

Public Document Pack



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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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

7 June 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 Friday, 15th June, 2018 commencing at 10.00 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 in accordance with paragraph 3, part 3 of the Constitution

3. Application for the Variation of a Premises Licence at 5 - 46
The Hengist Village Restaurant and Gardens, 7-9 High Street,
Aylesford

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 47 - 48

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 in accordance with paragraph 3, Part 3 of the Constitution

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 O C Baldock

Cllr M A Coffin

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

15 June 2018

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

**1 APPLICATION FOR THE VARIATION OF A PREMISES THE HENGIST
VILLAGE RESTAURANT AND GARDENS 7-9 HIGH STREET AYLESFORD
KENT ME20 7AX**

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 Hengist Village Restaurant and Gardens, 7-9 High Street, Aylesford, Kent. ME20 7AX. The application to vary the premises licence seeks to extend the Sale of Alcohol to start earlier each day. Monday to Friday starting from 11:00 hours and Saturday and Sunday starting from 10:00 hours.

1.2 Background and Introduction

1.2.1 The application was validated on the 17 April 2018, with the 28 day consultation period running from the 18 April 2018 until the 15 May 2018. However, we were informed by the applicant that the newspaper advert would be delayed and the application was restarted on 25 April 2018 and finished at midnight on 22 May 2018.

1.2.2 A map showing the location of the Hengist Village Restaurant and Gardens 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 Mr David House the Hengist Village Restaurant and Gardens. The application which was received on 17 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 Friday from 11:00 hours until 24:00 hours. Saturday and Sunday from 10:00 hours until 24:00 hours. New Year's Eve to extend the sale of alcohol until 2am with food.
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- 1.3.3 The premises is currently licensed, a copy of Part B from 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 4 representations from other persons shown at **Annex 4** and 1 representation from a responsible authority which is shown at **Annex 5**

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 comments received
Health & Safety	No comments received
Public Health	No comments received
Planning	Representation 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: Anthony Garnett
6151

Licensing Act 2003

Live Music Act 2012

Deregulation Act 2015

Licensing Act Guidance

Statement of Licensing Policy

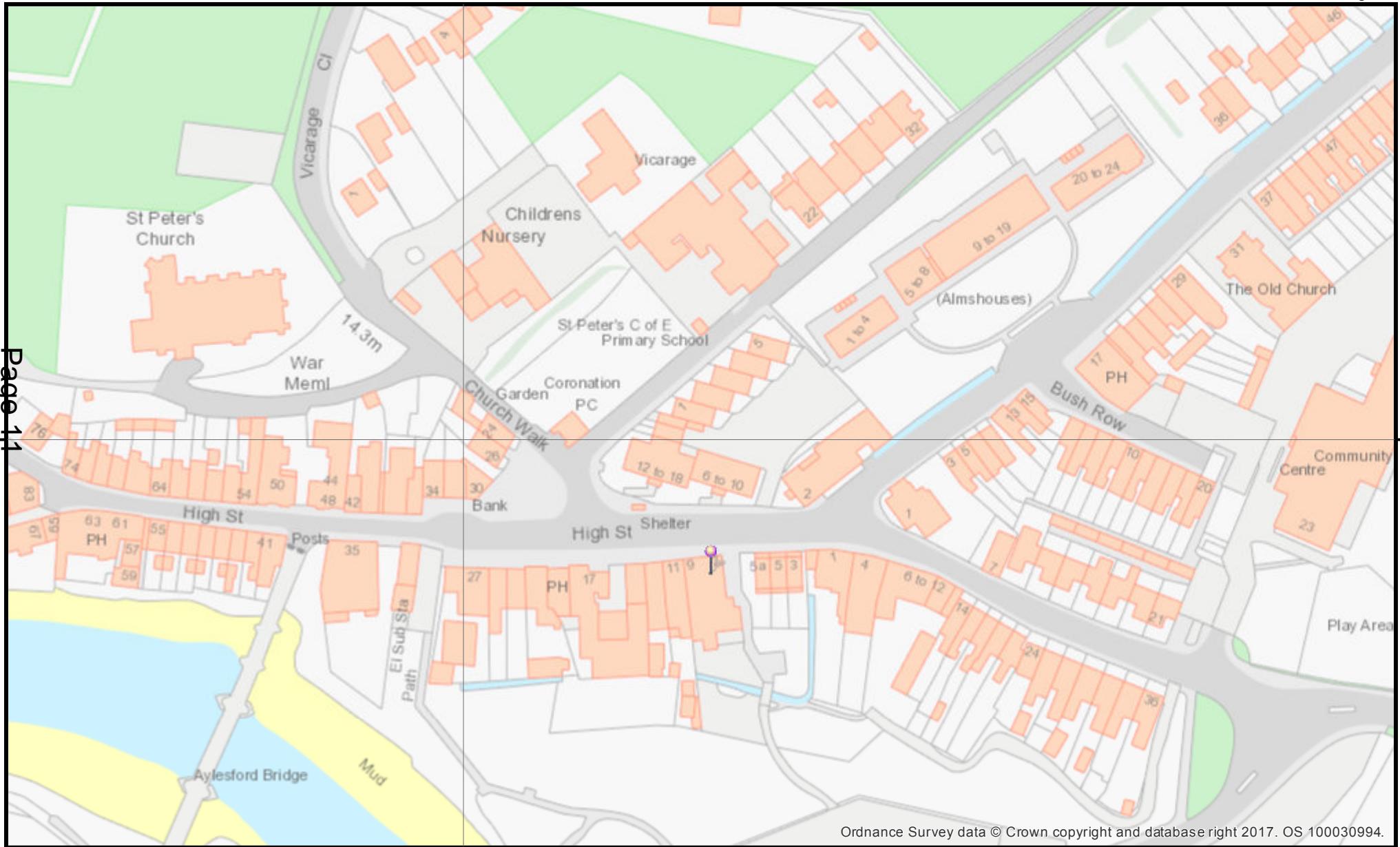
Adrian Stanfield
Director of Central Services and Monitoring Officer

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HENGIST 1

Subtitle

ANNEX 1



Scale 1:1,250

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Map Dated: 17 Oct 2017

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HENGIST 2

Subtitle

ANNEX 1



Scale 1:625

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Map Dated: 17 Oct 2017

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[Tonbridge and malling county council.]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We David John House

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 18/00303/prem
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 7-9 High street Aylesford Kent Me20 7ax
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Post town	Maid stone	Postcode	Me20 7ax
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Telephone number at premises (if any)	01622 885800
Non-domestic rateable value of premises	£26,250.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	As above		
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
0	4	032017

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To change our current weekly opening hours from midday to start 11am Monday to Friday and change from midday to start at 10.00am Saturday – Sunday

The reason behind is we have customers arrive for a 12 o clock lunch and can not order a drink , also at weekend we open for brunch and people order drinks which we have to decline.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment | Please tick all that apply |
|--|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>		
			Indoors	<input type="checkbox"/>	
			Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 3)</u>	
Thur			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>	
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 3)</u>	
Thur				
Fri			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>	
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>	
Sun				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input type="checkbox"/>	<input type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3) No change	
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NO CHANGE	
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	11	24	New year eve which ever day this does fall that we can sell alcohol until 2am and food		
Tue	11	24			
Wed	11	24			
Thur	11	24	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	11	24	New years eve which ever day this falls that we can sell alchohol until 2am with food.		
Sat	10	24			
Sun	10	24			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	8am	12pm	
Tue	8am	12pm	
Wed	8am	12pm	
Thur	8am	12pm	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	8am	12pm	
Sat	8am	12pm	
Sun	8am	12pm	

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

I have not got them as I have sent in with change of premises license holder

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

strong management training of management , all senior members of staff have completed BIIAB level 2 award for personal licence holders, Training staff in the 4 objectives.

- a- No selling of alcohol to underaged people , use over the OVER 25 policy
- b- No drunk and disorderly behaviour on the premises
- c- Villalance in preventing the use of drugs
- d- No violent and anti social behaviour
- e- No harm to children

b) The prevention of crime and disorder

- a- Cctv system installed and also upgraded as the last recommendation
- b- Clear legal notices on the licensing hours
- c- Not selling alcohol to drunk and intoxicated customers
- d- Clear notices on respecting our neighbours and leaving quietly.

c) Public safety

- a- Good external lighting to assure safety in the garden area.
- b- Training and implementation of under aged ID checks
- c- Good condition of the premises to be maintained at all time.
- d- a log book of complaints and ID logs to be kept at all times.

d) The prevention of public nuisance

- Prominent clear notices at entrances and exits to respect the neighbours.
- Deliveries to be at rear of the premises when the size of the vehicle allows this to happen.
- Noise reduction measures to be achived with doors kept shut to a minimum.
- Outside lights to be monitored and on sensors when they can safely be fitted.
- Outside music at conversation level only.
- Outside movement kept to a minimum
- To direct outside smoking to the area designated

e) The protection of children from harm

- Challenge 25 signs displayed
- Trained staff
- Log book recorded
- CCTV recording available.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature		
Date	09/04/2010	
Capacity	MANAGER	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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.

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Part B

ANNEX 3

Premises Licence Tonbridge & Malling Borough Council

Premises Licence Number

18/00303/PREM issued 16th April 2018

Premises Details

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

Hengist Village Restaurant And Bar
7 - 9 High Street
Aylesford
Kent
ME20 7AX

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale of Alcohol
Live Music
Recorded Music
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Every Day 12:00 - 00:00

Live Music

Every Day 12:00 - 23:00

Recorded Music

Every Day 12:00 - 23:00

Late Night Refreshment

Page 1 of 2

Part B of the Premises Licence for Hengist Village Restaurant And Bar issued by
The Licensing Authority of Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ
Telephone Number 01732 876368

Every Day	23:00 - 00:00
-----------	---------------

The opening hours of the premises

Not applicable

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 Premises

Name, (registered) address holder of premises licence

Mr David John House
Tatt Barn
High Street
Yalding
Kent
ME18 6HS

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

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

Mr David John House

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

Access to children is not restricted or prohibited

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

1. CCTV to be installed inside covering the bar areas on all floors and the reception area, and outside the premises covering areas including the front, side and rear of the venue including the patio and garden areas.
2. CCTV must be operational at all times that the premises is open to members of the public.
3. CCTV recordings must be securely stored digitally and retained for a minimum of 14 days.
4. CCTV system must be regularly maintained and records of maintenance kept at the premises.
5. Signs to be displayed at all exits and in outside public areas requesting patrons to respect neighbours and leave/use the areas quietly.
6. Staff to oversee outside areas where patrons are utilising the facilities ensure noise levels are minimised to prevent nuisance to residents, but no responsibility for members of the public using the though fare.
7. A log must be maintained on the premises of any incidents or complaints received and action taken and will be available for inspection.
8. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve months. The training log will be made available for inspection by the Licensing authority and responsible authorities at all reasonable times
9. All staff to be trained by a Personal Licence holders with records available for scrutiny at any time.
10. The premises licence holder will ensure that there is a facility in place (such as a direct dial telephone number) that allows local residents to communicate directly with the designated premises supervisor in the event of any issues arising.
11. All doors and windows will be kept closed at all times except for ingress and egress.
12. The Challenge 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card baring the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.
13. A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - the identity of the member of staff who refused the sale
 - the date and time of the refusal
 - the alcohol requested and reason for refusal
 - description of the person refused alcohol

14. Posters of A4 size shall be displayed conspicuously on the premises in customer facing areas.

- Challenge 25 to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be 25.
- Proxy purchasing intended to warn adults not to buy alcohol for those under 18 years of age.

Katie Shipman

From: [REDACTED]
Sent: 23 April 2018 11:41
To: Licensing Services; environmental protection
Subject: Hengist Reataurant 7-9 High Street Aylesford

Categories: Anthony, Katie

Dear Sir or Madam,

Ref: Licensing change and breach of current conditions

We are writing to you both to cover the recent application from the above subject premises to extend their licencing hours and their ongoing non-compliance to their current licencing requirements.

They should both be read together and be understood to be reasons as to why they should not be granted this extension

1. They are emptying bottles into bins at Midnight and before 10 in the morning, with slamming of bin lids at midnight; this has woken us up many times
2. Music is still being played outside that we can hear in our house
3. The door to the restaurant is being left open again with noise spilling out
4. Patrons are still using the outside areas after 10 and this weekend there were people there shouting and swearing at midnight, the noise during the day was equally as bad!
5. Trying to speak to the license holder is proving problematic; we are feeling uneasy with the attitude and responses that we are getting, in fact somewhat threatened. Although you wish us to follow this path it is not working as the owners/licensee are not open to any sort of dialogue, it is time for you to step in.
6. Staff do not seem to know what they need to do regarding noise; it would seem that they have not been trained, something that should have occurred as part of their permissions.

Please treat the above and our previous comments, by email, to the licensing authority as reasons why the extended licensing hours should not be granted.

We will be plagued by noise until the early hours if this is allowed.

We hope that the council/licensing authority do not allow this to continue and acts early and decisively to ensure that the owners of the premises abide by the permissions of their licenses. It cannot be allowed to drag on and on with no endpoint in sight as it seems to be doing, we really do not want yet another summer of last amenity

We will follow up with further emails for any other breaches, as they happen, so that a diary is in place.

And as stated in previous emails and ref item 5 above, we would request that if at all possible our details are not placed in the public domain however if this would prevent our objections being used please disregard this.

Your earliest response to this detailing your proposed actions would be appreciated

Best Regards

ANNEX 4

[REDACTED]
High St
Aylesford
[REDACTED]

Katie Shipman

From: [REDACTED]
Sent: 22 May 2018 14:32
To: Anthony Garnett; Licensing Services
Cc: [REDACTED]
Subject: RE: Hengist Restaurant 7-9 High St Aylesford
Attachments: Hengist Licence Application Objection - 2017.doc
Categories: Anthony, Katie

Dear Anthony,

Many thanks for your response.

I fully appreciate that you and your department have many, many other applications and 'situations' to deal with across the whole area of TMBC and I guess frustration does sometimes bubble to the surface because it is us, the villagers of Aylesford, that are having to cope with the Hengist's 'activities' on a daily basis.

You have limited resources and we have limited patience at times depending on how much and/or what sort of disturbances have been subjected upon us due to the Hengist breaching its planning and licencing conditions on a very regular basis and now adding additional environmental disturbances due to the BBQ.

Residents frustration is also building because this whole situation keeps going round and round with no firm and permanent solutions being put into place.

Whilst I appreciate that these matters can take time, surely nearly 4 years' worth of evidence would suffice for some form of enforcement action and/or permanent solution being served on the Hengist by TMBC?

I know that TMBC have to be sure of their evidence should more forceful action be needed (e.g. court proceedings etc.) but to now say that photographic evidence is not sufficient is a real blow to everyone who has been collecting it, as we had been previously requested to do so by TMBC!

When one of the residents did collect video evidence of the garden activity recently they were verbally abused on their own doorstep by a customer (friend of Frank Manley the previous licence holder) and then a senior member of Hengist staff (not David House) also came round in an intimidating manner causing great upset to the resident and the people present in their home at the time.

Surely this cannot be an acceptable situation, or a responsible way for a business to conduct itself?

The Hengist is required to keep 14 days of CCTV recordings so surely the recent photos can be cross-referenced with the Hengist's CCTV, as can the lights being left on all night.

Can TMBC not get copies of the CCTV?

Of course, not all the doors will necessarily be covered by their CCTV (e.g. kitchen door possibly) but if a member of TMBC were to witness the kitchen door being left open then would that not be sufficient evidence?

I believe that I have video recordings of the kitchen door being left open which were taken before our recent house move.

Application Objection

I would like to object to the proposed extension of their licence application for the same reasons [REDACTED] objected to in October 2017 (copy attached) because the situation is not only the same, but has since

deteriorated even further so that the residents of Aylesford Village, especially the surrounding ~~neighbours~~^{ANNEkX4}, suffer an even greater loss of amenities.

The Hengist does not seem able and/or willing to operate within their current licence and planning permissions, so how would granting them longer hours improve the current situation?

Any extension of their licencing hours would, in my opinion, only lead to yet more disturbances and consequently an even higher level of complaints to TMBC.

I hope the above paragraph (and this e-mail as a whole) is acceptable for my objection.



Many thanks for all your hard work Anthony and that of your team too.

I look forward to future updates.

Kind Regards



Katie Shipman

From: Martin Bowden [REDACTED]
Sent: 22 May 2018 13:26
To: Licensing Services
Subject: Fw: Objection

Categories: Anthony, Katie

From: Martin Bowden [REDACTED]
Sent: 22 May 2018 13:06
To: Anthony Garnett; [REDACTED]
Subject: Objection

Dear Anthony

We object to the application for multiple reasons. 4 years since the present owners have had the business and 4 years of disturbance to surrounding neighbours if not further. TMBC have a list of complaints, as does Kent Police. We have sent many emails about issues over 4 years, as have other residents, with photos, videos and details. All of these are evidence of the restaurant not complying with their operating conditions or being GOOD neighbours.

We have children and why should they be disrupted, as they have been this past 4 years, even more? TMBC should not be discussing to lengthen operating hours, but how to make them operate in their set parameters and try to keep the LOCAL community happy.

If you have any emails recommending the application you can be sure that it is from friends of theirs. There will definitely not be any from immediate neighbours.

The business even now has an outside bar and Friday, Saturday & Sunday BBQ causing more noise and smoke, meaning no washing to be hung out, no sitting out and no windows left open due to smoke, food smells and noise. Is this fair on neighbours?

Please can we have a receipt that you have received this, thank you?

Regards

Mr & Mrs Bowden

Katie Shipman

From: Anthony Garnett
Sent: 22 May 2018 12:52
To: Licensing Services
Subject: FW: 18/00585/PREM

Categories: Anthony, Katie

From: Michael Base [REDACTED]
Sent: 22 May 2018 12:19
To: Anthony Garnett <Anthony.Garnett@tmbc.gov.uk>
Subject: 18/00585/PREM

Dear Anthony,

With respect to the above application I object to the variation of hours concerning the sale of alcohol. I object also on behalf of local residents who have asked me to represent them.

I do not believe that the variation of such hours would promote the licensing objectives. In particular:

The prevention of crime and disorder; and to this I look at the numerous complaints regarding breaches of conditions and anti-social behaviour that have been received by TMBC. I also note that your office has been sent considerable evidence regarding breaches of conditions including open doors and noise; items I myself have seen at first hand; together with items local residents have witnessed at first hand.

The prevention of public nuisance; including noise nuisance, light pollution, noxious smells, blocked driveways, pick-up and drop-off noise late at night. All of these are ongoing complaints against this premises and are clearly evident; emails and complaints have been received by your office in respect of this. This includes almost constant low-level disturbance to immediate neighbours as well as incidents of disturbance to the community as a whole.

The protection of children from harm: A public footpath traverses the premises from the main Aylesford car park to the High Street. At night, and apart from this premises the High Street is almost silent. Children are entitled under this objective to be protected from moral, psychological and physical harm. This would also include neighbours children who might be wishing to sleep during these hours and/or be exposed to strong language or sexual expletives.

With kind regards,

Michael Base

Michael Base
(TMBC Member for Aylesford North and Walderslade)

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Katie Shipman

From: Emma Keefe
Sent: 04 May 2018 08:21
To: Licensing Services
Cc: Kevin Toogood; Peter Thomason; Katie Shipman; Anthony Garnett
Subject: The Hengist, 7 - 9 High Street, Aylesford - application to vary license

Categories: Katie

Response from LPA:

The local planning authority objects to the application to amend the hours of operation for these premises on the basis that any increase in hours from the current situation is likely to give rise to an increase in noise and disturbance which would be contrary to the licensing objective of preventing public nuisance.

The use of the premises for the increased hours proposed within the license application would not comply with the restrictions currently set out within the planning permission for the use of the site and thus would require the benefit of planning permission from the Local Planning Authority. To date, no planning application has been made to seek such permission and it should be understood that since the use has been operational within the context of the current planning permission it has been necessary to undertake a number of enforcement investigations and serve various formal notices concerning breaches of the conditions, with local residents having provided evidence on a number of occasions of harmful impact arising from such breaches in terms of noise and disturbance in particular.

One of the key issues in determining any planning application that might come forward in respect of increased hours of operation in the way described within the license application would be the impact of the use on amenity. This would include the residential amenities of any nearby neighbours but also public amenity in more general terms given the location of the site within the village and its physical relationship to its immediate surroundings.

The Local Planning Authority considers that the use of the site for the proposed increased hours in all likelihood would give rise to an increase in activity within and around the site which could cause a harmful level of noise and disturbance within a densely developed village core which has a high number of properties in very close proximity to the site which would adversely impact on amenity.

As such, the Local Planning Authority objects to the licensing application.

Kind Regards

Emma Keefe

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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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