

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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**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: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

15 August 2023

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 Wednesday, 23rd August, 2023 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 a Premises Review - The Swan, 35 Swan Street, 5 - 56  
West Malling, Kent ME19 6JU

The Panel is asked to consider a review of a premises licence under section 51 of the Licensing Act 2003.

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 57 - 58

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

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 D Keers (Chair)

Cllr D Thornewell

Cllr C J Williams

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

23 August 2023

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Delegated

### 1 APPLICATION FOR REVIEW OF A PREMISES AT THE SWAN, 35 SWAN STREET, WEST MALLING, KENT, ME19 6JU

#### 1.1 Executive summary

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for the review of a premises licence made under section 51 of the Licensing Act 2003 in relation to the premises known as The Swan, 35 Swan Street, West Malling, Kent, ME19 6JU.

1.1.2 This Review follows a visit from the Home Office Immigration to the premises on the 16 March 2023.

Two workers were identified as immigration offenders and were arrested. One was detained pending his removal from the United Kingdom. The other arrested worker was found to have an outstanding asylum claim and was walked off the premises as he had no right to work. A further two workers, who were not present on the evening, were identified from staff records as also being immigration offenders.

A copy of a redacted statements from the Immigration Officer are show at **Annex 1A and Annex 1B** (unredacted copy of statements will be available for Licensing Panel and Legal Representatives).

#### 1.2 Background and Introduction

The Swan has a premises licence under the provisions of the Licensing Act 2003. The current premises licence is held by Swan Brasserie Ltd, which authorises the following activities -

Licensable Activity	Days and Times
Sale of Alcohol	Sunday – 10:00 hours until 23:30 hours Monday – Thursday - 10:00 hours until Midnight Friday – Saturday - 10:00 hours until 00:30 hours Good Friday - 10:00 hours until 00:30 hours New Years Eve - 10:00 hours until 02:30 hours Christmas Day - 10:00 hours until 23:30 hours
Live Music	Friday – Saturday - 12:00 hours until Midnight New Years Eve - 10:00 hours until 02:00 hours

Recorded Music	Monday – Thursday - 12:00 hours until 23:00 hours Friday – Saturday - 12:00 hours until Midnight New Years Eve - 10:00 hours until 02:00 hours
Late Night Refreshment	Sunday – 23:00 hours until 23:30 hours Monday – Thursday - 23:00 hours until Midnight Friday – Saturday - 23:00 hours until 00:30 hours New Years Eve - 10:00 hours until 02:30 hours

- 1.2.1 A copy of the current premises licence is shown at **Annex 2**.
- 1.2.2 An application for a review of the premises licence for The Swan was received from Mr Andrew Tutton on 23 June 2023. This review application can be seen at **Annex 3**.
- 1.2.3 The Licensing Authority placed pale blue A4 notices at the premises for a period of 28 days running from the 21 June 2023 until the 19 July 2023. In addition, a notice was placed on the Council’s Notice board and details publish on the website.
- 1.2.4 At any stage, during the 28 day public consultation period, a responsible authority, or other party, 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 application for review are relevant to the promotion of the licensing objectives and, in the case of applications by other parties, are not vexatious, frivolous or repetitive, a hearing must be held to review the licence.

### 1.3 The Application

- 1.3.1 The application was made by Andrew Tutton, Immigration Officer, Southeast Immigration Compliance & Enforcement (ICE) Team, Immigration Enforcement
- 1.3.2 The grounds for the review are based on the following licensing objectives:
- The prevention of crime and disorder

### 1.3.3 Representations received from statutory consultees:

Fire Safety	Comments received. This is shown at <b>Annex 4</b>
Trading Standards	No comments received
Social Service	No comments received
Police	No comments received
Environmental Health	Comments received. This is shown at <b>Annex 4</b>
Health & Safety	No comments received
Planning	No comments received

### 1.3.4 During the 28 day consultation period, the licensing department have received two representations.

Letters Supporting Review Application	Letters supporting the premises
2	12
These are shown at <b>Annex 5</b>	These are shown at <b>Annex 6</b>

## 1.4 Reasons for referral

1.4.1 The Licensing Authority must, where an application under section 51 of the Licensing Act 2003, has been received hold a hearing to consider the application and any relevant representations that may have been received. Such applications are heard by the Council's Licensing Sub- Committee.

1.4.2 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 appear to be of particular relevance to this application:

Chapter 2 – The licensing objectives

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to premises licence

Chapter 11 – Reviews

1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 2 – This section sets out the Licensing objectives.

Section 14 – Review of a premises or club premises certificate

## 1.6 Legal Implications

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 following 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

1.6.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to its published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.3 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.

1.6.4 A determination of an application does not have effect until the time allowed for appeal has elapsed, or where an appeal is made, until the appeal has been disposed of (section 88 (11)).

1.6.5 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant, those making representations and the premises licence holder, against decisions of the Licensing Authority to the Magistrates' Court.

## 1.7 Options Open to the Panel

1.7.1 Having regard to the application and any relevant representations and the letters of support received, the Licensing Authority must take the steps mentioned below as it considers appropriate for the promotion of the licensing objectives (section 52 of the Licensing Act). The steps are

- (a) To modify the conditions of the licence\*;
- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the designated premises supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence



\*Modification of the conditions of the premises licence can include the alteration or omission of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place

## **1.8 Financial and Value for Money Considerations**

1.8.1 None unless there is a successful appeal against the Panel 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 and letters of support made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives. using the options outlined in section 1.7.1 of this report.

Background papers:  
Licensing legislation  
Secretary of State's Guidance  
TMBC Licensing Policy

contact:  
Anthony Garnett  
Katie Shipman

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

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WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of JUSTIN SIMPSON ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Immigration Officer.....

This statement (consisting of: three pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Redacted] ..... Date: 21st June 2023.....

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

I am an Immigration Officer attached to the Home Office, Kent Arrest Team, Frontier House, Folkestone CT20 2SG. On THURSDAY 16th MARCH 2023 I was on duty with officers [Redacted] and Officer in Charge [Redacted]

At 17:53 hours we visited THE SWAN RESTAURANT, 35 SWAN STREET, WEST MALLING, KENT ME19 6JU, entering the premise under paragraph 17(2) of Schedule 2 of the Immigration Act 1971(as amended). I was initially tasked with [Redacted] to conduct a sweep of the first and second floors, during which [Redacted] located the owner and escorted him to the ground floor.

Upon completion of the sweep I returned downstairs and joined colleagues in the rear courtyard where employees were present. I spoke with a male, I now know to be, [Redacted], born [Redacted], an Albanian national and conducted an illegal working interview on my electronic notebook, commencing at 18:14 hours;

Q. How long have you been working here at the Swan?

A. A year.

Q. What is your job role / what are your duties?

A. I'm a chef.

Q. What days / hours do you work each week?

A. 2/3 days a week as also work in construction.

Q. Do you work the same hours / days every week?

Signature: [Redacted] ..... Signature witnessed by: [Redacted] ..... Page 11

A. It might change dependant on construction jobs.

Q. Who gave you this job (name and role in business)?

A. I'd prefer not to say.

Q. Who tells you what days / hours to work?

A. I work 5 days here and construction as well but this is my primary job.

Q. Who tells you what days / hours to work?

A. There is a rota I get sent on WhatsApp.

Q. This shows you working 1500-2300hrs today, same on 16<sup>th</sup>, 8-1500 and 1700-2300 on 17<sup>th</sup>, same on 18<sup>th</sup> and 0800-1800 on 19<sup>th</sup> ?

A. That's correct.

Q. Who tells you what tasks / duties to do each day?

A. Head chef - [REDACTED]

Q. How are you paid (money, accommodation, food)?

A. Cash. It varies on hours but generally get between £1500 - £1800 per month.

Q. Any other perks?

A. Staff food twice a day.

Q. Do you pay income tax or have a National Insurance number?

A. I don't have a National Insurance number.

Q. What name does the employer know you as?

A. [REDACTED]

Q. Did you show documents before being offered the job? If so, what?

A. They asked for documents, the managers but I just said I needed a job.

Q. They knew you weren't supposed to work?

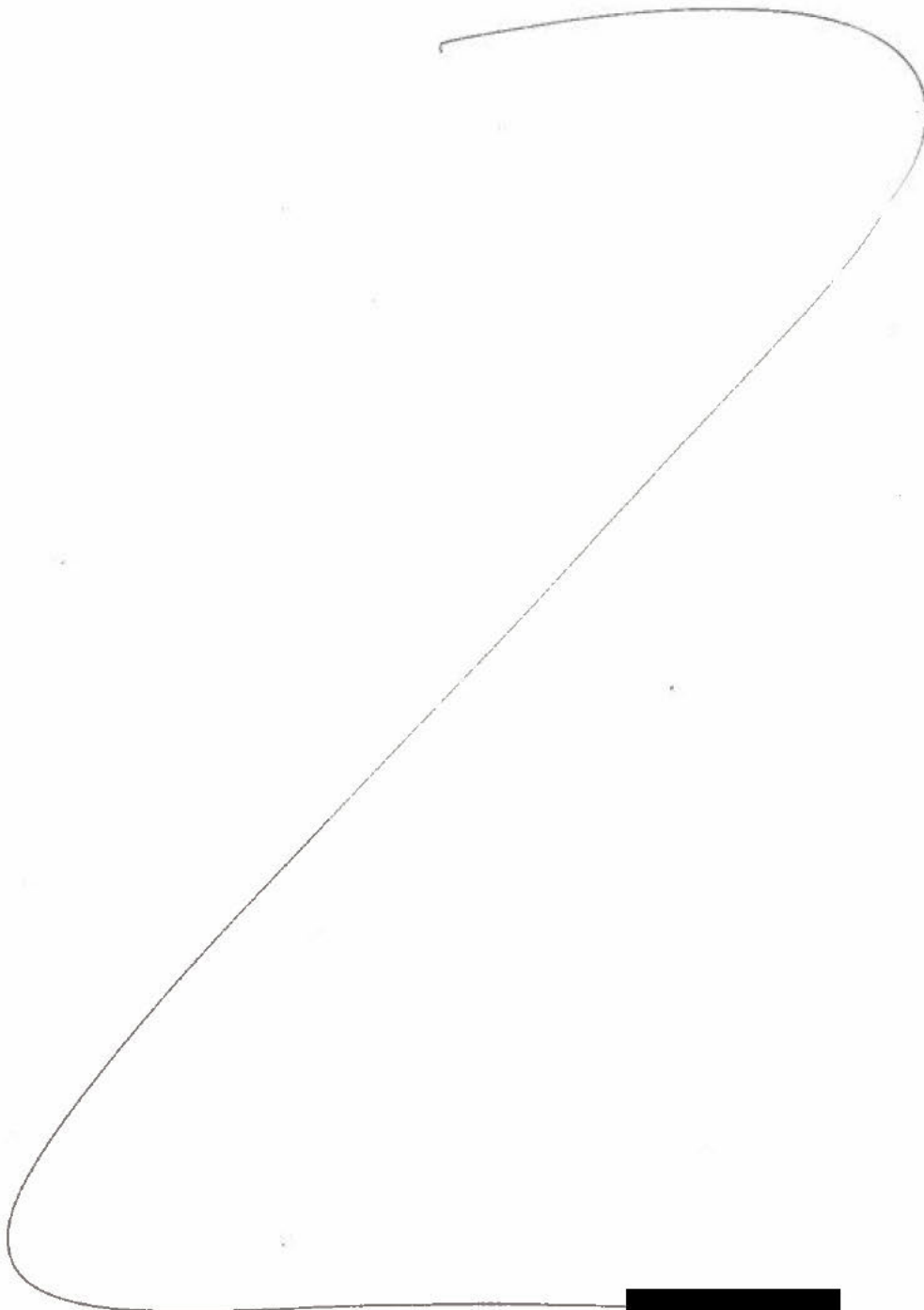
A. Not all of them.

Q. Which ones?

Signature: ..... [REDACTED] ..... Signature witnessed by: .....

A. I don't remember their names.

Interview concluded at 18:30 hours [REDACTED] was then escorted to the staff accommodation at 37 SWAN STREET to conduct a section 25a search for documentation to assist removal. Upon entry to the first floor bedroom [REDACTED] presented me his Albanian passport from a coat in his wardrobe. This was seized at 18:46 hours and placed in sealed evidence bag number [REDACTED] Premises left at 19:11 hours with no further incidents to report. [REDACTED]



Signature: .....

[REDACTED]

Signature witnessed by: .....

[REDACTED]

Signature: ..... Signature witnessed by: .....

<b>WITNESS STATEMENT</b>			
<b>Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9</b>			
URN			
Statement of [REDACTED]			
Age if under 18: Over 18 (if over 18 insert 'over 18')			
Occupation: Immigration Officer			
This statement (consisting of one page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.			
Signature: [REDACTED]		(witness)	
Date: 19 <sup>th</sup> June 2023			

I am an Immigration Officer employed by the South East Immigration, Compliance and Enforcement Team based at Frontier House, Folkestone, Kent, CT20 2SG.

On 16/03/2023, at approximately 17:40 I attended a briefing by [REDACTED], along with immigration officers [REDACTED], and [REDACTED] where I was given information that [REDACTED] and [REDACTED] are owners of **The Swan, 35 Swan Street, West Malling, Kent, ME196JU** (visit address) - they are employing people who do not have leave to remain in the UK and are not allowed to work in the UK. This visit was to be conducted under a Paragraph 17(2) Schedule 2 Immigration Act 1971 (as amended) WARRANT.

Upon entry to the premise at approximately 17:53 (on pronto says 15:53 – personal error), I swept the premise with [REDACTED] where we encountered multiple people working in the kitchen. [REDACTED] found a suitable screening area around the back of the premise in the outdoor area where the employees were asked to talk to immigration officers.

Once [REDACTED] deemed it safe and appropriate to do so, I encountered [REDACTED] – ALBANIAN at approximately 18:10.

My justification for encountering this individual was that intel suggests there are illegal workers being employed at this premise. On arrival, this individual was working in the kitchen. Individual seemed very nervous to see immigration officers and asked to go to the bathroom when told all staff needed to be spoken to. Individual was then pacing around the screening area and kept looking at open doorways (possible exits). Wanted to encounter him to clear from our enquiries. When asked what his immigration status in the UK was, individual declared that he had an Outstanding Asylum claim. Home office checks were conducted which showed that the individual had an outstanding asylum claim and was bailed with the conditions no right to work

Signature: [REDACTED]

Signature witnessed by: .....

Continuation Sheet of: [REDACTED]

in the UK. The individual was located working in the kitchen area preparing food, therefore the individual was arrested by myself at approximately 18:10 as a S10 WIB under *Paragraph 17(1) Schedule 2 Immigration Act 1971*. Individual asked for an interpreter at this point as his English was very limited. Individual was given the administrative caution and the grounds for his arrest were explained to him by Big word interpreter [REDACTED]. I then explained to the individual that because he was caught illegally working in this premise and under immigration arrest that I would have to ask him some more questions surrounding his illegal working. The following questions were asked:

### Illegal Working Questions - Employee

#### Details

Type of work: Visit  
Visit reference: [REDACTED]  
Created by: [REDACTED]  
ProntoID: [REDACTED] - ALB Albania  
Subject CIDPID/CEPR: 1 [REDACTED]  
Subject name: [REDACTED]  
Subject DOB: [REDACTED]  
Subject nationality: ALB Albania  
Subject gender: Male  
Time: 18:14

Creation date 16-03-2023 18:14:45

### Language of Interview

What language is the interview carried out in? Albanian  
Interpreter used? Yes  
Details of interpreter: [REDACTED]  
Does the individual understand the interpreter? Yes

### Obligation

Q. How long have you been working here?  
A. 2 weeks  
Q. What is your job role/ what are your duties?  
A. KP / wash dishes  
Q. What days/ hours do you work each week?  
A. 3 days, Thursday, Saturday Sunday, roughly 8 hours  
Q. Do you work the same hours/ days every week?  
A. Yes

Signature: [REDACTED]

Signature witnessed by: .....



Continuation Sheet of: E Bateman

**Control**

Q. Who gave you this job (name and role in business)?

A. I Came to the restaurant and said I don't have a job or any papers and then they helped me

Q. Who tells you what days/ hours to work?

A. There is a staff rota in the kitchen

**Remuneration**

Q. How are you paid (money, accommodation, food)?

A. I haven't been paid yet as I have only been here two weeks but I will be paid cash in hand

Q. If money, how much and how do you receive it?

A. I don't know, only a little as I am just cleaning dishes

Q. Who pays you?

A. I don't know yet

Q. Do you pay income tax or have a National Insurance number?

A. No

**Pre-employment Checks**

Q. What name does the employer know you as?

A. [REDACTED]

Q. Did you show documents before being offered the job? If so, what?

A. I showed them my Albanian passport and asked if they could give me a part time job

Q. Does your employer know you're not allowed to work in the UK?

A. No I didn't say anything to them

**Declaration**

**I confirm that I have understood all the questions and that the details are true and correct.**

Subject has refused to provide a signature.

**My Observations**

Intel suggests there are illegal workers being employed at this premise. on arrival, individual was working in the kitchen. individual seemed very nervous to see immigration officers and asked to go to the bathroom when told all staff needed to be spoken to. wanted to encounter to clear from our enquiries.

Signature: [REDACTED]

Signature witnessed by: .....

Continuation Sheet of: [REDACTED]

Home office checks show that individual has outstanding asylum but is not allowed to work

Do you suspect this person of illegal working?      Yes

Once I had finished asking the individual illegal working questions, I asked for contact details – he provided a new mobile number and gave the same address that was already on Home Office systems.

After the individual was asked the above questions regarding his illegally working in the UK and contact details, I explained to individual that his bail conditions stated that he was not allowed to work in the UK which included cleaning dishes at THE SWAN, and that because he was illegally working at this premise the owner was liable to a fine of up to £20,000. I told the individual that he had to collect his property and leave the premise immediately. I then de-arrested the individual as he had an outstanding asylum claim and I reiterated to him that he was not permitted to work in the UK. The individual gathered his belongings and left the premise.

[REDACTED] deemed that there were no other employees to screen and that all necessary illegal working questions had been asked in order to serve a Civil Penalty Referral Notice. I departed from the premise shortly after at approximately 18:43.

Signature: [REDACTED]

Signature witnessed by: .....



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## Schedule 12

### Part A

## Premises Licence Tonbridge & Malling Borough Council

#### Regulation 33,34

#### Premises Licence Number

13/00965/PREM issued 11th March 2015

#### Premises Details

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

The Swan  
35 Swan Street  
West Malling  
Kent  
ME19 6JU

**Telephone number**      01732 521910

#### 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

Sunday	10:00 - 23:30
Good Friday	10:00 - 23:30
Monday to Thursday	10:00 - 24:00 (Midnight)
Friday and Saturday	10:00 - 00:30
New Years Eve	10:00 - 02:30
Christmas Day	10:00 - 23:30

**Live Music (Indoors Only)**

Friday and Saturday	12:00 - 24:00 (Midnight)
New Years Eve	12:00 - 02:00

**Recorded Music (Indoors Only)**

Bank Holiday Sunday	12:00 - 23:00
Sunday to Thursday	12:00 - 23:00
Friday and Saturday	12:00 - 24:00 (Midnight)
New Years Eve	12:00 - 02:00

**Late Night Refreshment**

Sunday	23:00 - 23:30
Monday to Thursday	23:00 - 24:00 (Midnight)
Friday and Saturday	23:00 - 00:30
New Years Eve	23:00 - 02:30

**The opening hours of the premises**

Sunday	10:00 - 23:30
Good Friday	10:00 - 23:30
Monday to Thursday	10:00 - 24:00 (Midnight)
Friday and Saturday	10:00 - 00:30
New Years Eve	10:00 - 02:30
Christmas Day	10:00 - 23:30

**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, telephone number and email (where relevant) of holder of premises licence**

Swan Brasserie Ltd  
Perrys Accountants  
12 Old Bond Street  
Mayfair  
London W1S 4PW

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

Registered Business Number            7783993

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Darryl Miles Healy

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Designated Premises Supervisor Phone No [REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: [REDACTED]

Licensing Authority: [REDACTED]

## Annex 1 – Mandatory conditions

### Sale of Alcohol

1

- 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (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;
  - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
    - i. The outcome of a race, competition or other event or process, or
    - ii. The likelihood of anything occurring or not occurring;
  - (e) 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.

- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

- 5
- 1) The premises licence holder or club premises certificate holder shall ensure that an a verification policy applies to the premises in relation to the sale or supply of alcohol.
  - 2) 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 a holographic mark.

- 6
- 1) 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) customers are made aware of the availability of these measures.

**From 28 May 2014**

- 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(a);
  - 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 rate 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 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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).



## **Annex 2 – Conditions consistent with the Operating Schedule**

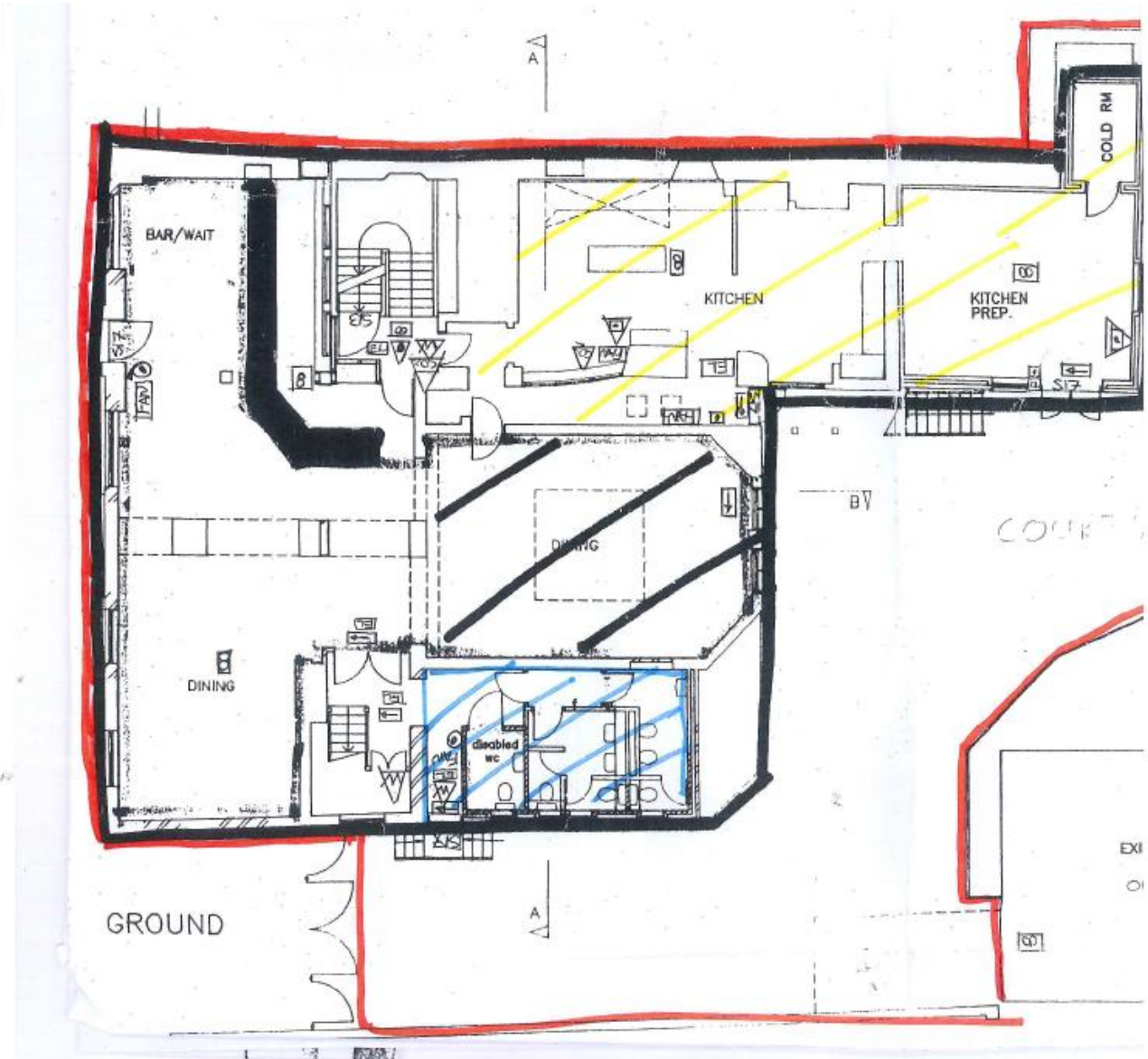
1. Regulated Entertainment will only be provided in respect of pre-booked events.
2. Live and Recorded Music that falls within the definition of Regulated Entertainment will only be provided in the first and/or second floor areas of the premises, and only in respect of pre-booked events.
3. Whenever Live or Recorded music is supplied in these areas the windows will remain closed and heavy curtains pulled across.
4. CCTV shall be installed internally and externally and cover all points of access and egress and to ensure good coverage of all internal public areas.
5. CCTV will be maintained in good working order, in accordance with the CCTV code of practice. The system shall have an incorporated recording facility and recordings to be stored for one calendar month
6. CCTV will be fully operational throughout the period so that the premises are open for licensable activities.
7. Access to the CCTV recordings will be made available to Police and local authority officers on request.
8. The outside smoking area will be supervised by a member of staff after 23:00 hours.
9. Challenge 25 is in operation at the premises.

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

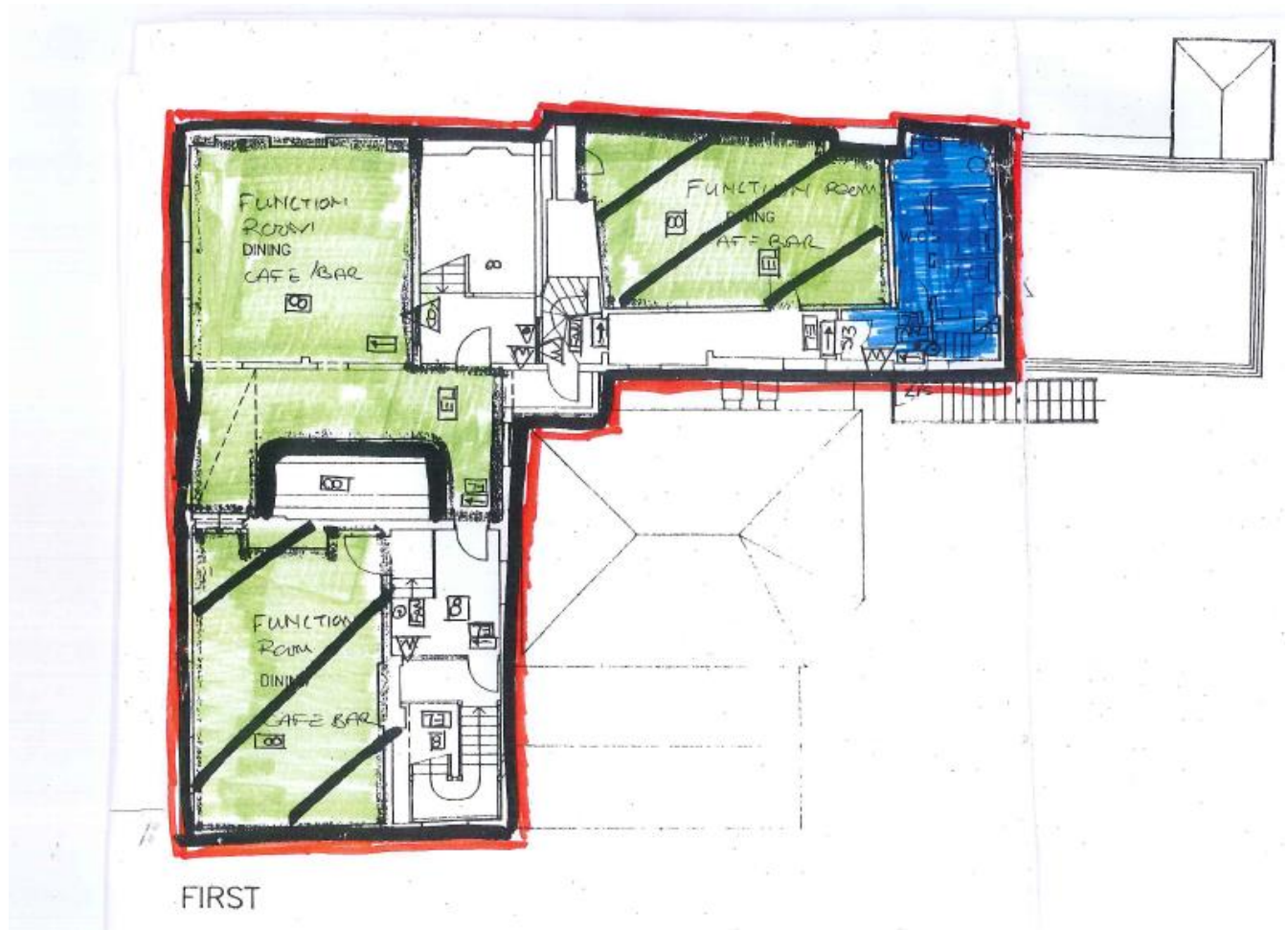
1. The marquee shall only be used for pre-booked functions.
2. Only one function will be held in the marquee on any given day.
3. The only licensable activity taking place in the Marquee and Garden Areas will be the sale of alcohol.
4. The use of the Marquee Area (shown hatched in green on the plan marked 'SWAN 1') shall be closed to patrons after 22:00 and not be used before 09.00 daily.
5. The use of the Garden Area (shown cross hatched in black on the plan marked 'SWAN 1') shall cease by 23:00, except for patrons completing a meal and smokers using the designated area.
6. Patrons using the Garden Area shall vacate the area by 23.30 daily.
7. Only directional speakers shall be used in the Marquee.
8. All amplified and live music shall only take place within the first and second floors of the building, with doors and windows kept closed.
9. Notification of events being held in the Marquee Area must be provided to the licensing authority and residents within a radius of 50 metres of the venue, not less than 14 days prior to the event taking place. The notification to local residents shall include the appropriate contact telephone numbers (inc the mobile phone number) of the designated premises supervisor.
10. The premises licence holder shall maintain a log book of noise incidents, which shall be open to inspection by the Environmental Health department and the Licensing Authority at all times.

**Annex 4 – Plans**

**Plan one – Ground Floor**



**Plan Two – First Floor**

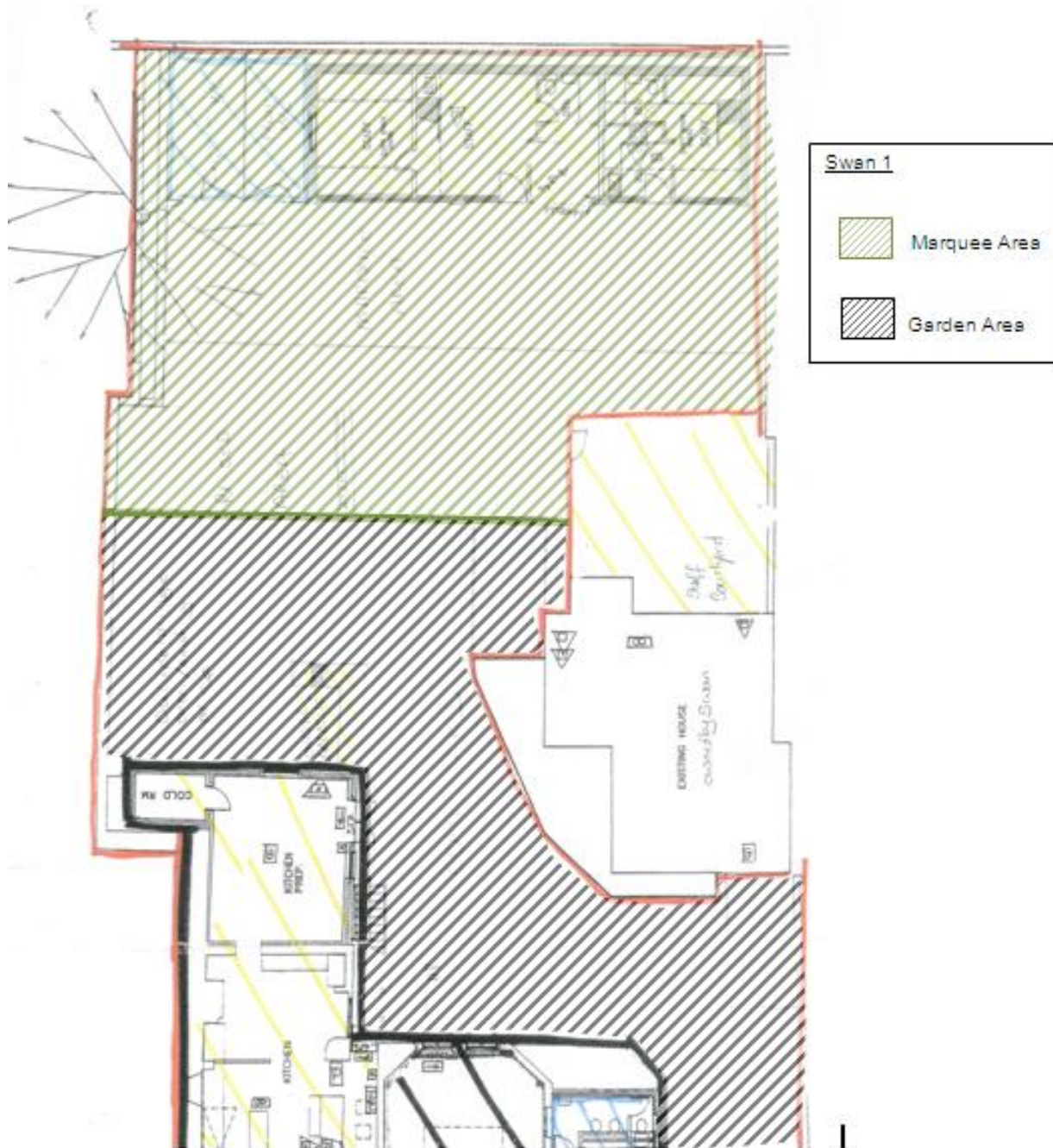


**Plan Three – Second Floor**





**Plan Four – Outside Area**



*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate 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 Andrew Tutton**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
The Swan Hotel, 35 Swan Street, West Malling, Kent, ME19 6JU	
<b>Post town</b> West Malling	<b>Post code (if known)</b> ME19 6JU

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Darryl Miles HEALY

<b>Number of premises licence or club premises certificate (if known)</b>
13/00965/PREM

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Andrew Tutton Immigration Officer 5137 Southeast Immigration Compliance and Enforcement (ICE) Team Immigration Enforcement Frontier House 7 Shorncliffe Road Folkestone Kent CT20 2SH
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

On 16<sup>th</sup> March 2023 I led a team of Immigration Officers, accompanied by 2 officers from Tonbridge and Malling Borough Council Licensing Team, on an enforcement visit to The Swan Hotel following receipt of intelligence that three immigration offenders were being illegally employed at the business.

The team entered the premises at 17:53 hours on a warrant issued under Paragraph 17(2) of Schedule 2 to the Immigration Act 1971 (as amended) obtained from Brighton Magistrates Court. The hotel staff were escorted to a rear, covered-courtyard area and screened by officers as to their immigration status and right to work. Two workers were identified as immigration offenders and were arrested. One was detained pending his removal from the United Kingdom. The other arrested worker was found to have an outstanding asylum claim and was walked off the premises as he had no right to work. A further two workers, who were not present on the evening, were identified from staff records as also being immigration offenders. A Notice of Penalty Liability for an Illegal Working Civil Penalty was issued to the hotel manager – [REDACTED] – in respect of the two workers encountered. One of the directors of the company running the hotel (Swan Brasserie Ltd), [REDACTED], was present on the night and was spoken to by one of my officers with regard to being interviewed about the illegal workers arrested. [REDACTED] declined to be interviewed.

I have yet to hear from the Civil Penalty Compliance Team of Immigration Enforcement as to whether a civil penalty has been issued to the company running The Swan Hotel or what level of penalty (if any) was set.

Employment of a worker who is disqualified from employment by reason of the employee's immigration status is a criminal offence under Section 21 of the Immigration, Asylum and Nationality Act 2006 (as amended) and is punishable by a sentence of up to 5 years' imprisonment and/or an unlimited fine. This is separate to the liability under legislation for a civil penalty for employing illegal workers.

**Please provide as much information as possible to support the application** (please read guidance note 3)

A printout of the visit report from the Home Office PRONTO application (including illegal working interviews with the employees and employer) is included with this application.

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **04/06/2023**

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

### **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Kent Fire and Rescue

From: [REDACTED]  
Sent: 12 July 2023 14:08  
To: Licensing [REDACTED]  
Cc: Kent Police - West Division Licensing <[west.division.licensing@kent.pnn.police.uk](mailto:west.division.licensing@kent.pnn.police.uk)>  
Subject: License review - The swan hotel, 35 Swan Street, West Malling ME19 6JU

**CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon,

Due to the above premises currently being under investigation with ourselves regarding fire safety concerns we will not be commenting further at this stage.

Many thanks,

[REDACTED]  
*Building Fire Safety Inspector*

Building Safety – Fire Risk and Inspection Team

Kent Fire & Rescue Service  
Maidstone Fire Station, Loose Road, Maidstone ME15 9QB  
[REDACTED]



## Premises Licence Review

**Premises:** The Swan Hotel, 35 Swan Street, West Malling, Kent

### **Environmental Protection Comments:**

An application has been made by Southeast Immigration Compliance and Enforcement (ICE) Team for a review of the Premises Licence for the abovementioned premises. The Application has cited the following Licensing Objectives as reason for the Review being sought:

- Prevention of Crime and Disorder

I have no comments in relation to the Licensing Objective cited.

However, for clarity, I would add that over the past 10 years the following complaints have been received in the Environmental Protection team that are pertinent to the Licensing Objectives:

- 13/00798/NOIENT. Registered 10-Jul-2013 re loud music. Investigated, but no Statutory Nuisance confirmed.
- 13/00989/NOIENT. Registered 02-Aug-2013 re loud music. Investigated, but no Statutory Nuisance confirmed.
- 13/01214/NOICOM. Registered 25-Aug-2013 re loud music/speech. Investigated, but no Statutory Nuisance confirmed.
- 14/00446/NOIENT. Registered 28-May-2014 re loud music. Resolved informally.
- 17/00984/NOIENT. Registered 11-Dec-2017 re amplified music. Resolved informally.
- 19/00481/REFOTH. Registered 22-Jul-2019 re use of marquee. No further action taken.
- 22/00422/NOIENT. Registered 14-Jun-2022 re amplified music. Investigated, but no Statutory Nuisance confirmed.

Peter Thomason. 21-June-2023.



## Kent Police

---

**From:** Phillip Comben PC 46012876 [REDACTED]  
**Sent:** 18 July 2023 14:14  
**To:** Katie Shipman [REDACTED]  
**Cc:** Licensing West Division Kent <[west.division.licensing@kent.police.uk](mailto:west.division.licensing@kent.police.uk)>  
**Subject:** Immigrations Reviews

Good Afternoon Katie,

This email is just to advise that Kent Police will not be making any representations in relation to the Immigration reviews for: Dosh, The Swan and Bombay Cuisine.

Kind Regards

Phil

 <p><b>Kent Police</b> Protecting and serving the people of Kent</p>  <p><b>Kent Community Safety Team</b> <small>Knowledge Hub for Community Safety</small></p>	<p><b>PC 12876 Comben</b> Licensing officer Strategic Partnerships Command</p> <p>[REDACTED]</p>
--	--



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Swan licence review

Reply Reply All Forward ... Fri 14/07/2023 21:44

[Redacted] To Licensing Services Anthony This sender [Redacted] is from outside your organization.

Dear licensing

I live in West Malling and the noise disturbance from the Swan is a constant issue on Fridays and Saturdays. It's so loud that I can hear the base from within my own home. Furthermore, the patrons from the Swan can be very disorderly as they make their way home...the shouting and swearing is an issue and my neighbour or myself regularly get people banging on our front doors or their patrons are shouting in the middle of the road.

If they are allowed to continue consideration should be given to the hours they are allowed to play loud music and they need to take some accountability for the behaviour of their patrons as they leave the village.

Sent from my iPhone

The swan west malling

Reply Reply All Forward ... Wed 19/07/2023 05:40

[Redacted] To Licensing Services [Redacted] This sender [Redacted] is from outside your organization.

I am writing regarding the review of the above premises licensing agreement.

We have repeatedly spoken to the establishment about the excessive noise created by DJ and dub nights.

The premises is a restaurant not a night club, yet you'd easily be mistaken.

Loud bass and music, shrieking inebriated patrons and regular shouts of aggression outside our, and our young children's, bedroom windows.

The Swan is situated in a residential street, the next door neighbours have small children as do many others in the street. When they conduct themselves like a restaurant there is no issue, bringing in DJs and promoting club and party nights is unacceptable in the area in which they are situated.

They do not have suitable sound limiting in place, the windows are single glazed and rarely closed, the music always continues well past 11.30 and they ignore all our attempts to get them to stop.

Then the noise escalated as their guests leave via the front of our home making noise until the early hours when their staff leave (also noisily). My sleep has been repeatedly disturbed and my mental health is suffering as a result. I do not feel safe in my own home.

Morally they have a responsibility to the residents not to negatively impact their lives and this absolutely is impacting our lives.

Had we known they were going to create such a disturbance we would never have moved to the area- this will negatively impact the whole village if allowed to continue.

We have no issue with the Swan as a restaurant but I plead that you give consideration to the finish time and volume associated with these 'club nights' which are negatively impacting mine and my families right to quality of life, in what is otherwise a wonderful and charming place to live.

I hope that you will treat our concerns with the gravitas they deserve. We will continue to campaign to ensure our family and home are safe until the Swan act accordingly.

I noted these for reference-

- The prevention of crime and disorder - regular drug taking, fighting and loud shouting observed
Public safety - fights outside our house, known local drug dealers spotted at the venue and excessive alcohol use encouraged
The prevention of public nuisance- as detailed above, our right to sleep and a peaceful life is being violated
The protection of children from harm- see above for all the reasons but primarily sleep is essential for mental health. Late music and revellers from weds- Saturday is not conducive to good mental or physical health.

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002

Tonbridge and Malling Borough Council Review of Premises License The Swan West Malling.

[Redacted]  
[Redacted] Licensing Services  
[Redacted]

Reply Reply All Forward ...

Fri 14/07/2023 07:54

This sender [Redacted] is from outside your organization.

Dear Sir/Madam,

Reference: Tonbridge and Malling Borough Council Review of Premises License The Swan West Malling.

I write with regards to the Tonbridge and Malling Borough Councils review of Premises License which I understand is being conducted at the moment with regards to The Swan in West Malling where the grounds of the application are The Prevention of Crime and Disorder.

With regards to this review I just wanted to comment that I have frequented The Swan regularly since early 2000 and have seen it grow to the superb business that it is today where it is run by an excellent senior Management team and staff who are all diligent, professional, friendly and deliver the highest levels of customer service consistently making The Swan the hub of West Malling Town.

I have never seen any trouble or unsavoury characters in The Swan due to the strict controls in place and implemented by The Swan team which make it such a delightful establishment to regularly meet from a business and personal perspective.

Hopefully the renewal of The Swans Premises License will be a formality.


Kind regards,

[Redacted]

Page 45

003

## THE SWAN

[Redacted]  
[Redacted]  
To  Licensing Services

Anthony

 This sender [Redacted] s from outside your organization.

 Reply  Reply All  Forward 

Tue 18/07/2023 08:07

Dears Sirs,

I hope you are well.

I recently saw the sign in the window of the The Swan regards their License review you are currently carrying out.

I have used the The Swan for business and personal pleasure for a number of years now and can state that I have never witnessed or experienced any behaviour that I would consider in appropriate.

I find the drinking and dining experience at the Swan very enjoyable and relaxing and especially my guests from London comment how great it is to have restaurant the quality of the Swan outside of London.

It would be a real shame if a renewal of the license was not permitted as it does provide West Malling and the local area with a high-quality restaurant that would be very hard to replace.

The business has been built up by current management to very high level and as stated I personally cannot see why a renewal would not be granted, as under the current ownership of over 10 years its track record is second to none.

Regards,

[Redacted]

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004

## The Swan West Malling

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)

Mon 17/07/2023 20:10

To  Licensing Services

 This sender  is from outside your organization.

Dear Sir/Madam,

We are writing with regards to the Section 51 of the Licensing Act 2023 review being undertaken concerning to the 'Swan' on Swan Street West Malling. I have no real understanding of this matter but was perplexed when reading the words prevention of crime and disorder. I felt obliged to offer my support as a long-standing patron of the establishment. My wife and I have celebrated the majority of our Special Occasions here including our wedding, my 40th and our Son's first Birthdays. It is our restaurant of choice when entertaining family or friends(including their children). In fact, we have been taking our own Son(now nearly seven) and now known to staff since he was a baby. Inbrief, and if it benefits in any way, I have never felt so welcome and equally important safe, especially as a parent in any venue. I simply wouldnt frequent it if, in any way I had concerns with regards to crime and disorder. I do hope my views are noted, as I'm sure it will be the opinion of many locals and indeed those that travel purposely due to it's good name and standing.

Kind regards





005

## The Swan West Malling

Reply Reply All Forward ...

[Redacted]  
To Licensing Services

Thu 13/07/2023 19:11

Anthony

This sender [Redacted] is from outside your organization.

Dear Council Members,

I am writing to you today to express my support for The Swan Restaurant in West Malling. I have been a regular customer of The Swan for many years, and I have always been impressed with the quality of the food, the service, and the atmosphere. I have never experienced or seen any element of crime or disorder associated with this premises at any level.

The Swan is an exceptional business that has been in West Malling for many years. They are committed to providing their customers with the best possible dining experience, and they have a long history of supporting the local community and local charities.

In recent years, The Swan has faced some challenges. The COVID-19 pandemic has been particularly difficult for the restaurant industry, and The Swan has not been immune to the challenges. However, they have persevered and have continued to provide their customers with the same high level of service and quality and I believe they would not have achieved such huge success without the support of the local community.

The Swan is a hugely important asset to West Malling and to surrounding local businesses. I myself regularly use The Swan for both business and pleasure as It's a perfect venue for family events and for various sales and customer events for my business. It's also perfect for making quality local business connections. They provide a unique dining experience that cannot be found anywhere else in the area.

I urge you to approve The Swan's License under Section 51 of the Licensing Act 2003. This will allow them to continue to provide their customers with the best possible dining experience and support the local community.

I am confident that The Swan will take all necessary steps to prevent crime and disorder in the area. They have a proven track record of responsible management, and they have a clear commitment to the safety of their customers and staff.

Thank you for your time and consideration.

Yours Sincerely,

[Redacted Signature]

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006

## The Swan License Review

[Redacted]  
[Redacted]  
[Redacted] to [Redacted] Licensing Services; [Redacted]

Reply Reply All Forward ...

Mon 17/07/2023 11:38

 This sender [Redacted] is from outside your organization.

Dear Sirs

We are writing in relation to the current license review for The Swan in West Malling.

We have been regular customers at the Swan for the last ten years and they recently hosted our 25th Wedding Anniversary party. We have celebrated many other occasions here with our family and friends. We also use the facilities to hold business meetings and entertain clients.

We have never once encountered any disorderly conduct. The staff work hard to create a warm and welcoming environment that appeals to all ages.

They work together as one big family and the result is a beautiful environment with delicious food, great service and a friendly atmosphere. The Swan is an integral part of our community. They are always donating raffle prizes to local schools and helping out local charities.

If you have any questions please feel free to contact us.

Kind Regards

[Redacted]

007

The Swan - Swan Street - West Malling

[Redacted]  
[Redacted]  
To [Redacted] Licensing Services

Reply Reply All Forward ...

Fri 14/07/2023 11:41

- This sender [Redacted] is from outside your organization.
- We removed extra line breaks from this message.

To Whom it May Concern

On relocating 15years from Chislehurst to Kings Hill to be near my family. The Swan was one of the first places that I went too. I visited on that first day on my own where I was made to feel so very welcome. Because of this I still go there once or twice a week and nothing is too much trouble for them. Nick and Daryl always have time for a chat and the rest of the staff always make me feel relaxed.

I take my 5 Grandchildren on a regular basis to spend quality time with them, they in turn visit The Swan with their friends and always enjoy themselves.

Regards

[Redacted]

Sent from my iPhone



Licensing Services  
Tonbridge & Malling Borough Council  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
ME19 4LZ

14<sup>th</sup> July 2023

**Sent via email** - [Licensing.services@tmbc.gov.uk](mailto:Licensing.services@tmbc.gov.uk)

Dear Sir/Madam,

**RE: The Swan, West Malling**

I am writing this letter to express my wholehearted support for our neighbours, The Swan, in their application to renew their license with the Licencing Services Team. As a reputable and well-respected business within West Malling, The Swan has made significant contributions to our community, both as a thriving establishment and as a vital supporter of local businesses and charities.

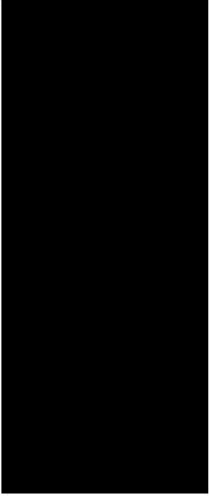
One aspect that sets The Swan apart is their unwavering commitment to supporting other local businesses and charities. Their collaboration with our partnered charity, Spadework based in Offham, is a testament to their dedication to making a positive impact on the community. The Swan has consistently provided support, not only in terms of fundraising but also by offering their facilities for various events and activities. Their active involvement in such initiatives demonstrates their genuine concern for the welfare and development of our community.

The Swan's proactive approach in managing their establishment is commendable. By focusing on the restaurant aspect of their business rather than the bar, they have successfully done their part to reduce antisocial behaviour in the area. This emphasis on a sophisticated setup that caters to dining experiences has not only contributed to a more pleasant atmosphere for patrons but has also fostered a safe and welcoming environment for the entire community.

Furthermore, as a fellow business in West Malling, I have personally witnessed the positive impact of The Swan on our local economy and networking opportunities. They have been instrumental in facilitating business connections and networking events, allowing us to forge valuable relationships and grow our enterprises. I know they also provide a meeting place for the West Malling Business Owners to hold their monthly networking events too. Moreover, we are excited to be hosting a Charity Auction for Spadework in September, and The Swan's support in terms of both facilities and fundraising has been invaluable. Their commitment to promoting local businesses and charities has been a significant catalyst for our collective success.

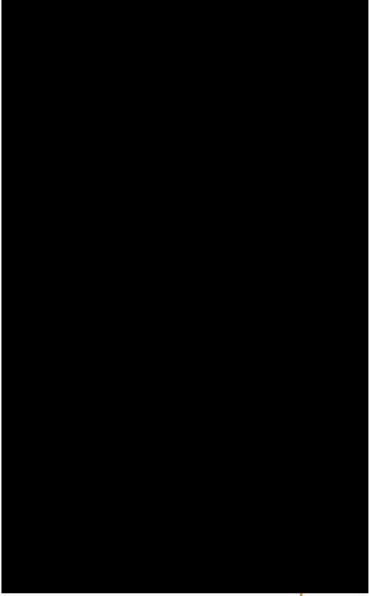
In conclusion, I wholeheartedly support The Swan's application for license renewal. Their status as a unique and irreplaceable restaurant within our community cannot be overstated.





Their unwavering support for local businesses and charities, their efforts to reduce antisocial behaviour, and their role as a hub for networking and community events make them an indispensable asset to West Malling.

I kindly request the Licencing Services Team to consider this letter of support in the evaluation of The Swan's license renewal application. Should you require any further information or clarification, please do not hesitate to contact me. Thank you for your attention to this matter.



Fernham Homes (Kent) Limited, Brook House, 43 Swan Street, West Malling, ME19 6HF

T: 01732 757158 E: [Sales@fernham-homes.co.uk](mailto:Sales@fernham-homes.co.uk) [www.fernham-homes.co.uk](http://www.fernham-homes.co.uk)

Registered Office: 68 Grafton Way, London, W1T 5DS Reg No: 04291875 VAT No: 381 3856 76







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

Date: Friday 14<sup>th</sup> July 2023

Dear Sir/Madam,

RE: SUPPORT FOR THE SWAN, 35 SWAN STREET, WEST-MALLING, KENT, ME19 6JU

We hope this letter finds you well. We are writing in response to the notice of review concerning the premises license for the establishment, The Swan. We are [REDACTED], [REDACTED] business owners in the West Malling area, and we have known the proprietors of The Swan, Nick and Darryl, for over 12 years.

We can confidently assert that The Swan is a pivotal part of our community. It is not just an establishment that provides exquisite dining experiences, but it is also a beacon of positivity within our local business landscape. It has always been our opinion, one that is shared widely within the community, that The Swan is one of the best restaurants in the area. It consistently attracts customers to West Malling, providing a substantial benefit to all local businesses.

Throughout our association with Nick and Darryl, we have known them to be individuals of integrity and responsibility, always ensuring their business is compliant with regulations and adaptable in changing times. Their conscientious management extends to community projects, in which they play a vital role.

As owners and operators of local businesses ourselves, we understand the significance of maintaining order and preventing crime. We have never observed any behaviour at The Swan that could be associated with crime or disorder. On the contrary, it has always been a place where the community can gather in a friendly atmosphere.

We sincerely hope our letter provides useful insight into the valuable contribution The Swan makes to West Malling. We firmly believe that a positive review of their license would be in the best interest of our community and request your consideration of our support in this matter.

Thank you for your time and consideration.

Yours sincerely,



010

Licence Review - The Swan. 36 Swan Street, West Malling

👍   Reply   Reply All   Forward  

Fri 14/07/2023 12:41

To: Licensing Services  
Cc:

This sender is from outside your organization.

Page 54

Good afternoon,

I wanted to write to make representation of positive support for the above business and I would encourage the grant of a premises licence to this superb establishment.

As a young professional who wanted to relocate from central London to lead a more rural and peaceful lifestyle, (my wife, ) and I wanted to ensure we relocated to an area that had a sense of community with modern amenities such as good bars, restaurants and a vibrant High St. For my wife and I, upon finding West Malling, The Swan forms the centre of that community and was one of the reasons we chose to locate our life here.

The staff and establishment provide the upmost professional service to West Malling and surrounding areas. We choose to frequent The Swan over other establishments on the High Street due to the discerning clientele that the community focussed establishment welcomes, and the professional, personal and high quality they provide in every element of their operations. The venue provides a haven from many of the other raucous and salubrious establishments on the High Street, where one could argue form the epicentres of any crime and disorder that occur on the High St. I am therefore most surprised that any consideration of The Swan's licence is has arisen. As a resident of West Malling for over 5 years now, I have never witnessed any form of Crime or Disorder associated with this establishment and it must be comparatively stated that this is not the case of some of the other establishments on the High St.

I would therefore like to conclude my email with a positive reinforcing supportive statement that I believe that The Swan is a true credit to West Malling and Tonbridge & Malling and I fully support the Licencing Services to grant the premises licence to this great place. Please feel free to contact me for any verification or further comment on the above.

Kind Regards,


011

## The Swan West Malling

[Redacted]  
[Redacted]  
To: [Redacted] Licensing Services

 Reply Reply All Forward ⋮

Tue 18/07/2023 16:51

 This sender [Redacted] is from outside your organization.

To whom it may concern;

I am a frequent visitor to The Swan, 35 Swan Street, West Malling ME19 6JU and would like to log my support in them continuing as a fabulous dining establishment, that offers a friendly warm welcome to all those that visit.

It is a huge asset to West Malling and is my first thought when wanting to book a venue for a special occasion.

I have lived in West Malling for 30 years and the Town has been enhanced since The Swan re-opened as a fine dining restaurant. Setting high standards to others.

They have my full support.

Yours faithfully

[Redacted Signature]

012

The Swan West Malling

[Redacted]  
[Redacted]  
To: [Redacted] Licensing Services

 [Reply](#) [Reply All](#) [Forward](#) [...](#)

Tue 18/07/2023 23:28

 This sender [Redacted] is from outside your organization.

I was really surprised to see that the Swan have their license under review for the prevention of crime and disorder.

I have been a regular customer of the Swan for many years and have always loved the welcoming atmosphere which I feel very safe in .

The Swan is definitely a hub for our community, and is a huge part of West Malling. It also brings lots of people to the area because of its excellent food and reputation. As local businesses we all benefit from their existence.

Kind regards

[Redacted]

Page 56



# 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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