

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 5th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority, Mr I Barwick (Applicant), Mr S Thomas (Solicitor to the Applicant), Mr C Beale (Noise Consultant to the Applicant), representatives of Kent Police, Environmental Health Services and Planning Services (Responsible Authorities), Mrs W Williams (on behalf of Offham Parish Council and as a local resident) and Mr T Berman, Mrs C Innes and Mrs V Patrick (local resident/interested party)

PART 1 - PUBLIC

LA 18/1 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 18/2 APPLICATION FOR A NEW PREMISES LICENCE FOR AFRICAN LODGE AND MARQUEE, TOWER HILL, OFFHAM

The Panel gave consideration to an application for a Premises Licence made by Mr Ian Barwick under Section 17 of the Licensing Act 2003 in respect of premises known as African Lodge and Marquee, Kentfield Farm, Tower Hill, Offham. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representations received during the statutory consultation period (as set out at Annexes 6, 7, 8, 9 and 10 to the report). In addition the Panel had regard to the Noise Consultant's report (set out at Annex 11) and the Applicant's response to the written representations (set out at Annex 12 to the report).

The Panel listened carefully to the representations made by Mr S Thomas on behalf of Mr Barwick, Ms E Shaw on behalf of Kent Police, Mr P Thomason of the Environmental Protection Team, Ms E Keefe of Planning Services, Mrs W Williams on behalf of Offham

Parish Council and as a local resident and local residents, Mr T Berman, Mrs C Innes and Mrs V Patrick.

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 steps set out in Section 18(4) as it considers appropriate for the promotion of the licensing objectives. The Panel took into consideration the guidance dated April 2017 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel attached particular weight to the representations from local residents regarding noise, the report from Mr C Beale of SPL Track Environmental and the response of Mr P Thomason to that report.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule and those conditions agreed by the applicant with the Responsible Authorities (Kent Police and Tonbridge and Malling Borough Council Environmental Protection).

Having had regard to the above the Licensing and Appeals Committee, sitting as Panel, concluded that, in order to promote the Licensing Objectives, particularly the prevention of public nuisance, the application could be approved and, therefore,

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 accompanying the application and the following conditions:-

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| Section E | Performance of Live Music (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section F | Playing of Recorded Music (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section I | Provision of late night refreshment (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section J | Supply of alcohol for consumption both on and off the premises Monday to Sunday from 11:00 hours until 24:00 hours (midnight) |

Conditions:

1. There will be no more than 28 functions held at the location in any calendar year.
2. All functions will be pre-booked with number of persons attending and emergency contact details for the person booking recorded.
3. There will be no access to the venue from Tower Hill except in emergency situations.
4. Access routes to the venue will be clearly marked at any time that the venue is operating under this Premises Licence to ensure swift access and egress for all vehicles including private vehicles, taxis and emergency vehicles.
5. Clear instructions on gaining access to the venue will be provided to all persons holding events at the location.
6. Challenge 25 will be in operation and adhered to by all staff. This will be communicated to all persons holding events at the location at the time of booking.
7. Staff training will be provided for the sale of alcohol and safe operation of the venue, training will be recorded and signed by each member of staff.
8. CCTV will be in operation at the location at any time that the premises are being used for licensable activities.
9. Images from any CCTV in operation at the premises will be retained for a minimum of one month from the date of recording.
10. The maximum number of customers will be 200 for any given event.
11. No fireworks will be let off during any pre-booked event where licensable activities occur.
12. Performance loud speaker systems that have any bass component are only to be located in the African Lodge and not in the Marquee.
13. Performance loud speakers and the related performances will be directed to the south across the lake towards the Quarry and not into the Marquee.
14. Whenever entertainment is provided bass baffles will be fitted to the north open aspect of the African Lodge and behind any loudspeaker installation.

15. A noise limiter will be used to ensure that noise levels in the Lodge do not exceed 95dB(Aeq(15)) as recommended by the Code of Practice.
16. Performances in the Marquee must be restricted to acoustic instruments. Use of amplified equipment is acceptable but must be limited to background music or spoken word only.
17. The type of Performance loud speaker system is to be ascertained and approved by Mr Beale of SPL Track Environmental, on behalf of the applicant, and by a representative of Tonbridge and Malling Borough Council's Environmental Protection Team.
18. All events to be publicised in advance on Kentfield Farm's website. This to include the name and mobile 'phone number to contact in the event of any complaint. This person should be available to contact during the event. This information should also be provided to Offham Parish Council at least fourteen days in advance of an event.

LA 18/3 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.58 pm
having commenced at 10.10 am