

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

1 June 2016

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 Thursday, 9th June, 2016 commencing at 9.30 am

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of Interest

Decisions to be taken under Delegated Powers

3. Application for a New Premises Licence for The Old Fire Station, Castle Street, Tonbridge 5 - 52

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 53 - 54

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 Mrs F A Kemp

Cllr H S Rogers

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

09 June 2016

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 APPLICATION FOR A NEW PREMISES LICENCE FOR THE OLD FIRE STATION, CASTLE STREET, TONBRIDGE, KENT, TN9 1BH.

1.1 Executive Summary

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for a Premises Licence under section 17 of the Licensing Act 2003 for the premises called The Old Fire Station, Castle Street, Tonbridge, Kent, TN9 1BH.

1.1.2 This is a new application for the performance of plays; exhibition of films; performance of live music; playing of recorded music; performance of dance; and supply of alcohol.

1.2 Background and Introduction

1.2.1 The application was validated on the 22 April 2016, with the 28 day consultation period running from the 22 April 2016 until the 20 May 2016.

1.2.2 A map showing the location of Old Fire Station and surrounding properties is shown at **Annex 1**

1.2.3 A Satellite map showing the location of Old Fire Station and surrounding properties is shown at **Annex 2**

1.2.4 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.

- 1.2.5 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.
- 1.2.6 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 FirestationTN Ltd T/A The Old Fire Station, Castle Street, Tonbridge, Kent, TN9 1BH.
- 1.3.2 The application which was received on 21 April 2016, is attached to this report as **Annex 3**
- 1.3.3 The applicant has included a number of licensable activities that are Not Licensable between the hours of 08:00 hours and 23:00 hours.
- 1.3.4 The application details are as follows:

Section a)	Performance of plays – Monday until Sunday from 10:00 hours until 23:00 hours.	Not Licensable - if a performance of a play in the presence of any audience of no more than 500 people (Implemented from 27 June 2013). Between the hours of 08:00 hours and 23:00 hours
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Section b)	Exhibition of films – Monday until Sunday from 10:00 hours until 23:00 hours.	Not Licensable – Incidental film – an exhibition or moving pictures if it is incidental to some other entertainment activity (Implemented from 6 April 2015) Between the hours of 08:00 hours and 23:00 hours
Section e)	Performance of live music - Monday until Sunday from 10:00 hours until 22:00 hours.	Not Licensable – a performance of live amplified music with an audience of no more than 500 people (updated and Implemented from 6 April 2015) Between the hours of 08:00 hours and 23:00 hours
Section f)	Playing of recorded music - Monday until Sunday from 10:00 hours until 23:00 hours.	Not Licensable – a performance of recorded music in on-licensed premises with an audience of no more than 500 people (Implemented from 6 April 2015) Between the hours of 08:00 hours and 23:00 hours
Section g)	Performance of dance - Monday until Sunday from 10:00 hours until 22:00 hours.	Not Licensable – most performances of dance in the presence of any audience of no more than 500 people (Implemented from 27 June 2013) Between the hours of 08:00 hours and 23:00 hours
Section J	Supply of alcohol – Monday until Sunday from 11:00 hours until 23:00 hours.	

1.3.5 The Designated Premises Supervisor will be Richard Collins.

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 four representations from interested parties, including one from a Responsible Authority (Kent Police)

- 1.4.3 A complete detailed set of the Representations received is shown at **Annex 4**
- 1.4.4 A map showing the location of The Old Fire Station and people who have made a Representation is shown at **Annex 5**
- 1.4.5 The applicant and other persons that have made representations have been invited to attend the hearing.

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:

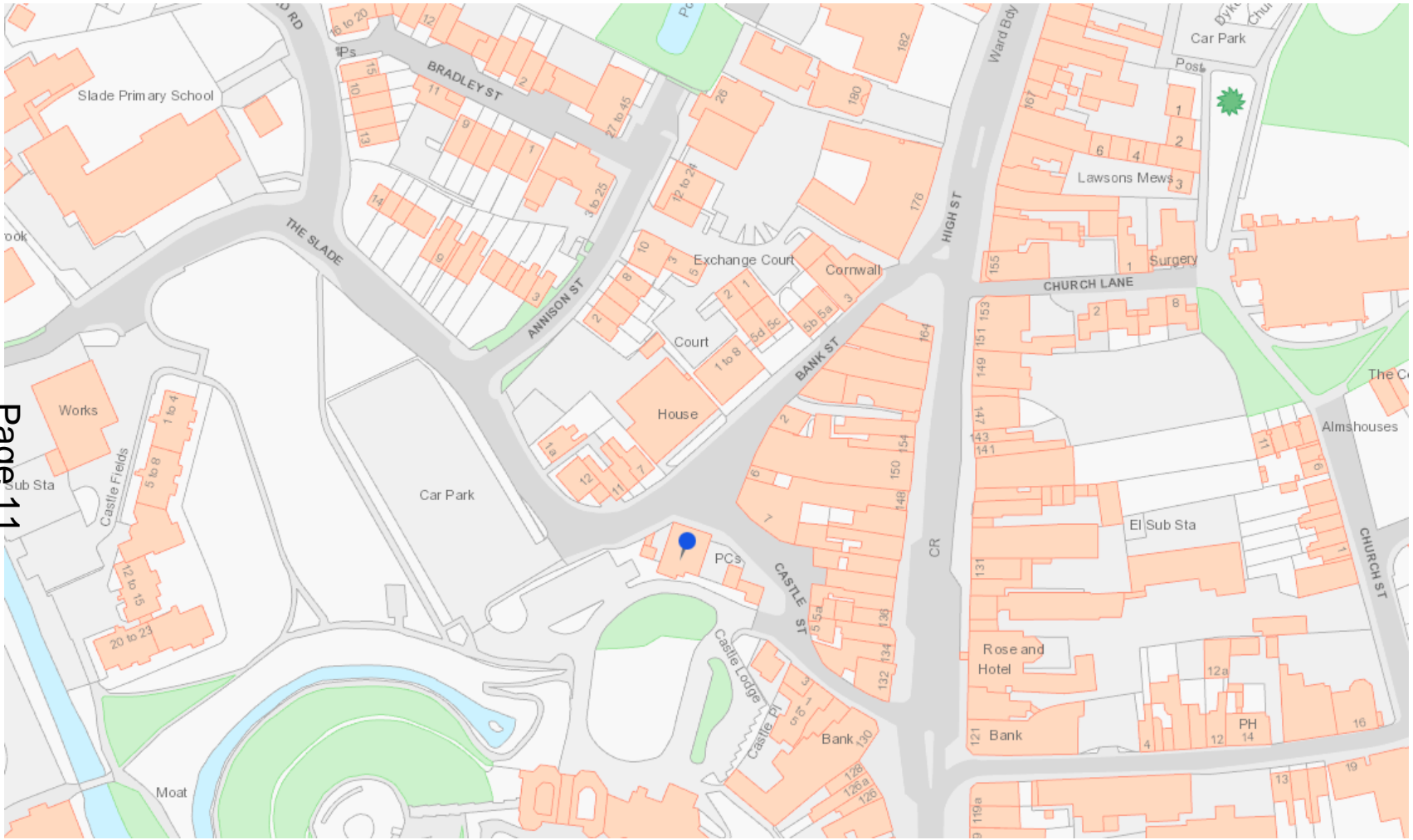
Anthony Garnett 6151

Katie Rigg - 6027

Adrian Stanfield

Director of Central Services and Monitoring Officer

A map showing the location of Old Fire Station and surrounding proprieties



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A Satellite map showing the location of Old Fire Station and surrounding properties



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Tonbridge and Malling
Application for a premises licence
Licensing Act 2003

For help contact
licensing.services@tmbsc.gov.uk
 Telephone: 01732 876368

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Richard

* Family name

Collins

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Registration number

05770527

* Business name

FirestationTN Ltd

If your business is registered, use its registered name.

* VAT number

- 225535027

Put "none" if you are not registered for VAT.

* Legal status

Private Limited Company

*Continued from previous page...** Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name * Street District * City or town County or administrative area * Postcode * Country **Section 2 of 19****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

 Address
 OS map reference
 Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

AddressBuilding number or name Street District City or town County or administrative area Postcode Country **Contact Details**E-mail Telephone number Other telephone number **Section 5 of 19****OPERATING SCHEDULE**

When do you want the premises licence to start? / /
 dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
 dd mm yyyy

Provide a general description of 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.

Former Fire Station, most recently used for educational purposes. Largely open plan floor space on the Ground Floor and 1st floor (2 rooms) (the floor to be licensed) with a courtyard area to the left hand side and pavement to front. Several smaller rooms (ancillary, office, storage, toilets etc) to back of property with separate office space upstairs (The second floor not included in this application)

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

 Yes No

Standard Days And Timings

MONDAY

Start End Start End

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.

TUESDAY

Start End Start End

WEDNESDAY

Start End Start End

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

SUNDAY

Start End Start End

Will the performance of a play take place indoors or outdoors or both?

 Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State 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.

Continued from previous page...

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 10:00

End 23:00

Start

End

SUNDAY

Start 10:00

End 23:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

 Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

--

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

Section 8 of 19**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

 Yes No**Section 9 of 19****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

 Yes No**Section 10 of 19****PROVISION OF LIVE MUSIC**

Continued from previous page...

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

End

THURSDAY

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FRIDAY

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SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Live music would be amplified on the occasions it occurs but very limited if we did host such an event. We are not promoting that these type of events are available but may happen occasionally

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

SUNDAY

Start End Start End

Will the playing of recorded music take place indoors or outdoors or both?

 Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Recorded music will be in the form of background music provided by a 'house music system'.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

 Yes No**Standard Days And Timings**

MONDAY

Start End Start End

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.

TUESDAY

Start End Start End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

We may provide shows/one off events in the space that may include live dance performances.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 13 of 19**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

 Yes No**Section 14 of 19****LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

 Yes No**Section 15 of 19****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 Yes No**Standard Days And Timings**

MONDAY

Start End Start End 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.

TUESDAY

Start End Start End

WEDNESDAY

Start End Start End

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

Continued from previous page...

SUNDAY

Start End Start End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both,

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

NameFirst name Family name **Enter the contact's address**Building number or name Street District City or town County or administrative area Postcode Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

NA - We don't plan on any form of Adult Entertainment.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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.

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We intend to put into place a management plan for any licensable events hosted at the property. These will include the following measures where required by the Licensing Authority:

We aim to have a policy that discourages 'vertical drinking' and all events hosted will not partake in heavy drinks discounting or the selling of energy drinks/shooters etc. We intend to have 'fixed seating' and for the capacity (excl. staff) to be limited to 99 persons.

b) The prevention of crime and disorder

Continued from previous page...

Toilet checks will be carried out half-hourly on a daily basis.

c) Public safety

'Fixed seating'/capacity will help to ensure that the venue does not become too busy.
Toilet checks will be carried out half-hourly on a daily basis.

d) The prevention of public nuisance

A noise management plan will be implemented (see attached).
Signs will be displayed at exits asking customers to leave the area quietly and quickly.
We will actively monitor dispersal at the end of the evenings and ask patrons to leave the immediate area quickly.
The smoking area (courtyard to left) will be monitored and checked regularly with patrons noise levels monitored and kept to a minimum. Signs will also be put up asking patrons to keep noise to a minimum whilst smoking.
Windows & doors will remain shut during any live music events.

e) The protection of children from harm

A challenge 25 policy will operate.
We will carefully monitor any external advertisements that may be deemed by guidelines issued by various organisations such as the Portman Group to ensure they do not adversely appeal to children.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Rateable value of £0 - £4300 Band A: £100

Rateable value of £4301 - £33000 Band B: £190

Rateable value of £33001 - £87000 Band C: £315

Rateable value of £87001 - £125000 Band D: £450

Rateable value of £125000 and above Band E: £635

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

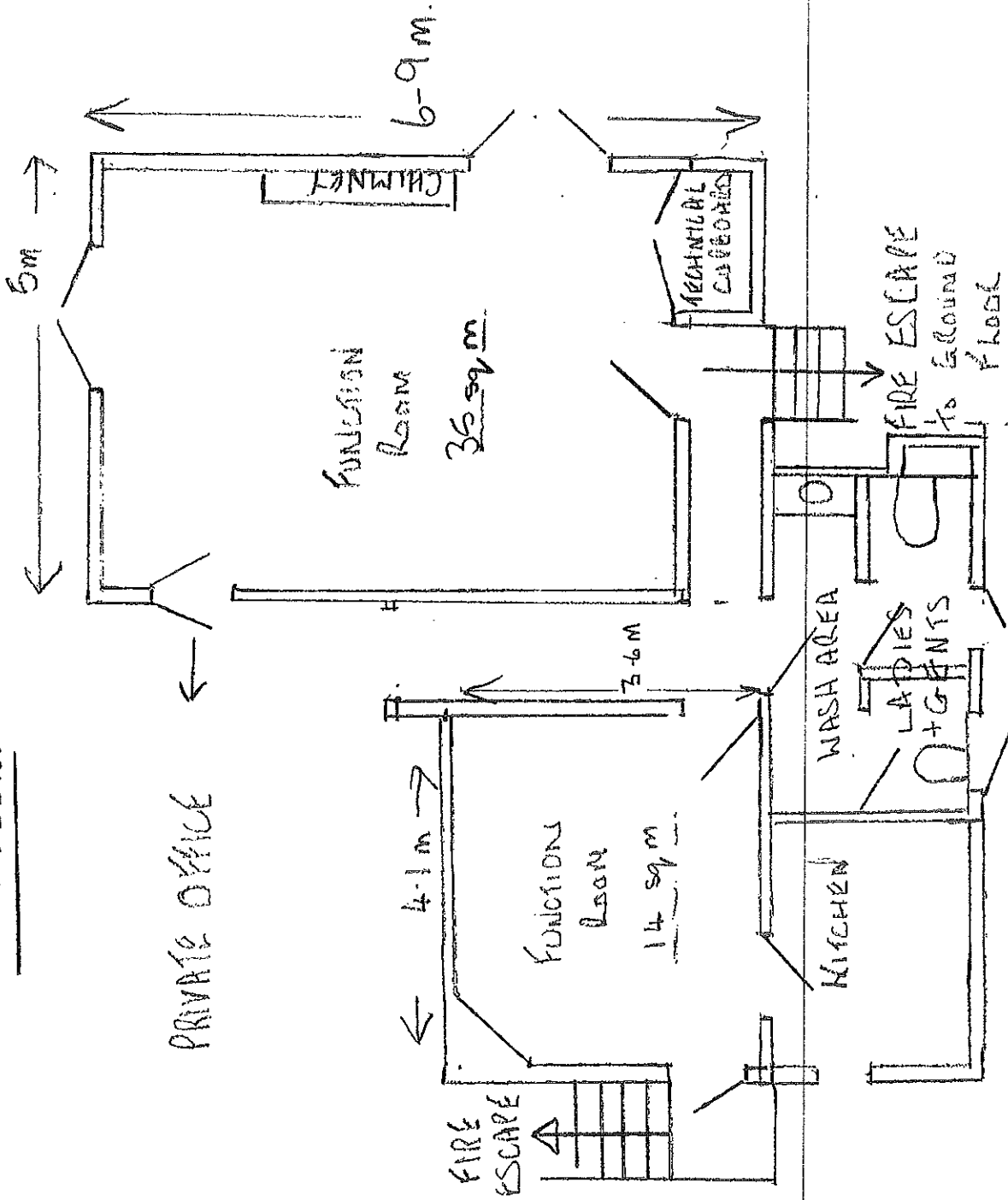
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tonbridge-and-malling/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

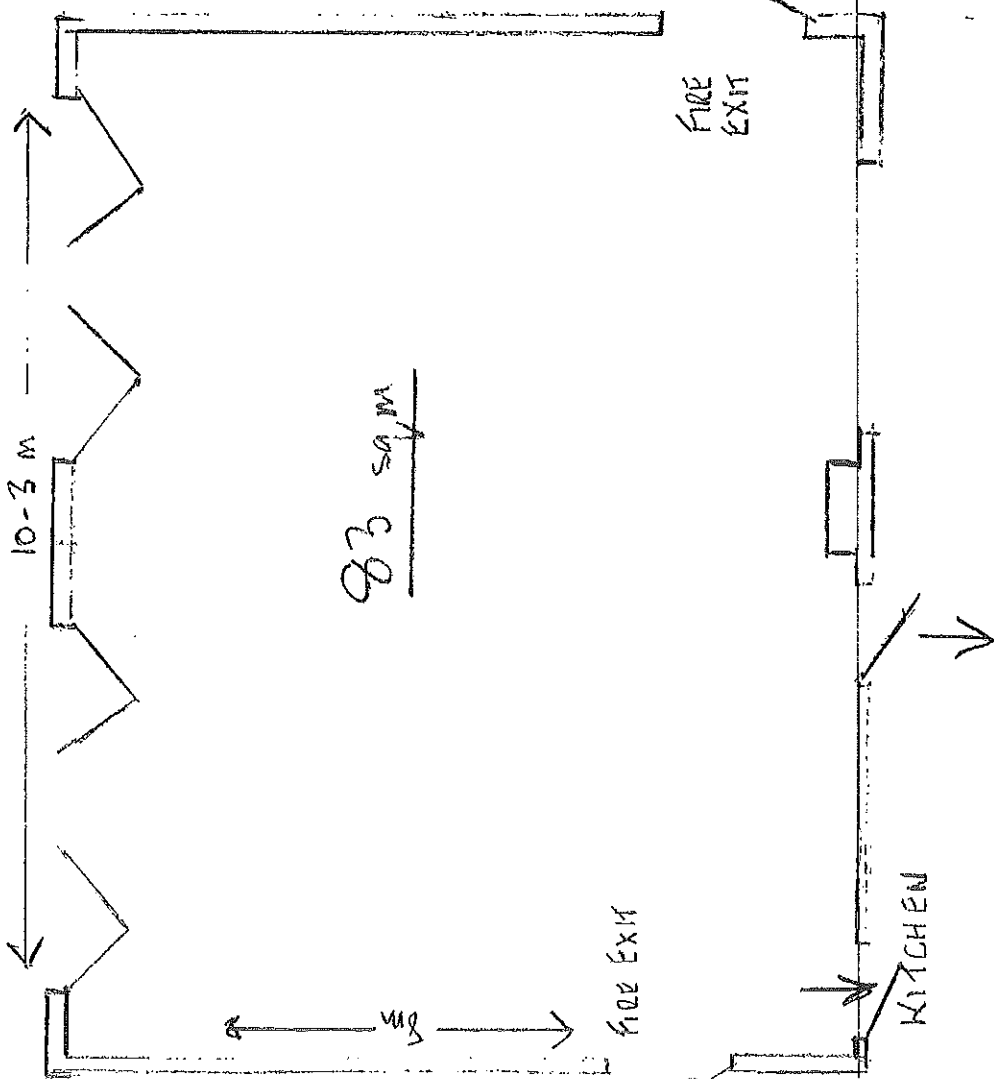
1st FLOOR.



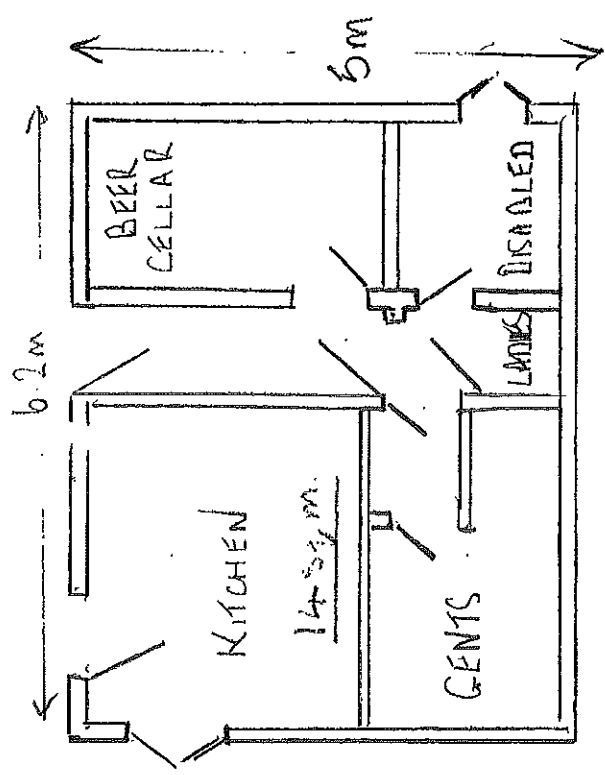
PRIVATE OFFICE

RESISTION IN 9:6H

GROUND FLOOR.



KITCHEN
TOILETS + CELLAR



TOILETS + CELLAR.

FIRESTATION TN 91BH

SCALE 1:50 FOR MAIN ROOMS ANNEX 3

Noise management plan for:
The Old Fire Station
Castle Street, Tonbridge, Kent, TN9 1BH

Introduction:

As the operator of the above site, I acknowledge that licensed venues can be a potential source of nuisance, antisocial behavior or crime and may be of concern to local residents and relevant authorities.

There are many methods of pro-active and effective noise management and this document details the methods to be used by these premises. Any member of staff should familiarise themselves with the procedures and policies and should ensure that they keep up to date with any changes.

Dispersal Procedure:

The dispersal procedure is aimed at ensuring that any noise from customers to the venue is minimised through pro-actively using measures to reduce any disturbance to a minimum around the "Terminal Hour" (toward the end of trading). The primary aim of this dispersal procedure is to allow a gradual dispersal of customers from the premises in an orderly and quiet fashion. These procedures should be closely adhered to along with any licence conditions being strictly followed.

This procedure is subject to review and will address any problems going forward as they are identified. Any staff members should make management aware of any issues as soon as possible with regard to dispersal to enable management to put in place further procedure to reduce or eliminate the problem.

Please note that the Dispersal Procedure is not to be confused with any emergency or evacuation procedures or any other operational policies.

1. End of evening operational procedures:

Volume levels and lighting levels will be adjusted so as to effectively allow the gradual dispersal of patrons from the premises during the final part of trading and during the drinking-up period. During this period music volume will be reduced and lighting lifted so as to actively encourage the gradual dispersal of customers. Management will also pro-actively encourage this procedure and will maintain a visible presence by the exit to promote the various elements of this plan.

2. Glass collecting:

Staff and management will actively clear glasses throughout trading with particular focus on clearing the area during the terminal hour and encouraging people to gradually leave the premises and area quickly and quietly.

3. Notices at exit:

Visible notices will be displayed at the exit to the building encouraging customers to leave quickly and quietly. Contact details for complainants will also be readily made available.

4. Staff and management duties:

Staff and management will be responsible for engaging with customers to encourage them to finish and vacate the venue throughout the final part of 'drinking-up' time.

Staff and management will actively promote this policy, in particular by encouraging patrons to leave the area quietly and swiftly and to act with consideration to the neighbourhood.

Staff and management will ensure no bottles or glasses leave the venue or that anyone attempts to take opened bottles or glasses with them.

Staff and management will actively discourage patrons from gathering outside the venue offering assistance and guidance (for example directions to taxi ranks) and will encourage customers to leave in a quiet and orderly manner.

Security:

Licensed SIA door supervisors, when used, will be monitor designated areas and communicate directly back with both management and relevant authorities. The venue will also be part of the local PubWatch scheme which will enable us to be aware of any trouble makers in the town as well as reporting customers whom also break our own 'house rules'. Security will also have the task of encouraging customers to disperse quickly and quietly and will be actively used to discourage any customers from shouting, shrieking, singing or making loud noises whilst either outside the venue as well as inside.

We will also use a digital CCTV system capable of transferring images to a CD/DVD. This will be monitored throughout trading and will further act as a deterrent to noise and crime.

Atmosphere management:

The management of the premises are to be well versed and trained in atmosphere management and will actively discourage loud and lewd behaviour both in and outside the premises.

Customers engaging in loud behaviour such as singing, shouting, shrieking and overly boisterous behaviour will be asked to maintain a quieter noise level in line with the overall atmosphere of the premises. Customers not abiding by these rules may be asked to leave the premises with repeat offenders running the risk of becoming 'barred'.

Management will undertake regular trips both inside and outside the premises to monitor noise levels, particularly audibility of noise from outside the premises.

Bottling:

No bottled rubbish will be taken out of the premises between the hours of 22:00 and 09:00 daily.

Smoking area and Queuing:

In the event that the venue reaches capacity management will instruct door staff to operate a 'one in one out' policy. In order to ensure that people do not congregate outside the premises we will not operate a queuing system. Customers will simply be advised that we are full at that moment in time and will not be allowed to wait outside the premises, instead asked to try again later should they wish. As most event hosted will be invite only we do not foresee this becoming an issue as we will restrict ticket sales to our maximum occupancy.

The courtyard area to the left of the premises will be designated as a smoking area. Signs will be placed to encourage customers not to make excess noise and this will be monitored regularly by management and staff whenever this area is in use. In extreme circumstances we may also limit the number of people allowed out to smoke if it is deemed in the best interest of noise management.

Notification systems and awareness:

A mobile telephone number will be provided for a primary contact during all events (most likely the DPS or event manager) to allow a point of contact should there be any issues – should this call relate to noise management issues the manager on duty must be informed immediately so they can take the necessary action.

The manager at the time will need to note and take details of the complainant and the nature of the complaint, including the location, time and date. All verbal complaints should also be recorded.

Richard Collins



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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 Hutcheon
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

ADMIN/LEGAL SERVICES
17 MAY 2016
PASS TO
FOR INFO FOR DIST FOR ACTION

Details of premises representation is about	
Name of Premises:	The Old Fire Station
Address of premises:	Castle Street Tonbridge Kent TN9 1BH
Date application received by police	22/04/2016
Date representation sent to Licensing Authority	17/05/2016
	<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	
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	X

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:

Please use separate sheets where necessary

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

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

The Old Fire Station is located on Castle Street at the junction with Bank Street, the venue has been operating for events utilising temporary event notices to cover licensable activities. The applicant now seeks to enable the venue to trade seven days a week until 23:00hrs for the sale of alcohol, the entertainment provision which is requested on the premises licence is permitted on any premises licenced for the sale of alcohol during the hours requested under the government deregulation of entertainment.

Kent Police has received no complaints in relation to events so far held at the venue however these events have been controlled by the pre-sale of tickets and been aimed at specific groups, for example fine dining or speciality food & drink events. The premises licence will permit the premises to open daily for the benefit of all and will attract trade from passers-by due to the location. The location of the premises means that it will benefit from footfall of persons using the car park in The Slade and making their way to and from other venues within the town, later in the evening this may give rise to conflict between patrons outside the venue and those making their way back to their homes or vehicles.

The venue is also located close to residential properties who may currently be disturbed by people passing their properties on their return to home or the car park but this disturbance may be enhanced by people gathering outside the front of the venue to socialise and it is therefore suggested that the use of this area should be restricted during the evening to prevent this disturbance being increased. The venue will require staff to control the external areas to prevent public nuisance becoming a feature of their operating times.

The venue is close to the amenity areas of the town frequented by young people, whilst the operation and product range may not be of great appeal to those underage it is felt that the premises should have measures in place to deter any attempt to purchase alcohol in order to prevent harm to young people and anti-social behaviour associated with underage drinking.

Kent Police are therefore suggesting the conditions listed below to be attached to any premises licence granted for this venue in order to ensure the licensing objectives are promoted at all times and that the community is enhanced rather than adversely affected by the operation of the venue.

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 seek the attachment of the following conditions to any premises licence granted in relation to the Old Fire Station in order to address the concerns raised above and to ensure the effective management of the premises.

1. Signs will be clearly displayed at all exits requesting patrons leave the premises and area quietly.
2. Challenge 25 will operate at all times within the premises and sufficient

- signage will be displayed to ensure that patrons are aware.
3. All staff will have received training in the sale of alcohol including challenge 25 and refusals. Records of all such training shall be kept and made available to Police, Local Authority or Trading Standards Officers upon request.
 4. A refusals register will be kept detailing all refusals made for sale of alcohol, this will include the date, time, reason for refusal and member of staff making refusal.
 5. Bottle Bins will not be used between 20.00 hours and 08.00 hours
 6. No use of the area to the front of the premises by patrons for any purpose after 9pm, signage will be used to advise patrons and staff will monitor to ensure this is adhered to.
 7. There shall be no use of the side courtyard area after 22:00 hours except for the purpose of smoking.

Signed: 

Print name: Ellen Snaw

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

Date: 17th May 2016

Force Number: PSE 52479

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

From: Emma Stillwell [REDACTED]
Sent: 12 May 2016 14:45
To: Licensing Services
Subject: License Application Objection - The Old Fire Station, Castle Street, Tonbridge
Categories: Anthony

TO: Licensing Services

Tonbridge & Malling Borough Council

Dear Councillors,

RE: Objection to License Application for The Old Fire Station, Castle Street, Tonbridge, TN9 1BH.

We are residents of Bank Street, and live across the road (approximately 20 feet door-to-door) from the Old Fire Station.

Firstly, we want to say we are strong supporters of The Old Fire Station, and the pop-up events that they have brought to Tonbridge, and we think it is a boost to the community.

However, we object to the license application for live, amplified, and recorded music, and facilities to make music at these premises.

We are very surprised to see that Mr Collins is applying for a music license, as he has repeatedly assured us this would never happen, due to the close proximity of so many residential houses and flats.

We know the building to be unsound proofed, as during a recent event, acoustic guitar music could clearly be heard at night in our house. This was with doors and windows closed at the Fire Station and our home.

We have read Mr Collins' proposal for noise management and found it wholly unsatisfactory. There is no mention of attempting to sound proof the building to reduce the noise for neighbouring residents and just asking customers to quieten down is totally ineffective.

Having the doors and windows closed when the building is full, or during hot weather, isn't a workable option either, as paying customers are clearly going to request that they are opened.

We also object to the application for an extension of hours to sell alcoholic drinks and late night refreshments at the venue.

We know this will cause excessive noise for the adjacent properties, as we have already experienced this last summer with customers using the outdoor smoking area.

Our fear is that the building will become a music reliant and party venue, however much the owner assures us it won't. We have a young family, both our children sleep at the front of the house and they have registered special educational needs. We have to make sure they do not have disturbed nights.

The addition of music and longer licensing hours would have a detrimental effect on our quality of life and our children's ability to get adequate undisturbed sleep.

We are also concerned that if Mr Collins sells The Old Fire Station with these licenses in place, we are left in a very vulnerable situation should the new owner wish to run a bar.

The Old Fire Station is in the wrong part of town to be used as a regular premises for late night events. It is surrounded by residential dwellings, and we feel the high street is a much better location for such a venue.

Yours faithfully,

Nick and Emma Stillwell

7 BANK STREET

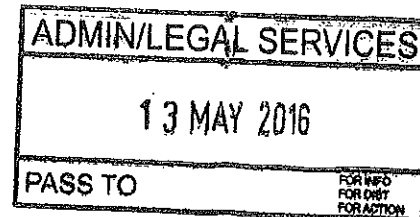
TONBRIDGE

TN9 1BL

7 Bank Street
Tonbridge
TN9 1BL

12th May 2016

Licensing Services
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
ME19 4LZ



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Castle Street, Tonbridge, TN9 1BH.**

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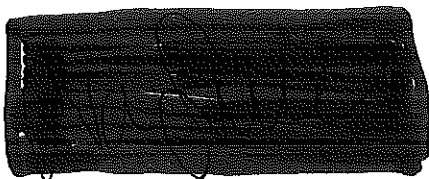
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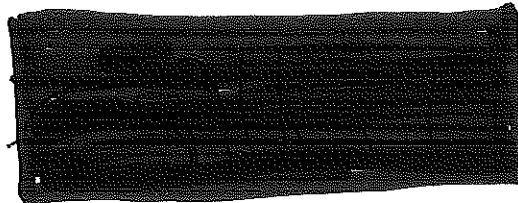
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Yours faithfully,



Nick and Emma Stillwell



116 St Marys Rd

Tonbridge

Kent

TN9 2NN

29-4-2016

Licensing Services

Tonbridge & Malling Borough Council

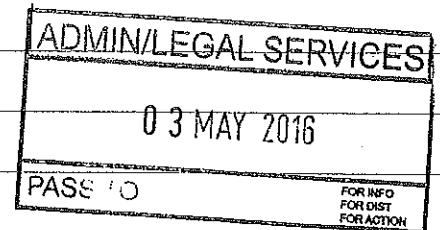
Libson Building

Libson Drive

Viney Hill

Wat Mallug

Kent ME19 4LZ



Dear Sir

Re application for performances etc at Old Fire Station - cattle street

I am shortly to move into this area - Broms Street - and feel that an licensing should not be allowed because this whole area is a residential area.

There is limited parking nearby and some on street parking - I feel visitors to this place would take over the streets and place further parking problems on the local residents.

There is a school nearby and to have this open during school hours could encourage children to enter the premises.

To remain open till 11pm could cause excessive noise to the residents many young & older people as those with younger children would not appreciate loud music (which like noise tends to be) so late at night to me this is an entirely inappropriate site for this kind of application.

The sale of Alcohol would also encourage drunk people in the streets near the Fire Station - in cattle street - Broms Street & the Trade area.

I would ask that you encourage against or refuse this application.

I'm not against a venue for license activities but new residents & residential property is not appropriate.

Yours faithfully
[REDACTED] (MRS GREGORY)

To: Members of TMBC Licensing Committee

Dear Councillors,

Licence application objection: Old Fire Station TN9 1BH

We would be grateful if you would consider the following objection to the licence application with respect to the Old Fire Station TN9 1BL.

In our view, without alterations to the licensing application and the noise reduction plan, the application would not promote the Licensing Act 2003 objective of preventing public nuisance and would contravene aim (e) of the Tonbridge & Malling Borough Council Statement of Licensing Policy, namely to protect local residents from anti-social behaviour and disturbance.

We recognise the potential positives of having such a great old building back in use and we also recognise that the owner has held a number of successful events including pop up restaurants and a number of community events. Our objection is centred around noise management and the sale of alcohol.

The Old Fire Station is in a residential area. The premises is around 15 metres from our bedroom window and those of our neighbours. The main licensable area is downstairs in the fire station where the fire engines would have been housed when the station was in use. Consequently the main licensable area is a single brick room with limited sound proofing, no curtains, no barrier walls and two large doors at the front of the property where sound escapes.

In the noise management plan, the applicant acknowledges that licensed venues can be a potential source of nuisance, anti-social behaviour and crime. We were surprised at how limited the noise reduction plan is given the age and construction of the building, its position in a residential area and the range of licensable activities that have been applied for. If this had been given proper thought, our objection would have been significantly less extensive.

The premises has had a number of Temporary Event Notices in recent months and many of these have been well received. We have been disturbed however during events where the primary purpose has been to provide a venue for drinking alcohol. We have been disturbed by the sound of people smoking on the road at the front of the premises rather than in the designated smoking area, by people leaving the premises loudly until midnight and by the disposal of bottle waste and other breaking down activity after 11pm. Even when people are sat drinking at the premises, we can hear the actual words of conversation whilst lying in bed. Our 8 month old son has been woken up a number of times as a result of noise from the premises.

The application, if approved, would expand the scope of activities at the premises to a 7 day a week operation serving alcohol until 11pm, would allow for both live and recorded music to be performed. It would also allow for the serving of food to be consumed on or off the premises between 11pm and 5am.

Our objections to the licensable activities applied for are as follows;

1. Live music, facilities for making music and general noise.

The licence application states that **amplified** live music would be performed at the premises as well as recorded music. We feel it is inappropriate to carry on these activities in a

residential area in a building of this construction without significant remedial action to minimise the noise reduction.

- i. We would like the committee to **refuse** permission for the performance of live music.
- ii. Two large doors open directly onto the street facing a number of residential properties. We would like the licensing committee to attach a condition to the licence that would require these doors to remain shut throughout the operation of all the licensable activities applied for.
- iii. The premises is a single open space, there is no sound proofing and no sound limiter is installed to the best of our knowledge. We would like the licensing committee consider requiring the applicant to install sound limiting apparatus (e.g. acoustic baffles, heavy curtains), noise limiting equipment, to ensure that no speakers are placed near external walls and that speakers are faced away from houses.
- iv. We would like the licensing committee to require the DPS to regularly monitor the noise levels of recorded music.

2. Sale of alcohol

The application, if successful, would significantly increase the hours during which the premises would be able to sell alcohol compared to current operation which would result in a steady flow of intoxicated people to and from the premises. We think it is inappropriate to sell alcohol during the hours applied for due to the potential for serious sound nuisance to neighbouring properties.

- i. We would like the licensing committee to consider;
 - a. Limiting the requested hours for the sale of alcohol on week nights to 9pm.
 - b. Requiring bottle waste to be disposed of in the morning, not during the evening.
 - c. Limiting the hours of use of the outside smoking area to 9pm during the week and 10pm on Fridays and Saturdays.

3. Late night refreshment

We cannot see any argument for granting a licence for the serving of refreshments during the hours of 11pm to 5am particularly given that this is a residential area and that no steps have been outlined by the applicant as to how they intend to minimise both noise disruption and litter should they be granted permission to carry on this licensable activity.

- i. We would like the licensing committee to **refuse** permission for a licence for late night refreshment.

4. Plays and films

We have no objection to the performance of plays and films as outlined in the licence application but the licensing committee should note that neither licensable activity was advertised in the public notice and therefore others will not have had 28 days' notice to object.

If the applicant is unable or unwilling to make the necessary alterations to limit noise nuisance from the premises then we would reluctantly be in a position of asking the committee to refuse the application altogether.

Given the rejuvenation of Tonbridge in recent years we are concerned that a potential future owner, with the licence and noise reduction plan as they stand, could simply operate the premises as an all day bar without taking measures to limit the emanation of noise and disturbance and residents would not have recourse to the licensing authority.

Given the premises' unique position in the middle of a residential area without similar premises in the vicinity, we believe it would be appropriate for Councillors to apply conditions to the licence that would limit the potential for nuisance to be caused to local residents and to promote the Licensing Act objectives and/or to ask the applicant to reapply with a more comprehensive and thought through noise reduction plan.

We would be grateful if you would confirm that our objection is valid and, if so, when a hearing will be held to consider the licence application. We would appreciate the option to provide verbal representations to the committee or sub-committee.

Yours faithfully,

Benjamin Dixon & Eleanor Hoyle [by e-mail]

9 Bank Street
Tonbridge
TN9 1BL

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A map showing the location of Old Fire Station and representations

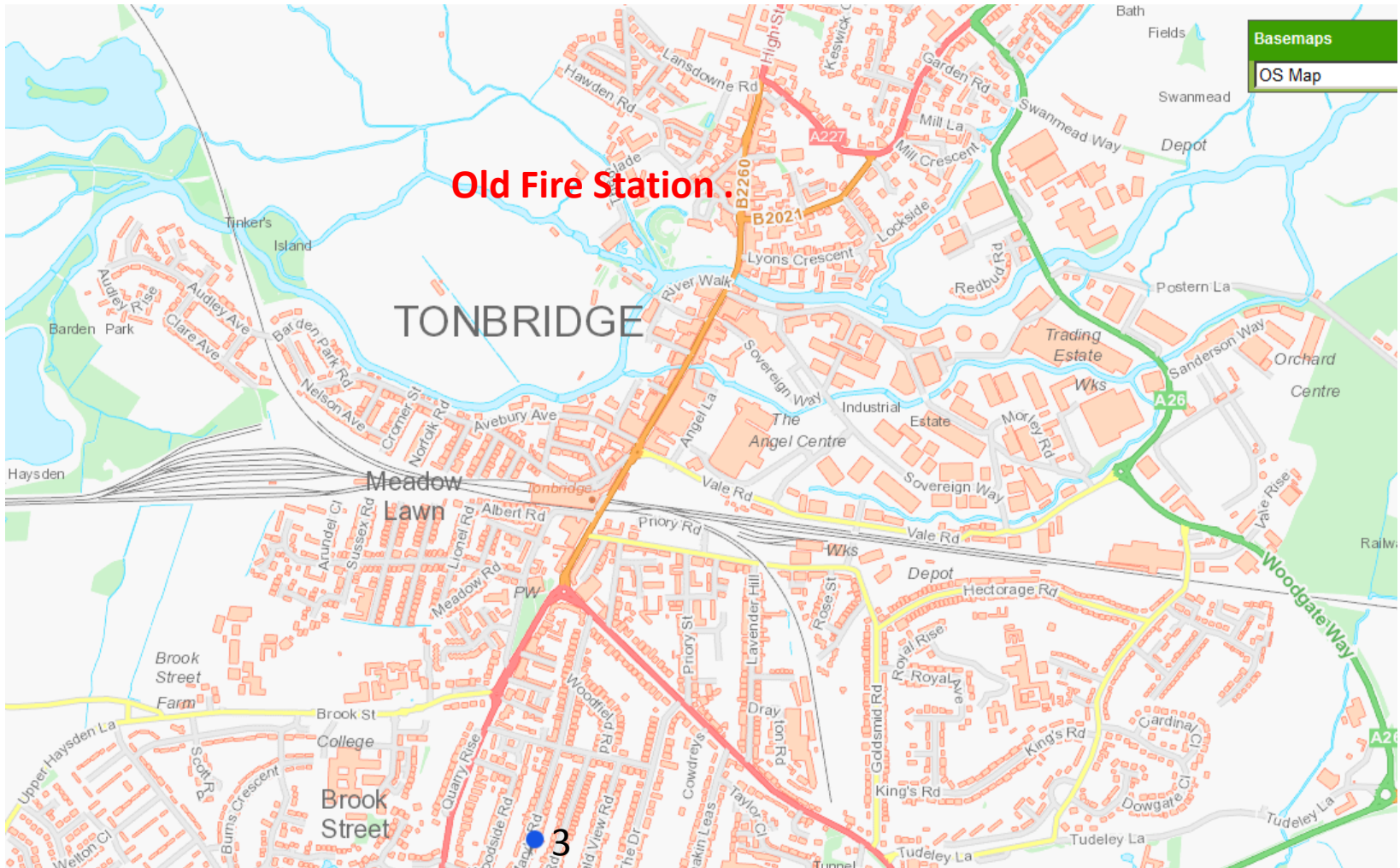


Page 51

1 – Mr and Mrs Stilwell
 2 - Mr and Mrs Stilwell

3 – Mrs Gregory
 4 – Benjamin Dixon and Eleanor Hoyle

A map showing the location of Old Fire Station and representations



Page 52

- 1 – Mr and Mrs Stilwell
- 2 - Mr and Mrs Stilwell

- 3 – Mrs Gregory
- 4 – Benjamin Dixon and Eleanor Hoyle

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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