UNIT AGAIN OPEN IN THE EVENING	DISRUPTED SLEEP
29/12/14	11:30 AM		NOISE FROM CHILLER UNIT GETTING GRADUALLY LOUDER AS THE DAY PASSES BY NIGHTTIME	LOVE OUR DAUGHTER UP
			INTERDUBBY LOUD	CONSTANT NOISE IN THE HOUSE - HEARD OVER TV, DIFFICULT TO WORK FROM HOME
				DIFFICULT TO SLEEP IN FRONT ROOM

BUSINESS HEALTH
 21 JAN 2015

DiarySheet

Office Ref: 14/1107 (b)

4.11/15 GOM → ALL NIGHT. WAS STILL GOING & CHINWOMEN
EARLY AT 6 AM.

NOISE FROM CHILDREN UNIT & RESTAURANT
JUST EVEN OPEN
VERY LOUD IN FRONT BEDROOM & DIFFICULT
TO GET OUR CHILDREN TO SLEEP.

5.8 AM.
The residential has been closed for a few days so it's
been quiet

10.11/15 Loud music could be heard via TV & in front
bedroom from 9 PM. He managed the music
was turned up so loud we woke children in the
front bedroom.

10.11/15 Air conditioning / children units were so loud
one evening & night it was difficult to watch
TV or sleep in the front bedroom.

14/1107(c)

PLANNING, HOUSING &
ENVIRONMENTAL HEALTH
SERVICES
21 JAN 2015

Date	Time Noise Started	Time Recorder Started	Time Recorder Stopped	Time Noise Stopped	Windows Open/Slightly Open/Closed	Description of Incident	Nature of Disturbance Caused
18/12/15	6:30 AM	7:25 AM	—	—	CLOSED	SEE PREVIOUS PAGE	NOISE COULD BE HEARD OVER TV / DIFFICULT TO SLEEP IN FRONT ROOM
21/12/15	9 AM	10 AM	—	HAD SOME CUP	CLOSED	"	COULD BE HEARD THROUGH THE HOUSE DIFFICULT TO ENJOY ANYTHING
	6:30 AM	7:55 AM	7:57 AM	—	SLIGHTLY OPEN	"	VERY LOUD IN FRONT BEDROOM WHERE CHILDREN ARE SLEEPING. HAD TO CLOSE WINDOWS
						"	COULD BE HEARD OVER TV
22/12/15	9 AM	11 AM	—	—	CLOSED	"	"
22/12/15	6:30 AM	6:45 AM	—	—	CLOSED	"	DIFFICULT FOR THE CHILDREN TO SETTLE IN BED
						"	COULD BE HEARD OVER TV VERY DIFFICULT TO
25/12/15	5:30 AM	6:15 AM	—	6:20 AM	CLOSED	"	CONCENTRATE ON ANYTHING. WOKKE THE CHILDREN UP.

Office Ref: 14/01107

Issues relating to The Fancy Goat, 40 High Street, West Malling

Context: our property, 36 King Street, is directly behind the Fancy Goat. The front of our property is only 5m away from the external courtyard and storage cupboard which houses the A/C and chiller units. Our two young children (3 and 1 years of age) sleep in the front bedroom.

Notes:

- 3 March 2014 - official letter of complaint submitted to the Council after several unsuccessful attempts to discuss/resolve our issues with the owners of The Fancy Goat
- March/April 2014 - additional diary sheets submitted to the Council
- May 2014 - noise monitor installed
- July-August 2014 - additional diary sheets submitted to the Council
- December 2014- January 2015 - diary sheets submitted to the Council
- February 2015 - noise monitor installed and diary sheets submitted to the council
- 8 April 2015 - met with the Council to discuss the ongoing problems and to talk about the application process for a licence review
- 10 June 2015 - noise monitor installed

10 June 2015
13
17

Issue

November- every day and every night the noise from the A/C
December- and chiller units is unbearably loud. Even on Sunday evenings when the Fancy Goat is closed. our neighbours approached one of the owners on 12/12 and he was of the opinion that on a Friday and Saturday night we should just have to put up with it because they had customers staying until late

Consequence

very difficult to sleep in the front bedroom. can be heard throughout the house. can be hear over the TV unable to enjoy our property

December 14/12/2013 staff emptying bottle bins at 10.40pm
27/12/2013 music incredibly loud. Could be heard at the back of the house
28/12/2013 Emptying bins and bottles at 10.45pm
A/C and chiller units incredibly loud all night
house music started at 1am

very difficult to sleep in the front bedroom
Woke my niece up in the front bedroom and kept her awake until nearly 2am
very difficult to sleep in the front bedroom

2014

Date	Issue	Consequence
January every day and night	All day and night the A/C and chiller units are running incredibly loud	Can be heard over the TV Impossible to get a good night's sleep in the front bedroom Unable to enjoy our property
03/01/2014	very loud music started 11.30pm and continued into early hours	Very difficult to sleep in the front bedroom.
04/01/2014	Music began late at night, so loud it could be heard at the back of the house.	Very difficult to sleep
10/01/2014	A/C and chiller units, very loud, all night	Very difficult to sleep at the front
13/01/2014	11pm-3am A/C and chiller units incredibly loud A/C and chiller units, very loud, all night, despite being closed	Could be heard over the TV, unable to enjoy our property Very difficult to sleep in the front bedroom as above
14/01/2014	A/C and chiller units incredibly loud	difficult to sleep at the front
17/01/2014	very loud music with heavy bass started approx 11.30pm until early hours	Impossible to sleep in the front bedroom
18/01/2014	Noise from the bar could be heard in the front bedroom Thumping music began midnight onwards	
19/01/2014	A/C and chiller units on all night, very loud, despite being closed	Could be heard over the TV, unable to enjoy our property very difficult to sleep in the front bedroom as above
20/01/2014	as above	
24/01/2014	bottle bins emptied at 10pm	
February		
01/02/2014	customers out in the courtyard at 10.30pm	individual conversations could be heard in our house
09/02/2014	very loud music started late at night- still going on after 1am	very difficult to sleep at the front
March		
01/03/2014	patrons out on the courtyard after 8pm. Very loud music from late until the early hours.	all of the above
08/03/2014	as above	as above
21/03/2014	excessively loud music from late in the evening until the early hours	as above
22/03/2014	private party, patrons on the courtyard after 8pm, loud music anti-social behaviour, police were called	as above

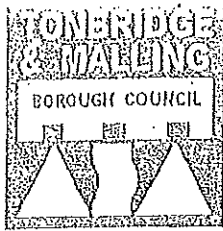
April			
08/04/2014	A/C and chiller units running all night	So loud they woke me up at 2am	
16/04/2014	A/C and chiller units running all night	Woke us up at midnight and again at 1.30am very difficult to sleep	
18/04/2014	A/C and chiller units incredibly loud late at night	unable to enjoy our property, very difficult to work from home could be heard over the TV, difficult to sleep at the front	
19/04/2014	A/C and chiller units running very loudly all day and night		
May			
05/05/2014	incredibly loud music until 1.45am. People out on the terrace until the early hours	all of the above	
10/05/2014	Despite a complaint to the FG about the previous evening very loud music again until 2am. Customers out on the terrace again until the early hours	As above	
16/05/2014	Very loud music until 12.30am	Impossible to sleep in the front bedroom	
16/05/2014	informal agreement was reached between the council and the Fancy Goat over the 8pm curfew on the use of the courtyard and the closure of the rear doors.		
17/05/2014	Doors open and people out on the terrace until very late. After a complaint by a neighbour they closed the doors but left everyone on the courtyard	all of the above	
30/05/2014	8.40pm doors are wide open and customers are in the courtyard smoking and drinking 9.40pm witnessed one of the owners putting a sign on the door, although they kept the door slightly open until past 10pm	can be heard in our house, even with the TV on. children finding it very difficult to get to sleep	
31/05/2014	loud music until 2am	difficult to sleep at the front	
June			
03/06/2014	Staff out in the courtyard smoking and drinking from 10.30pm until nearly 1am. Incredibly loud, individual conversations could be heard. Our neighbour spoke to the manager the following morning. His excuse was that he wasn't there and it was staff, and not customers that were using the courtyard. prompted an official complaint to the council	very difficult to sleep in the front bedroom.	

July			children finding it difficult to get to sleep as above
14/07/2014	doors to the courtyard still open after 9pm		
15/07/2014	10pm the doors were still open and the staff (including the manager/owner) were frequently out on the courtyard		
17/07/2014	10.40pm the rear doors remained open and the staff drinking and smoking in the courtyard		as above
23/07/2014	10.15pm rear doors remained open. Patrons congregating by the doors. Excessively loud and intrusive		as above
October			
17/10/2014	music incredibly loud, customers on the courtyard at midnight, very drunk and very loud My husband went round just after midnight, in his pyjamas, to ask them to close the doors and bring the customers inside. the customers were incredibly abusive and also ignored the manager and they kept coming back outside, and out the rear gate The manager witnessed all of this as he was outside our house at the time talking to my husband.		woke all of the family up.
November			
last 2 weeks	every day and night, the noise from the A/C and chiller units has been unbearable my husband visited the FG to ask them to do something but they did nothing		can be heard throughout the house. Very difficult to enjoy our property, can be heard over the TV, very difficult to sleep in the front bedroom.
December			
first week	every day and night, the noise from the A/C and chiller units has been unbearable		as above
07/12/2014	1.30am the A/C units unbearably loud		it woke our son who couldn't get back to sleep for a couple of hours.

Date	Issue	Consequence
2015 February 28/02/2015	midnight- back doors to the courtyard wide open, very loud music playing to a crowded bar. At 12.25am my husband had to go round to the Fancy Goat, in pyjamas, to ask them to close the doors and bring patrons in off the courtyard	The noise woke all of our family, including our children.
March 12/03/2015	Doors to the courtyard open until 8.15pm. Only closed when they saw us taking a photograph	Despite the 8pm curfew on the use of the back door and courtyard
24/03/2015	A/c and chiller units going all night.	Disturbed our childrens sleep, it can be heard over the TV and makes it very difficult to enjoy our property as above
25/03/2015	A/c and chiller units going all night.	
26/03/2015	A mountain of bin bags outside the rear exit. Blocking the fire exit, attracted foxes which ripped the bags and rubbish all over the floor. 5m from the front of our house and immediately adjacent to the front of no.35	Blocked the fire exits and encouraging vermin only yards from residential properties
27/03/2015	Removed several days later by private van Music so loud it could be heard at the back of our property until 1am	Unable to enjoy our property, very difficult to sleep in the front bedroom
April 02/04/2015	9pm doors to the courtyard open and people out on the terrace	Incredibly loud, woke our baby daughter up. Had to phone the Fancy Goat. 6 minute conversation initially with a staff who acknowledged there was an 8pm curfew. Asked to speak to the manager/owner. Very unsympathetic. Said they had done something about it the minute I phoned. But why should I have to ring after our children have been woken up? He said I was welcome to make suggestions about how to keep the customers out of the courtyard. Said they had put planning permission in that week for new doors that you had to smash to get out unless a staff member unlocked the doors. As far as we are aware no planning permission has ever been submitted.

03/04/2015	Music started at 9pm. Steadily got louder and incredibly loud at 11pm. Rang the council at 12.30am	Could be heard over the TV. Got to the point where it was all you could hear.
07/04/2015	8pm A/C and chiller units very loud	Heard over the TV and throughout the house.
13/04/2015	7pm for remainder of evening A/C and chiller units very loud	as above
15/04/2015	Courtyard doors not closed until 8.45pm	
16/04/2015	7pm onwards A/C and chiller units incredibly loud	Heard over the TV, very difficult to sleep in the front bedroom
20/04/2015	7pm until late A/C and chiller units incredibly loud	as above
25/04/2015	Music incredibly loud until 1am	Very difficult to sleep in the front bedroom
27/04/2015	4.30am A/C and chiller units were so loud they woke our son up. Still going at 7.15am on 28th	Our son was woken in the early hours and very difficult to get him back to sleep
28/04/2015	A/C and chiller units very loud all day	Unable to enjoy our property because the noise from the A/C and chiller units is all you can hear throughout our house.
29/04/2015	A/C and chiller units very loud all day	as above
30/04/2015	6.30am A/C very loud it woke our children	Very early start for our children
May		
14/05/2015	A/c and chiller units very loud all day and evening	all of the above
15/05/2015	12.30am music with a really heavy bass was so loud it woke our daughter.	Woke our daughter. Rang 101 ref: 16-0055. tried the council out of hours but got the answer machine. Didn't leave a message
16/05/2015	8.10pm doors of courtyard still open. People out on terrace smoking	Our children found it very difficult to get to sleep.
18/05/2015	A/C and chiller units very loud all evening	Very difficult to get to sleep, could be heard over the TV etc
19/05/2015	as above	as above
26/05/2015	Courtyard doors still open at 8.55pm. Photo taken	Struggling to get our children to sleep
June		
03/06/2015	8.15pm courtyard doors still open. Manager/owner on the courtyard using his laptop and having conversations with the staff	conversations could be heard in our house.
	Doors eventually closed 9.45pm. Photo taken	
12/06/2015	7.30pm A/C and chiller units so loud.	all of the above rang the council out of hours number

13/06/2015	8.20pm music so loud it was all you could hear in our lounge, even with the TV on. Suspect a live band was playing. You could hear every word sang and every comment the singer made at one point she said "come on people lets make some noise"! Stopped abruptly at 10pm	completely unable to enjoy our property, watch TV etc. difficult for our children to sleep in the front bedroom
26/06/2015	A/C and chiller units incredibly loud	could be heard over the TV, very difficult to sleep
27/06/2015	as above	as above
30/06/2015	A/C so loud. 25 degrees in the childrens bedroom and unable to open the windows for fear of making it worse.	Rang the council out of hours number.
July		
01/07/2015	A/C started noon. Incredibly loud all day. In the evening the staff opened the doors of the refuse store which made it 10 times worse	A/C could be heard throughout the entire house, over the TV and it got worse as the day went on. Was 29 degrees in our childrens bedroom because we couldn't open the windows. The situation ended up in a row between one of the staff of the Fancy Goat and our neighbours. Could be clearly heard in our front bedroom.
08/07/2015	10pm staff on the terrace smoking and chatting before leaving via the back entrance to go home.	
25/07/2015	11.30pm patrons opened the doors to the courtyard. Loud conversation and loud music could subsequently be heard in our house.	Again, difficult to sleep in the front bedroom.



Environmental Health
& Housing Services

Daryl & Helen Rush
Pinch Ltd
40 High Street
West Malling
Kent
ME19 6QR

Gibson Building, GIBSON DRIVE
Kings Hill, West Malling
Kent ME19 4LZ

Switchboard 01732 844522
DX 92865 West Malling
Minicom 01732 874958 (text only)
Web Site <http://www.tmbc.gov.uk>
Email pollution.control@tmbc.gov.uk

Contact Crispin Kennard
Direct line 01732 876180
Email crispin.kennard@tmbc.gov.uk
Fax 01732 841421
Your ref
Our ref 07/01034/NOICOM
Date 30th July 2007/8 DC

Dear Mr & Mrs Rush

Environmental Protection Act 1990
Noise nuisance arising from Pinch Ltd, 40 High Street, West Malling

FILE COPY

~~I write with reference to our correspondence and meeting in June/July last year. Regrettably this matter has not been resolved and complaints have continued to be received about the noise emanating from Pinch when the rear concertina doors are open. This matter has now been investigated further and the level of noise within the complainant's property which emanates from Pinch has been witnessed by an Environmental Health Officer, and been found to be unacceptable. In addition I have received a separate complaint regarding noise emanating from the front of Pinch when the front door and the kitchen windows are open. This complaint has not yet been investigated but as it is similar in nature to that which has, I am taking this opportunity to bring it to your attention.~~

I appreciate that at our meeting on the 26th June 2007 an informal agreement was made to cease the use of the rear yard area and close the back doors by 22:30. Whilst I have no evidence to suggest you have not been keeping to this agreement, it has proven to be insufficient in controlling the noise nuisance affecting nearby residential properties, and the situation must now be looked at again to reduce/remove the identified noise nuisance caused when the rear doors are open and/or patrons use the yard area.

Therefore as there does not appear to be a problem when the doors are closed and the rear yard is not in use, I feel that the only suitable way to abate the nuisance is to cease use of the outside area and close the concertina doors by 7.30pm. In light of the complaint about noise from the front of Pinch, I would also recommend this time to close the main door and kitchen windows to prevent nuisance in dwellings close to the front of the building.



Director of Health & Housing: John Early BA MScSc MCIEH MPMJt



INVESTOR IN PEOPLE

FILE NOTE

PINCH HIGH STREET WEST MALLING
NOISE FROM PREMISES

OOH call received at 21:00 hours on Thursday 24 July 2008 from Mr O'Connor.

I rang the complainant and spoke to Mrs O'Connor who advised me that the back doors were open and conversation could be clearly heard. I told her I would be over there in 30/40 minutes.

Arrived at 36 King Street, West Malling at 21:45 – was taken to first floor bedroom by Mr and Mrs O'Connor. I could see clearly that the rear double doors were both fully open and a table of approximately 8 diners was situated along the opening to the rear area.

Conversation inside the bedroom could be clearly heard, although individual words could not be made out. At times there were loud bursts of laughter.

~~In my opinion this level of noise would interfere with the normal enjoyment of one's property.~~

At 22:00 both the rear doors were closed and this made a considerable improvement to the level of noise. I would say that with the rear doors of Pinch closed the level of noise was sufficiently reduced so as not to impair the enjoyment of one's property.

I stayed until 22:40 and during this time both doors remained closed.

Jane Heeley
Friday 25 July 2008

FILE NOTE

PINCH HIGH STREET WEST MALLING
NOISE FROM PREMISES

Sat. 26/7 -OOH call received just before 20:45; I got there at 21:00.

Both rear doors open to Pinch were open and conversation could clearly be heard in Harris' bedroom. It was a very warm evening and windows in bedroom were open.

At the rear of the restaurant were six couples dining, so I would describe it as busy. There weren't any customers on the rear terrace area.

21:00 - I could hear waitress asking diners if they were happy with the doors open.

During the course of my observations I could distinguish individual diners speaking, although mostly could not distinguish specific conversations/words. I could hear crockery and cutlery being collected.

~~21:17 - heard a woman diner say "on the ball".~~

Left at 21:30 - no change in that the doors were still open and conversation could still be heard in the bedroom.

Jane Heeley
Monday 28 July 2008

—

Forge House,
10 King Street, West Malling,
Kent, ME19 6QT

6th August, 2015.

Licensing Section
Legal Services
Gibson Building.
Gibson Drive, Kings Hill.

Dear Sir,

Ref: The Fancy Goat,
40 High Street, West Malling
Application for a license for the above premises.

I and my husband wish to make representations with regard to the above application on the grounds that the license on the terms for which it has been applied, in our view, are likely to cause a significant public nuisance.

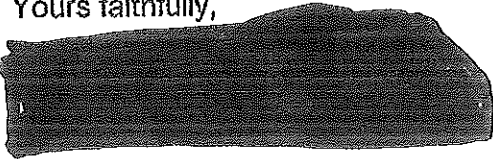
The premises are only a short distance from the houses and flats in King Street and have one cottage immediately next door. Noise from the premises has already been causing a disturbance to the residents and the extension to the use of the premises until 1am from Monday to Sunday is likely to disturb the sleep of children, elderly people and those who have to get to work the next morning. ~~We understand that on Christmas Eve and New Year's Eve the hours could be extended to 4am.~~

Whilst the Licensee cannot control the noise once customers have left the premises, there is already disturbance from people having loud conversations while walking to their cars and banging of car doors.

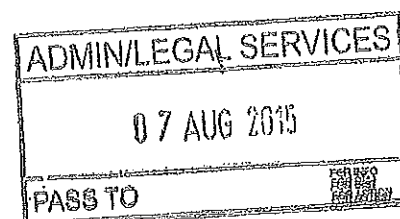
When the licensing laws changed in 2003 there were numerous requests by licensed premises in West Malling to extend their hours to which the local residents objected and those objections were accepted. We believe that should the application from the licensee of The Fancy Goat be successful then a precedent would be set and other such applications would be forthcoming.

We ask the Licensing Committee to refuse the license as applied for on the grounds that the local residents have good cause to believe that their peace will be disturbed. This is a Conservation area and while we accept that the owners of the Fancy Goat are trying to run a business it should not be at the cost of the wellbeing of the surrounding neighbours.

Yours faithfully,



Mrs Ann Echlin MBE, BA JP.



1. Introduction
 2. Objectives
 3. Methodology
 4. Results
 5. Discussion
 6. Conclusion
 7. References
 8. Appendix
 9. Glossary
 10. Index

The purpose of this study was to investigate the impact of the proposed changes on the overall system performance. The study was conducted using a combination of qualitative and quantitative methods. The results of the study indicate that the proposed changes have a significant impact on the system performance, particularly in terms of response time and throughput. The study also identified several areas for further research and improvement.

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ADMIN/LEGAL SERVICES	
0.5 AUG 2015	
PASS TO	FOR ESPO FOR EAST FOR ACTION

LICENSING ACT 2003REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party of the premises to be licensed as detailed below:

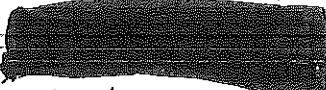
Your name/organisation name/name of body you represent	MR & MRS A. AUSTIN
Organisation name/name of body you represent	
Postal address	35 KING STREET WEST MALLING KENT ME196QT.
Email address	[REDACTED]
Daytime contact telephone number	[REDACTED]

Name of the premises you are making a representation about	THE FANCY GOAT.
Address of the premises you are making a representation about	40 HIGH STREET WEST MALLING

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder	YES	WE HAVE HAD TO SUFFER WITH EXTENDED LICENSING HOURS FOR THE LAST 17 MONTH WITH DRUNKENNESS & ANTI SOCIAL BEHAVIOUR NEXT DOOR TO US
Public safety	YES	PEOPLE BLOCKING THE FOOT PATH UNDER ALCOHOL

Prevention of public nuisance	YES	DO NOT GRANT THE EXTENDED HOURS THEREFORE STOPPING THE MUSIC AND THE SALE OF ALCOHOL AT 23.00 WOULD ALLOW RESIDENTS TO SLEEP AND NOT BE KEPT AWAKE UNTILL 02.00 WITH CUSTOMERS LEAVING AND TURNING ALLEYWAY NEXT DOOR
Protection of children from harm	YES	INTO A TOILET. VERY YOUNG CHILDREN LIVING WITHIN 20FT. DEPRIVED OF SLEEP DUE TO MUSIC.
Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account	YES	NO MUSIC AFTER 23.00HRS NO SALE OF ALCOHOL AFTER 23.00HRS BACK DOORS AND COURTYARD CLOSED AT 20.00HRS. LIVING NEXT DOOR TO THE FARMY GOAT IS HORRENDOUS AFTER 23.00 WHEN THE OTHER QUIETED PREMISES CLOSE IT THEN TURN'S INTO NIGHT CLUB MODE WITH THE MUSIC THUMPING AWAY UNTILL 01.00 +

SIGNED: 

DATED: 4/8/15

~~IF I AM INVITED TO ATTEND~~

I WOULD LIKE TO TAKE THE OPPORTUNITY TO SPEAK,

NOTES:

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper.
3. They can only relate to the four licensing objectives:
 1. Prevention of crime and disorder
 2. Public safety.
 3. Prevention of public nuisance
 4. Protection of children from harm
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
5. Please return this form when completed to:

Licensing Section, Legal Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

Tel: 01732 876368



ADMIN/LEGAL SERVICES	
05 AUG 2015	
PASS TO	FOR INFO FOR DATE FOR ACTION

LICENSING ACT 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

This representation is made by an Interested Party of the premises to be licensed as detailed below:

Your name/organisation name/name of body you represent	MRS J HOLCOMBE
Organisation name/name of body you represent	
Postal address	31 MARSH LANE WEST MALLING KENT ME19 6QP
Email address	[REDACTED]
Daytime contact telephone number	[REDACTED]

Name of the premises you are making a representation about	THE FANCY GOAT
Address of the premises you are making a representation about	40 HIGH STREET WEST MALLING

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder		
Public safety	YES	HAVE FELT VERY UNCOMFORTABLE BEING HEKLED WHILST WAULING PAST.

Prevention of public nuisance	YES	MUSIC ON VERY LATE - CAN'T KEEP MY WINDOWS OPEN DUE TO NOISE. HECKLING & SMOKING UNDER SWEET SHOP ALEY.
Protection of children from harm		
Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account		MUSIC SHOULD BE <u>OFF</u> AT 11.00, ALONG WITH THE END OF SALE OF ALCOHOL. WEST MALLING DOESN'T WANT A NIGHT CLUB, A LATE NIGHT DEN FOR THOSE WHO HAVE ^{NOT} HAD ENOUGH.

SIGNED

DATED:

28th July 2015.

NOTES

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper.
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5. Please return this form when completed to:

Licensing Section, Legal Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

Tel: 01732 876368

Malling loft
 Swan Yard,
 Swan Street
 West Malling
 Kent ME19 6JU.
 29th July 2015.

ADMIN/LEGAL SERVICES	
04 JUL 2015	
PASS TO	FOR INFO FOR DIST FOR ACTION

Licensing Services.
 Tonbridge & Malling Borough Council.
 Gibson Drive
 Kings Hill,
 West Malling.
 Kent ME19 6LZ.

ADMIN/LEGAL SERVICES	
04 AUG 2015	
PASS TO	FOR INFO FOR DIST FOR ACTION

Dear Sir.

Re:- Licensing application the Vasey boat of
 40 High Street, West Malling, ME19 6QR

I am writing in connection with the above new
 licensing notice application. We live directly
 opposite the Vasey boat above Robin Tiles at
 51 High Street, just where the road in the
 High Street is at its narrowest. Two of our
 reception rooms are located on the first
 floor overlooking the High Street. Also on
 the second floor two of our main bedrooms
 (including our disabled son's) look over the
 High Street into the Vasey boat.

We have been subjected every Friday and Saturday night as well as some bank holiday Sundays to the noise of smokers and those just wanting a breath of fresh air congregating outside in numbers fluctuating from just a few to as many as 20 throughout the evening right up to closing time and very often beyond to 1.45am/2am. They talk, laugh and scream raucously and at times all rowdily. Sleep under these circumstances is impossible. In addition taxis and cars idle their engines on the double yellows outside the premises. The car doors are slammed with people saying their goodbyes at the top of their voices.

We feel that every Friday and Saturday night that we have been part of a very good party to which we have not attended.

It is not that we object to the Party but trading and having a licence but it is the length of the opening that is the issue. We suggest that the closing time should

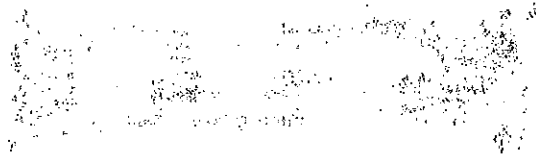
be midnight and the music be stopped at 11.30 pm. At Christmas and new year closing time should be 1 am.

I would like the council's licensing department to consider the above letter.

Yours faithfully



S.P. DONOVAN





ADMIN/LEGAL SERVICES
04 JUL 2015
PASS TO <small>FOR INFO FOR DIST FOR ACTION</small>

LICENSING ACT 2003

REPRESENTATION FORM FROM INTERESTED PARTIES

ADMIN/LEGAL SERVICES
04 AUG 2015
PASS TO <small>FOR INFO FOR DIST FOR ACTION</small>

This representation is made by an Interested Party of the premises to be licensed as detailed below:

Your name/organisation name/name of body you represent	MRS V. STOKES
Organisation name/name of body you represent	
Postal address	St Ruarth Lane West Malling Kent ME19 8QP
Email address	
Daytime contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Fancy Goat
Address of the premises you are making a representation about	High St West Malling

Your representation must relate to one of the four Licensing Objectives (see note 4)

LICENSING OBJECTIVE	Yes or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
Prevention of crime and disorder		It is never pleasant to see drunken people and since the Fancy Goat has had a late licence this has become a regular occurrence in the early hours.
Public safety		

Prevention of public nuisance		IF I COULD HEAR MUSIC IL REVERSON ROAD, IT MUST BE UNTERMINABLE FOR PEOPLE LIVING CLOSEBY AND UNACCEPTABLE AFTER NORMAL (11PM) HOURS WHICH EVERY OTHER LICENSED PREMISES COMPLY TO.
Protection of children from harm		
Please suggest any conditions that you think could be added to the licence to remedy your representations or other suggestions you would like the Licensing Sub Committee to take into account		I strongly suggest that any 'late' licence should be applied for on a special occasion only basis.

SIGNED

DATED:

26.7.15

NOTES

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
2. This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper.
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5. Please return this form when completed to:

Licensing Section, Legal Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

Tel: 01732 876368

1 Abingdon Mews, High Street
WEST MALLING, Kent ME19 6QH

Licencing Services TMBC
 Gibson Building
 Gibson Drive, Kings Hill
 WEST MALLING
 ME19 4LZ

ADMIN/LEGAL SERVICES	
23 JUL 2015	
PASS TO	FOR INFO FOR USE FOR ACTION

Dear Sirs

THE FANCY GOAT, 40 HIGH STREET, ME19 6QR
 APPLICATION FOR LICENCE LIQUOR, MUSIC ETC:

We have seen the notice on the above premises asking for a Licence to apply 07:00 to 01.00 (7am to 1am after Midnight)

As close neighbours we object strongly on the following grounds:

1. **WEST MALLING IS A COUNTRY VILLAGE/TOWN**
 Most residents value the peace and quiet after the shops close. These premises are within the residential area, and bedroom windows would be open.
2. **NOISE FROM RESTAURANT CUSTOMERS LEAVING**
 Already there are pubs and restaurants which close late, and particularly in warm weather, there are many on the pavement and in the street, smoking and drinking, and making noise. The Fancy Goat is away from the majority of pubs and restaurants, and if granted, this license would take the noise and frequently undesirable behaviour into the strictly residential area. Previously, this restaurant has employed 'a bouncer' which suggests the type of clientele they expect.
3. **TAXIS**
 Typical clients will drink alcohol and understandably require taxis to take them home. The arrival now of a considerable number of taxis at normal and extended closing times, causes noise and obstructions to the normal traffic.



LICENSING SERVICES, TONBRIDGE & MALLING BOROUGH COUNCIL
Tuesday, 21 July 2015

4. EXAMPLE OF OTHER SIMILAR RESTAURANTS

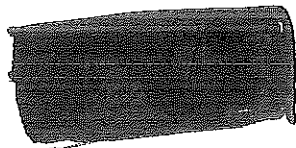
The Swan in Swan Street has, as you know, been the subject of objection to noise coming from their marquee at the rear of the premises. The management there is relatively responsible and do their best to maintain quiet - not least because of the 'Order' placed on them. However, we still do hear considerable noise from there on occasion. Fortunately this nuisance is mainly restricted to Abingdon Mews and the adjoining properties. The Fancy Goat is in the High Street, and the noise would both be at the front on High Street and at the rear in King Street where there are a number of Senior Person's flats.

5. HISTORY OF THE RESTAURANTS AT 40 HIGH STREET

It is strange that a number of different restaurants and owners have attempted to run a restaurant business at that address since the furnishing restorers retired. None of these restaurants has apparently succeeded.

We therefore request you NOT to grant the requested license.

Yours faithfully,



Nigel A M and Helen O Cooke
Owners and Council Tax payers at No 1 Abingdon Mews.

100 100 100 100 100

Licensing Services - The Fancy Goat Application

From: [REDACTED]
To: "licensing.services@tmbc.gov.uk" <licensing.services@tmbc.gov.uk>
Date: 17/07/2015 16:06
Subject: The Fancy Goat Application

Dear Sir,

I note part of this application refers to remaining open from 23.00hrs to 01.00am.
This I most strongly object to.

As a resident of King Street in West Malling I, along with others have been subjected to considerable distress and disturbance for some time now for a variety of reasons of which Tonbridge and Malling Council have been made aware.

Living directly opposite the public footpath through to the High Street I am daily faced with the sight of large waste bins used by the restaurant. The use of these causes constant annoyance.

~~They are over-filled frequently disallowing the lids to be closed. Black sacks of foul-smelling food~~
waste are left beside them which at times are ripped open by foxes resulting in mess being strewn on the ground attracting blow flies, hence maggots. It is only a question of time before rats appear.

Further to this is the noise when staff throw in the rubbish and empty bottles which has on occasion been up to 3.00am! Cigarette ends on the ground left usually by staff using the path as a smoking area. Loud laughing from late night diners and drinkers coming down the footpath, slamming car doors. As if that isn't enough it is not unknown for urine and vomit to be found.

It would indeed be highly regrettable if the restaurant is allowed to continue in this manner.

We residents of these lovely listed properties are very proud of our homes and village and work hard to help to preserve its character and are saddened by this situation.

As stated above, I strongly oppose this application.

Your faithfully

Mrs Patricia Hill,
30 King Street
West Malling
ME19 6QT

Agenda Item 5

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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