TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Tuesday, 29th October, 2019

Present: Cllr H S Rogers (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Together with representatives of the Licensing Authority, the applicants for the review, representatives of the licensed premises and other interested parties.

PART 1 - PUBLIC

LAP 19/10 DECLARATIONS OF INTEREST

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

DECISIONS TO BE TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LAP 19/11 APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT THE FARMHOUSE, 97 HIGH STREET, WEST MALLING

The Panel gave consideration to an application for the review of a premises licence in respect of the premises known The Farmhouse, 97 High Street, West Malling which had been made under section 51 of the Licensing Act 2003.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, together with the application and written representations received during the statutory consultation period. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

The Panel was mindful of its obligations under section 52(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in section 52(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel also had particular regard to the provisions of the amended guidance issued under section 182 of the 2003 Act in April 2018.

The Panel came to the conclusion, on the evidence presented, that there had been an unacceptable level of public nuisance and crime and disorder at the premises.

The Panel, therefore,

RESOLVED: That

(1) the hours of licensable activities be amended as follows:-

Sale of Alcohol (Main Building)	Monday – Sunday 08:00 – 23:30
Sale of Alcohol (Cow Shed)	Monday – Sunday 08:00 – 23:00
Films (Cow Shed)	Monday – Sunday 15:00 – 23:00
Provision of Dance	Monday – Sunday 11:00 – 23:00
Live Music	Monday – Sunday 11:00 – 23:00
Recorded Music	Monday – Sunday 11:00 – 23:00
Late Night Refreshment	Monday – Sunday 23:00 – 00:00

(2) conditions 1, 3, 4 and 19 be amended to read:

1. No use of rear outside area and no drinks or glasses to be taken outside after 22:00 hours and no further use after that time except as a smoking area.

3. On Fridays and Saturdays, from 1st November through to 30th April, a minimum of 2 SIA door staff shall be employed at the premises from 19:00 hours until 30 minutes after closing time. One of these staff shall have specific responsibility for the rear of the premises.

4. On New Year's Eve and Fridays and Saturdays, from 1st May through to 31st October, a minimum of 4 SIA door staff shall be employed at the premises from 19:00 hours until 30 minutes after closing time. One of these staff shall have specific responsibility for the rear of the premises.

19. No sale of alcohol anywhere on the premises after 23:30 hours.

(3) Condition 5 be removed as no longer relevant; and

(4) The Panel requires that the licence holder review their written policy on drugs and illegal substances. Specifically the policy should address the confiscation, seizure and retention/disposal of substances found on or being brought into the premises. The procedure for recording and reporting all such events should also be reviewed and comply with SIA guidance. A copy of the policy shall be submitted to both the Licensing Authority and Kent Police for approval within 1 calendar month of the receipt of the formal determination of the Panel.

LAP 19/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 3.13 pm
having commenced at 10 am