

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 9th June, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mrs N Chaussy (Applicant) and Mr R Mezes (Designated Premises Supervisor)

PART 1 - PUBLIC

LA 16/40 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/41 APPLICATION FOR A NEW PREMISES LICENCE FOR THE FARMHOUSE, 97 HIGH STREET, WEST MALLING

The Panel gave consideration to an application made by Heritage Taverns Limited for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of premises known as "The Farmhouse" at 97 High Street, West Malling. The application related to the performance of live music; playing of recorded music; provision of late night refreshment and supply of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report, and the written representation received during the statutory consultation period (as set out at Annex 5 to the report). The Panel was advised that the representation from Kent Police had been withdrawn following the agreement of the Applicant to the conditions proposed in the written representation dated 17 May 2016 set out at Annex 4 to the report.

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Mrs Chaussy (Owner) and Mr Mezes (Designated Premises Supervisor)

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant

representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

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

Section e)	Performance of live music – Monday until Sunday from 08:00 hours until 24:00 hours (Midnight).
Section f)	Playing of recorded music – Monday until Sunday from 11:00 hours until 24:00 hours (Midnight).
Section g)	Performance of dance – Monday until Sunday from 11:00 hours until 24:00 hours.
Section i)	Late Night Refreshment – Monday until Sunday from 23:00 hours until 01:00 hours Non Standard times – New Year’s Eve – the end of permitted hours on NYE until the start of permitted hours on New Year’s Day.
Section j)	Supply of alcohol – Monday until Sunday from 08:00 hours until 23:30 hours.

Conditions:

1. No use of the rear outside area after 23:00 hours except for the purposes of smoking;
2. There will be no new admissions to any part of the premises after 23:00 hours on any day;
3. On Fridays 2 SIA door staff to be employed at the premises from 19:00 hours until half an hour after the close of the premises. One

- of whom shall have specific responsibility for the area at the rear of the premises;
4. On any Saturday during the period 1st May to 31st October in any given year, 2 SIA door staff to be employed at the premises from 19:00 hours until half an hour after the close of the premises. One of whom shall have specific responsibility for the area at the rear of the premises;
 5. On New Year's Eve 2 SIA door staff shall be employed at the premises from 19:00 hours until half an hour after the close of the premises. One of whom shall have specific responsibility for the area at the rear of the premises;
 6. In addition to the SIA requirements at conditions 3, 4 and 5 above, on Fridays when the function room is not used for seated functions only, or functions where food and incidental music is provided then one member of SIA door staff will be required to supervise the function room and a person who has passed their personal licence holders exams will be required to supervise the function throughout the period the function takes place at the premises;
 7. There will be a person who has passed their personal licence holders exams on duty at the premises at all times that licensable activities are taking place;
 8. There will be a member of staff present at the premises during trading hours who is able to download CCTV images at the request of the Police;
 9. CCTV to be fitted to a standard agreed by the Police that complies with the CCTV Code of Practice (Latest Edition), produced by the Information Commissioners Office, with all public areas, including all access and egress points covered;
 10. The CCTV system shall be maintained and serviced on a regular basis and records kept to that effect;
 11. The CCTV shall be operational at all times that the premises are open for trading;
 12. CCTV images shall be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate;
 13. Challenge 25 will be in operation at the premises with sufficient signage to ensure that patrons are aware;

14. All staff will be trained in relation to the sale of alcohol including Challenge 25 and refusal of sales for any reason. Records of such training should be completed and produced to Police, Local Authority or Trading Standards Officers;
15. A register of any refusals should be maintained at the premises. This should record, as a minimum, Date, time, reason for refusal and staff member making refusal;
16. All members of staff will be aware of all licensing conditions appertaining to this premises licence;
17. All doors and windows to be closed after 23:00 hours; and
18. The Cocktail Bar shall cease sale of alcohol at 23:00 hours, and close at 23:30 hours.

LA 16/42 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 3.40 pm
having commenced at 3.00 pm