



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

9 May 2018

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, 17th May, 2018 commencing at **1.00 pm**

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 in accordance with paragraph 3, part 3 of the Constitution

3. Application for the variation of a Premises Licence – 5 - 40
The Farmhouse, 97 High Street, West Malling

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 41 - 42

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

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

Panel Membership to be confirmed after the
Annual Meeting of Council to be held on 15 May 2018

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

17 May 2018

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 APPLICATION FOR THE VARIATION OF A PREMISES THE FARMHOUSE, 97 HIGH STREET, WEST MALLING, KENT ME19 6NA

1.1 Executive Summary

- 1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for the variation of a premises licence under section 34 of the Licensing Act 2003 for the premises called The Farmhouse, 97 High Street, West Malling, Kent. ME19 6NA. The application to vary the premises licence seeks to extend the terminal hour for the sale of alcohol by 30 minutes Monday to Thursday and to extend the terminal hour for the sale of alcohol by an hour on Friday, Saturdays, Sundays preceding a Bank Holiday and New Year's Eve.

1.2 Background and Introduction

- 1.2.1 The application was validated on the 03 April 2018, with the 28 day consultation period running from the 04 April 2018 until the 01 May 2018.
- 1.2.2 A map showing the location of The Farmhouse is shown at **Annex 1**.
- 1.2.3 At any stage, during the 28 day public consultation period, a responsible authority, or other person, 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 one or more of the four licensing objectives and, in the case of requests by other persons, are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

- 1.2.4 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 2014 and will remain in force until 2019. The Policy will be available at the hearing, for reference purposes.

- 1.2.5 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 also be made available at the hearing for reference purposes.

1.3 The Application

- 1.3.1 The applicant is Heritage Taverns LTD, Greenway Court Farmhouse, Greenway Court Road, Maidstone, Kent. ME 17 1QD. The application which was received on 3 April 2018 is attached to this report as **Annex 2**
- 1.3.2 The application details are as follows:

Section J	Supply of alcohol for consumption both on and off the premises - Monday to Thursday from 08:00 hours until 24:00 hours. Friday, Saturday, Sundays preceding a Bank Holiday and New Year's Eve from 08:00 hours until 00:30 hours.
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- 1.3.3 The premises is currently licensed, a copy of the current premises licence and conditions are attached to this report as **Annex 3**

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 other person.
- 1.4.2 The Licensing Authority has, during the representation period, received 8 representations from other persons which are attached to this report as **Annex 4**
- 1.4.3 Responses received from statutory consultees:

Fire Safety	No comments received
Trading Standards	No comments received
Social Service	No comments received

Police	No objections
Environmental Health	No objections
Health & Safety	No comments received
Public Health	No comments received
Planning	No comments received

- 1.4.4 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 detail other mechanisms to deal with potential problems.

Sections 2 – 6 – These sections set out the four licensing objectives and identify matters that may be relevant to the promotion of each licensing objective.

In particular, Section 5 states that an applicant should demonstrate in their operating schedule that suitable and sufficient measures to prevent public nuisance have been identified and will be implemented. Paragraphs 5.1.5 and 5.1.6 require the applicant to demonstrate they have considered the relevant factors which may impact upon public nuisance, and the sorts of measures which should be considered.

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 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 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.

1.6.3 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. Exclude from the scope of the licence any of the licensable activities to which the application relates;
3. Reject the application

1.8 Financial and Value for Money Considerations

1.8.1 None unless there is a successful appeal against the Panel's 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 considers appropriate for the promotion of the Licensing Objectives.

Background papers:

contact: Leeann Leeds
6132

Licensing Act 2003

Live Music Act 2012

Deregulation Act 2015

Licensing Act Guidance

Statement of Licensing Policy

Adrian Stanfield

Director of Central Services and Monitoring Officer

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A Satellite map showing the location of The Farmhouse and surrounding properties



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Tonbridge and Malling
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

ST/Farmhouse

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

Natasha

* Family name

Chaussy

* E-mail

st@stephenthomaslaw.co.uk

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

2808988

Business name

Heritage Taverns Ltd

If the applicant's business is registered, use its registered name.

VAT number

GB

703055085

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Greenway Court Farmhouse

Street

Greenway Court Road

District

City or town

Maidstone

County or administrative area

Kent

Postcode

ME17 1QD

Country

United Kingdom

Agent Details

* First name

Stephen

* Family name

Thomas

* E-mail

st@stephenthomaslaw.co.uk

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?

☐ Yes☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

☐ Yes☒ No

Business name

Stephen Thomas LAW

If your business is registered, use its registered name.

VAT number

GB

909633409

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

Legal status

Sole Trader

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

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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 **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

52,000

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒ Yes☐ NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐ Yes☐ NoYou do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**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.

1. To extend the terminal hour for sale of alcohol by 30 minutes from 23.30 until 24.00 Monday - Thursday
2. To extend the terminal hour for sale of alcohol by 1 hour from 23.30 until 00.30 - Fridays, Saturdays and Bank Holiday
Sundays and New Year's Eve

Section 4 of 18**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?☐ Yes☒ No**Section 5 of 18****PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to
vary is successful?☐ Yes☒ No**Section 6 of 18****PROVISION OF INDOOR SPORTING EVENTS**

<i>Continued from previous page...</i>	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 7 of 18	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 8 of 18	
PROVISION OF LIVE MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 9 of 18	
PROVISION OF RECORDED MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 10 of 18	
PROVISION OF PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 11 of 18	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 12 of 18	
PROVISION OF LATE NIGHT REFRESHMENT	

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings**MONDAY**Start End Start End

Provide 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.

TUESDAYStart 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

Continued from previous page...

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 above, list below.

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

Bank Holiday sundays 08:00 - 00:30
New Year's Eve 08:00 - 00:30

Section 14 of 18

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.

Provide 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.

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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...

WEDNESDAY

Start 08:00

End 01:00

Start

End

THURSDAY

Start 08:00

End 01:00

Start

End

FRIDAY

Start 08:00

End 01:00

Start

End

SATURDAY

Start 08:00

End 01:00

Start

End

SUNDAY

Start 08:00

End 01:00

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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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.

The Premises will continue to operate as a Pub Restaurant . The purpose of this application is to simply extend the terminal time for sale of alcohol by 30 minutes Monday to Thursday and Fridays Saturdays, Bank Holiday Sunday and New Year;s Eve by 1 hour in line with other premises trading in the area.

b) The prevention of crime and disorder

Food will be available until 30 minutes before the terminal hour for the sale of alcohol
Other conditions on the licence remain in force except for Condition 18

c) Public safety

Existing Legislation applies that it is not necessary to duplicate in this licence

d) The prevention of public nuisance

Existing conditions apply except for the restriction on condition 18.

e) The protection of children from harm

Existing conditions continue to apply

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**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 (£)

315.00

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

Stephen Thomas

* Capacity

Solicitor for applicant

* Date

03 / 04 / 2018
dd mm yyyy

Add another signatory

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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="ST/Farmhouse"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) Next >

Premises Licence Tonbridge & Malling Borough Council

Premises Licence Number

16/00520/PREM issued 2nd September 2016

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Farmhouse
97 High Street
West Malling
Kent
ME19 6NA

Telephone number

Not provided

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale of Alcohol
Performance of Dance
Live Music
Recorded Music
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Every Day 08:00 - 23:30

Performance of Dance

Every Day 11:00 - 00:00 (Midnight)

Live Music

Every Day 08:00 - 00:00 (Midnight)

Recorded Music

Every Day 11:00 - 00:00 (Midnight)

Late Night Refreshment

Every Day 23:00 - 01:00

Non standard timings for late night refreshment only:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises

Every Day 08:00 - 01:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address holder of premises licence

Heritage Taverns LTD
Greenway Court Farmhouse
Greenway Court Road
Maidstone
Kent
ME 17 1QD

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 280899

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Rajmund Istuan Mezes

State whether access to the premises by children is restricted or prohibited

Access to Children not restricted or Prohibited

Annex 1 – Mandatory conditions

Sale of Alcohol

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$
 Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
 - a. ph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

1. No use of the rear outside area after 23:00hours except for the purpose of smoking
2. There will be no new admissions to any part of the premises after 23:00hrs on any day
3. On Fridays 2 SIA door staff to be employed at the premises from 19:00hrs 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 19:00hrs 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 19:00hrs 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 holder 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 premises are open for trading
12. CCTV images will 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 all 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
18. The Cocktail Bar shall cease sale of alcohol at 23:00 hours, and close at 23:30 hours



WEST MALLING PARISH COUNCIL

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

email: clerk@westmallingspc.org

website: www.westmallingspc.org

Clerk to the Parish Council: Claire Christmas

Licensing Department
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

25th April 2018

Dear Sirs,

Re: The Farmhouse, 97 High Street, West Malling - Application to vary premises licence (18/00496/PREM)

Members of the Parish Council wish to object to the application made by the Farmhouse West Malling to vary their premises licence.

The application to vary states that the 'purpose of this application is to simply extend the terminal time for sale of alcohol by 30 minutes Monday to Thursday and Fridays, Saturdays, Bank Holiday Sunday and New Year's Eve by 1 hour in line with other premises in the area'; the Parish Council are not aware that other licensed premises stay open as late as the new suggested opening hours and are concerned that should the hours be extended that this will set a precedent within the town. If one public house /restaurant chooses to stay open later than others, it will be a natural consequence that visitors to West Malling will congregate at the end of the night at the premises that closes the latest; the Farmhouse is surrounded by residential properties that would be further impacted by noise, in particular those properties that back on to the garden of the premises.

The Parish Council continue to have concerns about ongoing anti-social behaviour at the premises and are fearful that longer opening hours would only exacerbate the current situation. It is our understanding that in recent weeks the Police have been called to the premises due to anti - social behaviour and it would therefore not be wise to extend the licensing hours in view of the current situation. On this point, it has been brought to the attention of the Parish Council that the employed security personnel are not always positioned where they should be in accordance with the conditions set out in June 2013.

Yours faithfully,

Claire Christmas
Clerk to West Malling Parish Council

Leeann Leeds

From: David Mitchem [REDACTED]
Sent: 29 April 2018 16:33
To: Licensing Services
Subject: Application to Vary Premises Licence: The Farmhouse, West Mallong
Categories: Leeann

I wish to register my objection to the proposal to extend the captioned sale of alcohol from 23.30 to 24.00 Monday to Thursday and from 23.30 to 00.30 on Fridays, Saturdays, Bank Holiday Sundays and New Year's Eve. My grounds for objecting are both Prevention of Public Nuisance and Prevention of Crime and Disorder.

So far as public nuisance is concerned, the end of the evening when drinkers are more boisterous and noise increases is a critical period. With households close to the east, south and north of the Farmhouse and especially given the pub's open patio area, even a thirty minute extension at so sensitive a time greatly magnifies the probability of 'nuisance'.

Regarding the second grounds for my objection, the record of the Farmhouse in avoiding drink related disorder has not been unblemished. Despite management attempts to address the issue through employing security staff, trouble has still occurred. It seems highly likely that extra drinking time will only exacerbate the problem.

I would ask that you take my submission in to account when considering the licensee's application.

Thank you

David Mitchem
[REDACTED] High Street
West Mallong
[REDACTED]

Leeann Leeds

From: roger north <[REDACTED]>
Sent: 26 April 2018 12:11
To: Licensing Services
Subject: The Farmhouse West Malling

Categories: Leeann

Dear Sir Madam

As a resident living in the High Street West Malling I would like to add my concerns re the proposed licence extension of The Farmhouse.

With the current hours we suffer awful behaviour and noise from the patrons in the street for an hour or so after closing. This includes driving dangerously up and down, wheel skidding, much to the enjoyment of the crowds outside the premises. If the extension is granted this would result in this noise and behaviour going on to the early hours of the morning. The Farmhouse and other licences premises nearby are simply not concerned with the behaviour outside and the disturbances to residences nearby. Police resources mean that they cannot afford attend on a regular basis and therefore we rely solely on yourselves to assist. This is a village with residents as neighbours to these premises and not Maidstone where there are plenty of bars for those patrons to go

The extension will also set an unwanted precedent to other licences premises in the village

Roger North
[REDACTED] High Street
West Malling
Kent
[REDACTED]

Leeann Leeds

From: Licensing Services
Subject: FW: Farmhouse pub

> From: Gillian Golding [redacted]
 > Sent: 17 April 2018 12:29
 > To: Licensing Services <Licensing.Services@tmhc.gov.uk>
 > Subject: Farmhouse pub

>
 > I live almost next door to The Farmhouse and strongly object to them having their license extended in every way. They start 'practicing' at 3.30pm as it is, usually on the loveliest day to be in the garden, and the noise is raised louder and louder as the evening progresses. This is a residential community and surely we have some rights to our peace and quiet. Before now, I have phoned the police with the phone out of my window so that the noise can be heard, it is like having them in my own garden and at times also in the house. I strongly object to their license being extended and what is more, when should the noise start, surely not mid afternoon?

Mrs. Gillian golding, [redacted] high street, west malling, [redacted]

>
 >
 > 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.
 > *****
 > ***

Leeann Leeds

From: Jeff W Hurst [redacted]@btinternet.com
Sent: 18 April 2018 14:41
To: Licensing Services
Cc: trudy.dean@kent.gov.uk
Subject: The Farmhouse application to extend late hours Licence.

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Katie

Dear Sirs,

I very strongly wish to to oppose this application. The noise and drunken behaviour is already reaching intolerable levels for all the residents in the High Street.

The so called "Security Staff" seem to have little or no effect on the problem. We have the misfortune to live just up the road from this deeply unpleasant place.

Sitting in our garden on a summer's evening is often ruined because of this greedy business's simple desire for extra profit. Please stop them making things worse for all of us.

Jeffrey Hurst
[redacted] High Street

Leeann Leeds

From: Licensing Services
Sent: 30 April 2018 15:24
To: Leeann Leeds
Subject: FW: West malling farmhouse application

> From: Nick Robinson [REDACTED]
> Sent: 17 April 2018 19:58
> To: Licensing Services <Licensing.Services@tmhc.gov.uk>
> Subject: West malling farmhouse application

>
> Hello I wish to object to the license extension application of the farmhouse pub in west malling. They seem totally incapable of controlling their patrons outside and regularly block the pavement with drinkers. Indeed I was recently abused when trying to walk on the pavement past the pub one evening. The bouncers seem totally ineffective and the patrons rude and abusive.

> Other pubs in the town do not suffer from the same voice, attitude, out of control patrons problems as the farmhouse does and I think if their licence were extended to later in the evenings the problems would only get worse.

>
> With thanks,
> Nick Robinson

[REDACTED] lavenders road
West Malling
[REDACTED]

Leeann Leeds

From: Jocelyn Granville [REDACTED]
Sent: 26 April 2018 16:52
To: Licensing Services
Subject: Re: I object to the licensing hours of The Farmhouse being extended as I live close by and will be disturbed by late night noise

Categories: Leeann

My objection must be valid under clause4 as later night opening would be a public nuisance. Jocelyn Granville

Sent from my iPhone

> On 25 Apr 2018, at 13:09, Licensing Services <Licensing.Services@tmbs.gov.uk> wrote:

>

> Good afternoon,

>

> Thank you for your email, unfortunately your representation is not valid.

>

> In order for your representation to be valid you will need to demonstrate how one or more of the licensing objectives would be undermined should the premises licence be granted. For your information I have set out the objectives below for you:

>

> 1. Prevention of crime and disorder

> 2. Promotion of public safety

> 3. Protection of children from harm

> 4. Prevention of public nuisance

>

> If you have any queries regarding this email then please do not hesitate to contact me.

>

> Mrs Leeann Leeds

> Licensing Officer

> Tonbridge & Malling Borough Council

>

> Licensing home page - www.tmbc.gov.uk/landing/licensing

> Licensing key information - www.tmbc.gov.uk/keyinfo

>

>

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> -----Original Message-----

> From: Jocelyn Granville [REDACTED]

> Sent: 20 April 2018 19:08

> To: Licensing Services <Licensing.Services@tmbs.gov.uk>

> Subject: I object to the licensing hours of The Farmhouse being

> extended as I live close by and will be disturbed by late night noise

>

> Jocelyn Granville [REDACTED] High Street

>

> Sent from my iPhone

>

Leeann Leeds

From: Karolina [REDACTED]
Sent: 01 May 2018 21:02
To: Licensing Services
Subject: objection to licensing hours of the Farmhouse in West Malling to be extended
Categories: Leeann

Dear Leeann,

Hereby we would like to object to the plans for the licensing hours of the Farmhouse in West Malling to be extended.

We live opposite of the Farmhouse and two bedrooms(our children's) are facing the High Street.

We wish to object on the ground of the prevention of public nuisance.

Pub guests are putting glasses on our window seal. They park in front of our house and create disturbance in form of shouting, singing and arguing, which escalates into physical violence like pushing etc. This makes me feel worried, particularly as a parent.

West Malling must stay safe and child friendly and not turn into one 'big pub', if this makes sense.

Our concern is that it gets more out of control with the even longer hours.

Kind regards

Karolina & Marcin Kwiatkowski

[REDACTED]
[REDACTED] High Street

[REDACTED] West Malling
[REDACTED]
[REDACTED]

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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