

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr D Healy and Mr N Levantes (Joint Owners) and Mr D Benavent (Designated Premises Supervisor) and Mr R Byatt (Interested party)

PART 1 - PUBLIC

LA 17/24 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 17/25 APPLICATION FOR A NEW PREMISES LICENCE FOR AMANO LTD, 47 SWAN STREET, WEST MALLING

The Panel gave consideration to an application for a Premises Licence made by Amano Limited under Section 17 of the Licensing Act 2003 in respect of premises known as 'Amano' at 47 Swan Street, West Malling. The application related to the provision of late night refreshment and the 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 4 to the report). The Panel was advised that, with the exception of Planning Services, no representations had been received from the statutory consultees. Details of the concerns raised by Planning Services on 8 March 2017 were set out in paragraph 1.4.3 of the report.

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Mr D Healy, and to the objections raised by Mr R Byatt on the grounds of public nuisance. The Panel felt it was particularly significant that there had been no representations received from the responsible authority for Environmental Health regarding potential noise nuisance or from the Police regarding crime and disorder.

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 i)	<p>Late Night Refreshment –</p> <p>Monday until Sunday from 23:00 hours until 24:00 hours Non Standard times – New Year’s Eve – 23:00 hours on New Year’s Eve until 05:00 hours on New Year’s Day.</p>
Section j)	<p>Supply of alcohol –</p> <p>Monday until Saturday from 10:00 hours until 24:00 hours: Sunday 10:00 hours until 23:00 hours for consumption both on and off the premises.</p>

Conditions:

1. On Fridays and Saturdays after 22:30 hours and until closing time the premises licence holder shall allocate a member of staff to monitor customers leaving the premises on foot or by taxi to ensure that any associated noise is kept to a minimum and any public nuisance is thereby prevented. It is accepted that such a person does not require SIA registration;
2. Signage to be installed requesting that customers respect the residential nature of the premises and that they leave in a quiet manner;
3. All windows adjacent to Police Station Road to be closed after 21:00 hours and all doors to remain closed except to provide access; and
4. No recycling of bottles be undertaken after 18:00 hours to prevent noise nuisance.

LA 17/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.50 pm
having commenced at 12 noon