



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive
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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

18 November 2025

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 26th November, 2025 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance on the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest 9 - 10

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 11 - 14

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on 10 June 2025.

5. Minutes of Panel 15 - 34

To receive the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel:

- 23 June 2025 in respect of a Premises Licence Hearing
- 30 July 2025 in respect of two taxi hearings
- 6 August 2025 in respect of a Premises Licence Hearing
- 13 August 2025 in respect of two taxi hearings

Matters for Decision under Delegated Powers

6. Review of Licensing Fees and Charges 2026/27 35 - 68

The responsibility for setting the licensing fees and charges for 2026/27 is with the Licensing & Appeals Committee. This report gives details of the proposed Licensing fees and charges for 2026/27.

7. Sex Establishments and Sexual Entertainment Venues - Policy Review 2026-2031 69 - 116

The current Policy on Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues has been reviewed. There have been no legislative updates, however following recent case law it is proposed to consult on renewing the current policy which will then run for five years.

8. Street Trading Policy Review 2026-2029 117 - 144

The current policy on Street Trading has been reviewed. It is proposed to consult on renewing the current policy which will then run 2026-29.

Matters submitted for Information

9. Uber Private Hire Licence 145 - 146
- To discuss the granting of a licence to Uber Britannia Limited to operate as a Private Hire Operator in Tonbridge
10. Hackney Carriage and Private Hire Licence Policy 147 - 148
- An update to be provided (if required) on a potential review of the Policy.
11. Urgent Items 149 - 150
- Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

12. Exclusion of Press and Public 151 - 152
- 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

13. Urgent Items 153 - 154
- 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 C J Williams (Chair)
Cllr K S Tunstall (Vice-Chair)

Cllr B Banks
Cllr A G Bennison
Cllr C Brown
Cllr A Cope
Cllr D Keers
Cllr D W King

Cllr J R S Lark
Cllr R W G Oliver
Cllr R V Roud
Cllr M Taylor
Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmhc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Tuesday, 10th June, 2025

Present: Cllr C J Williams (Chair), Cllr K S Tunstall (Vice-Chair), Cllr B Banks, Cllr M A Coffin, Cllr A Cope, Cllr D W King, Cllr R W G Oliver, Cllr R V Roud and Cllr M Taylor

In attendance: Cllrs L Chapman* and M A J Hood* were also present pursuant to Council Procedure Rule No 15.21.

(participated via MS Teams)

Apologies for absence were received from Councillors A G Bennison, C Brown and D Keers.

PART 1 - PUBLIC

LA 25/6 DECLARATIONS OF INTEREST

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

LA 25/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 25 March 2025 be approved as a correct record and signed by the Chairman.

LA 25/8 MINUTES OF PANELS

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 14 March 2025, 24 March 2025 and 28 April 2025 be received and noted.

MATTERS FOR DECISION UNDER DELEGATED POWERS

LA 25/9 REVIEW OF HACKNEY CARRIAGE FARES

Following a formal request for a review of current hackney carriage fares received from licensed drivers on 28 April 2025 (attached at Annex 1), Members considered the maximum fare that could be charged.

During discussion, due regard was given to the views of Hackney Carriage Drivers, Dual Drivers and Hackney Carriage Proprietors. Concern was expressed about the impact on vulnerable passengers,

especially the elderly, of the proposed fare increase. However, the need for a balance between driver's needs and user affordability was recognised. It was also understood that the proposals related to the maximum charges and drivers could charge less if they chose.

After careful consideration, Cllr Coffin proposed that the fares be increased as set out in the report on the grounds of supporting drivers in maintaining a sustainable business. This was seconded by Cllr Tunstall and supported by the majority of the Committee.

RESOLVED: That, subject to no objection being received during the statutory public consultation period, the table of Hackney Carriage fares, as set out in 7.1 of the report, be agreed with effect from 1 August 2025.

LA 25/10 SPIKING AWARENESS - 'ASK FOR ANGELA'

The report of the Director of Central Services proposed that all licensees within Tonbridge and Malling should train their staff on the 'Ask for Angela' Scheme. The initiative was intended to keep people safe from vulnerable situations by using a codeword to identify when they felt unsafe or threatened.

Attention was drawn to the proposed text to be included in the Statement of Licensing Policy 2025-2030 (attached at Annex 1). This outlined the safety measures to be put in place by licensees.

Members recognised the importance of ensuring licensed premises staff were adequately trained so that they could respond appropriately and for posters to be visible and accessible.

Subject to a few minor points around ensuring posters were visibly displayed and changing emphasis from 'should' to 'will', Cllr Williams proposed that on the grounds of improving safety in pubs and bars the Scheme be included in the licensing policy. This was seconded by Cllr Tunstall and supported unanimously.

RESOLVED: That

- (1) subject to a few minor points summarised above, the draft text to be included in the Statement of Licensing Policy 2025-2030(attached at Annex 1) be approved; and
- (2) the poster (attached at Annex 2) be distributed to holders of premises licences and club premises certificate under the Licensing Act 2023.

MATTERS FOR RECOMMENDATION TO COUNCIL**LA 25/11 STATEMENT OF LICENSING POLICY 2025-2030 CONSULTATION**

Further to Minute LA 25/4, the report of the Director of Central Services indicated that the Statement of Licensing Policy 2025 – 2030 had been issued for public consultation from 1 April to 25 May 2025. As a result of which 1 response had been received asking for details of the 'Ask Angela' Scheme to be included.

A copy of the proposed Statement of Licensing Policy was attached at Annex 1 to the report. A copy of the consultation response was shown at Annex 2.

Cllr Williams proposed that the Licensing Policy be adopted as set out in Annex 1 and to include the Ask for Angela Scheme. This was seconded by Cllr Coffin and supported by the Committee.

***RECOMMENDED:** That the draft Statement of Licensing Policy set out at Annex 1 to the report be adopted by the Council.

***Recommended to Council**

MATTERS SUBMITTED FOR INFORMATION**LA 25/12 HEAD OF LICENSING, COMMUNITY SAFETY AND CUSTOMER SERVICES**

Whilst not an urgent item of business, Members acknowledged the upcoming retirement of Anthony Garnett (Head of Licensing, Community Safety and Customer Services) and expressed gratitude for his contribution and support over the years.

LA 25/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.25pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 23rd June, 2025

Present: Cllr D Keers (Chair), Cllr M Taylor and Cllr K S Tunstall

PART 1 - PUBLIC

LAP 25/19 DECLARATIONS OF INTEREST

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

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LAP 25/20 APPLICATION TO VARY A PREMISES LICENCE AT ONE STOP, 50 NEW ROAD, DITTON, KENT ME20 6AD

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, which set out details of an application to vary a premises licence in respect of One Stop, 50 New Road, Ditton, Kent ME20 6AD, the reasons for referral to the Panel and the policy considerations that applied to the application.

It was reported that in response to the statutory consultation period, the Borough Council, in its role as the Licensing Authority, had received a number of representations objecting to the application. However, no representations had been received from any of the responsible authorities or statutory consultees.

The Panel felt that the objections could be summarised as follows:

- Public nuisance created by the noise that would be caused by customers' music, car and motorbike/scooter engines and conversations between customers at a time when the ambient noise would be low.
- Parking obstruction issues and noise created by delivery vehicles.
- Litter issues.
- The potential for anti-social behaviour and increased risk of crime and disorder after hours.

In addition, it was also suggested that there would be an increased risk of children and young people being exposed to intoxicated individuals and inappropriate behaviour, and an increased risk of persons underage purchasing alcohol.

In reaching a decision, the Panel took account of the twelve written representations received objecting to the granting of the application and the verbal representations made by Cllr A Kennedy, Cllr N Newman and Ms J Read. The Panel also took into account the Secretary of State's Guidance issued under s. 182 of the Licensing Act 2003 and its own Statement of Licensing Policy. In addition, the Panel took account of the fact that there had been no representations from the statutory consultees.

RESOLVED: That the application for a variation of a premises licence be granted subject to the following conditions:

1. A person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry on the premises.
2. The premises will be closed to the public from 23:00 hours with any sales made via the hatch at the premises or through an online delivery service.
3. All alcohol orders made by an online delivery service after 23:00 hours must be taken through the company's website, must be collected by an official representative of the online delivery service and must only be delivered directly to the purchaser.
4. Warnings must be displayed on the company website reminding purchasers that they must be aged 18 or over to purchase alcohol.
5. All deliveries of alcohol must be made to a bona fide address.
6. All spirits will be displayed behind the counter only.
7. No customers carrying open bottles shall be allowed to enter the premises at any time that the premises are open to the public.
8. An Incident Log (which may be electronically recorded) shall be kept at the premises for a least six months and made available upon request to an officer of the Police or an authorised officer of the Licensing Authority.
9. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises will be covered, including entry and exit and the forecourt of the premises. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time

stamping. Footage to be provided to a member of the Police or authorised officer of the Local Authority upon request and within a reasonable time.

10. All instances of crime and disorder shall be reported to the Police.
11. All firefighting equipment to be serviced and inspected in line with the manufacturer's recommendations.
12. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
13. The pavement from the building line to the kerb edge immediately outside the premises shall be cleaned at the close of business each day.
14. The premises shall display prominent signage in all areas where alcohol is located warning that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
15. The Challenge 25 Scheme will be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over the age of 18 years. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID Card or similar document, a HM Forces warrant card, or a card bearing a PASS hologram.
16. All staff shall be trained in how to refuse service, how to recognise proxy sales, relevant age restrictions in respect of products, and how to deal with those who may have a vocal restriction. Documented records of training shall be kept for each member of staff. Training shall be regularly refreshed. Training records shall be made available for inspection upon request by Police or an authorised officer of the Licensing Authority.
17. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection upon request by an Officer of the Police or an authorised officer of the Local Authority.

On the grounds that:

- (1) It was the Panel's view that the traffic and parking issues that were raised by the objectors were either planning or highway issues and were not relevant to the licensing objectives.

- (2) Whether or not there was a need for these premises was not a relevant consideration for the Panel. There was no representation from the Planning Authority which the Panel felt was telling.
- (3) The Panel understood the local concerns that granting the application would lead to a rise in crime, disorder and public nuisance. However, there was no concrete evidence to support these suggestions, and the Police and other statutory bodies had not made any representations, which the Panel felt was indicative.

LAP 25/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.10 pm
having commenced at 10.00am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 30th July, 2025

Present: Cllr R V Roud (Chair), Cllr R W G Oliver and Cllr M Taylor

PART 1 - PUBLIC

LAP 25/22 DECLARATIONS OF INTEREST

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

LAP 25/23 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LAP 25/24 REVIEW OF AN APPLICATION FOR A HACKNEY CARRIAGE
DRIVERS LICENCE - CASE 004/2025**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel, considered whether the licensing authority should grant a Hackney Carriage Driver's Licence, under s. 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered information on the NR3 national database which showed that the individual's previous hackney carriage drivers' licences were revoked by Sevenoaks District Council and Transport for London. The Panel referred to two serious alleged sexual offences. The individual was also reported for a low-level public order offence in 2021. None of these allegations resulted in criminal convictions.

The Panel was not satisfied that the individual had failed to disclose these incidents to the licensing authority, but they did consider the allegations so serious that they could not be ignored in deciding whether the individual was a 'fit and proper' or 'safe and suitable' person to hold a driver's licence.

In its deliberations, the Panel took into account the Council's Taxi and Licensing Enforcement Policy, as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade.

The Panel considered the relevant sections of the council's policy as set out below:

Fit and Proper

- Section 1.4 (page 7 of 107)

Public safety is a paramount consideration when processing prospective candidates by ensuring only fit and proper persons are licensed to be entrusted to drive members of the public safely, professionally, and courteously to and from their required destinations.

- Section 4.11.3 (page 27 of 107)

In assessing whether the applicant is a 'fit and proper' person to hold a licence the Council will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence and, refer to the Licensing and Appeals Panel for decision.

The Panel was not satisfied that the individual was a 'fit and proper' person as the criminal allegations against the individual were so serious that it would not be safe to grant the application. The Panel was also concerned about reports of the individual's tendency to be aggressive with members of the public.

RESOLVED: That, in respect of Case Number 004/2025, that the application for a hackney carriage driver's licence be refused.

The meeting ended at 12.07 pm
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 30th July, 2025

Present: Cllr R V Roud (Chair), Cllr R W G Oliver and Cllr M Taylor

PART 1 - PUBLIC

LAP 25/25 DECLARATIONS OF INTEREST

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

LAP 25/26 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LAP 25/27 REVIEW OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S
LICENCE - CASE 005/2025**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel, considered whether the licensing authority should grant a private hire driver's licence, under s.51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered information on the NR3 National Fraud database and the driver's Disclosure and Barring Service Certificate which revealed two previous convictions. The Panel also considered the fact that the individual's Private Hire Driver's licence issued by Maidstone Borough Council was revoked in June 2018.

The Panel noted that the driver's convictions were nearly ten years' old and that they had expressed genuine remorse and regret.

In its deliberations, the Panel took into account the Council's Taxi and Licensing Enforcement Policy, as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. In particular, the Panel considered the relevant sections of the council's policy as set out below:

Fit and Proper

- Section 1.4 (page 7 of 107)

Public safety is a paramount consideration when processing prospective candidates by ensuring only fit and proper persons are licensed to be entrusted to drive members of the public safely, professionally, and courteously to and from their required destinations.

- Section 4.7.6 (page 26 of 107)

The licence or renewal is conditional upon there being no adverse information revealed on the DBS disclosure that would render the applicant not 'fit and proper'. If the licence is issued (which would only be under exceptional circumstances), and relevant information is later revealed on a disclosure certificate then that licence will be subject to review and possible revocation.

- Section 4.11.3 (page 27 of 107)

In assessing whether the applicant is a 'fit and proper' person to hold a licence the Council will consider each case on its merits. It will take into account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence and, refer to the Licensing and Appeals Panel for decision.

In the circumstances, the Panel decided to grant a private hire driver's licence under s. 51 of the Local Government (Miscellaneous Provisions) Act 1976 because it was satisfied that the driver was now a fit and proper person to hold such a licence.

RESOLVED: That, in respect of Case Number 005/2025, that the application for a private hire driver's licence be granted.

The meeting ended at 12.50 pm
having commenced at 12.16 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 6th August, 2025

Present: Cllr C J Williams (Chair), Cllr R V Roud and Cllr M Taylor

Together with representatives from the Licensing Authority, Environmental Health, Kent Police, Applicant and Interested Party.

PART 1 - PUBLIC

LAP 25/28 DECLARATIONS OF INTEREST

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

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LAP 25/29 APPLICATION FOR A NEW PREMISES LICENCE AT THE MARKET
HOUSE, 130 HIGH STREET, TONBRIDGE, KENT TN9 1DE**

The Licensing and Appeals Committee, sitting as a Panel, was asked to consider an application for a new premises licence after the Licensing Department received three written representations objecting to the granting of the premises licence from local residents, all of which related to the prevention of public nuisance being created by noise. An objection was also received from Environmental Health and the Police.

The Panel heard from the Licensing Officer, the Applicant, Kent Police, Environmental Protection and an interested party.

The Applicant stated that the past year had been challenging for the hospitality sector both locally in Tonbridge and nationwide, with several venues closing and profitability being difficult. After eleven months of operating, the business began recording a small profit, having previously incurred significant losses within its first year of operation, alongside a significant investment on refurbishment. The business operated independently without significant financial backing and primarily sourced supplies from local vendors. The hourly sales data for the previous month indicated busy daytime operations, with an established café attracting various groups, approximately 70-80% of customers return. Nevertheless, sustainability required diversification, in particular increased evening trade; currently, 77% of revenue was derived from daytime activities, to reach a sustainable operational model.

The Applicant was therefore applying for an extension of alcohol and entertainment licence, primarily to allow earlier service starting at 9.00am and music during these times, which was unregulated. Expanding evening operations, particularly on Mondays, Tuesdays and Wednesdays, was necessary to support a new menu and service and additionally, late nights on Fridays and Saturdays would utilise unused space, such as the refurbished vault with a capacity of 60 people to create a separate area for private hire and events, which could support local artists and provide an event venue otherwise unavailable in Tonbridge and contribute to the area's revitalisation.

The Applicant explained that when the vault was open, there would be three SIAs present, one of whom would be assigned to the ground floor entrance to count patrons in and out. For live band events, 60 tickets would be sold and during DJ nights, entry would follow a 'one in, one out policy'. The Panel challenged how the Applicant would ensure that the DJ was compliant, particularly following a previous noise incident, and were advised that following the incident, a sound limiter had been installed and the sound system would not exceed the permissible volume limits.

The Panel challenged the need for off sales and were advised that this would enable customers to take drinks away during community events, furthermore, it would enable customers to meet the business' minimum spend.

The Panel expressed concern regarding the 3.00am application and the potential disturbance to residents and were advised that although applied for, it was not anticipated that the venue would be operated until 3am every Friday and Saturday, but to hold a series of events. Furthermore, the Police had not submitted any concerns since the premises had been operating until midnight and a number of conditions were proposed by the Applicant to mitigate any concerns, including a Zero Tolerance policy, clear signage and Challenge 25.

The Panel expressed disappointment in the lack of communication with local residents, upon which the Applicant stated they had maintained an open dialogue with their neighbours when the business initially opened, and following reports of noise disturbance, they had sought advice on sound installation and adjusted a sound limiter and frequencies, which they believed demonstrated their commitment to cooperating with their neighbours.

The Police Authority addressed the Panel and it was noted that their primary concerns related to crime, disorder and public safety. It was not felt that the application fully acknowledged or addressed these increased risks and lacked detailed mitigation steps and that a more comprehensive application might have led to fewer objections from the

Police. The Police felt that if all identified risks were subjected to conditions, they would be more inclined to support the proposal.

Environmental Health were invited to address the Panel during which they advised that they had two main concerns, the potential for noise to travel up the corridor, and the stairs leading to the vault, when the vault doors were open, due to the acoustic weakness that needed installation. It was noted that several considerations were suggested for approval and that noise installation works were ongoing.

The Interest Party was invited to address the Panel during which they raised concern regarding noise and public safety. The current licence had resulted in considerable disruption. Whilst the coffee shop operated during the day, it often transformed into a club-like environment at night and on weekends, featuring amplified music as well as low-frequency vibrations. There had also been instances where doors had been left open during pleasant weather and disturbances involving patrons at tables outside. Staff appeared unfamiliar with pavement licence requirements, leading to uncontrolled use of the area outside the premises and private parties held on the premises tended to be less regulated, contributing further to these issues. It was felt that the proposed changes were likely to exacerbate existing problems, potentially making the situation untenable and raising significant public safety concerns.

The Panel were content that the representations made by Environmental Health and the Police could be adequately addressed by the conditions that they had proposed. The Panel felt that the noise limiter was key in preventing public nuisance.

The meeting was adjourned at 11.31am on 6 August 2025 to enable the Panel to deliberate and upon reconvening at 12.47pm, the Legal Advisor explained that the Panel had been advised to adjourn as it could not confirm if public nuisance would result until the noise report was complete.

The meeting was adjourned again at 12.51pm on 6 August 2025 and reconvened on 22 September 2025 at 10.00am.

The Applicant reported that soundproofing had since been installed and he had conducted his own tests, however the soundproofing was not sufficient. As a result, the Applicant stated that he would like to use the vault as previously discussed, but further soundproofing would be needed before proceeding and this would be addressed in a future phase. In the meantime, the Applicant was requesting an extension to the licensable hours from 9.00am to 11.00pm Monday to Wednesday, allowing the premise to open earlier in the week and, after discussions with Environmental Health, were willing to install a sound limiter in the vault.

The Panel was satisfied that the objections made by the residents could be satisfied by the imposition of conditions.

In reaching its decision, the Panel took account of all the written representations, the representations made by persons present, and the representations from the Police and Environmental Health.

The Panel took into account the Secretary of State's most recent Guidance issued under s.182 of the Licensing Act 2003 and its own Statement of Licensing Policy.

RESOLVED: That the application for a new premises licence be GRANTED subject to the amendments submitted by the Applicant since the adjourned hearing on 6 August 2025, the mandatory conditions and the additional conditions proposed by Environmental Health and the Police:

Sale of Alcohol

For the premises, including the vault, for the hours:

Sunday – Thursday 09:00 – 23:00 hours

Friday – Saturday 09:00 – 00:00 hours

Live and Recorded Music

Sunday – Thursday 09:00 – 23:00 hours

Friday – Saturday 09:00 – 00:00 hours subject to the conditions proposed by Environmental Health and the Police.

Late night refreshment

Fridays and Saturdays from 23:00 - 00:00 hours.

Tables and chairs be removed from outside of the premises by no later than 22.00 hours every day to prevent public nuisance by noise and the doors to the premises be closed by no later than 21.00 hours every day to prevent public nuisance by way of noise being emitted from the premises.

Conditions added at the hearing

CCTV

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
2. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

3. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police or authorised officers on reasonable request and within 48 hours of the request being made.
4. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority on reasonable request.
5. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
6. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is to be recorded.
7. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the police licensing officer immediately.
(licensing.west.division@kent.police.uk).

Training

8. All persons who sell or supply alcohol to customers must have licensing training.
9. Training must take place within six weeks of employment.
10. Any new employees will be supervised until the training has taken place.
11. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
12. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
13. Records must be made available for inspection by police, police licensing officer and authorised officers from the Council on reasonable request either electronically or in hard copy.

Notices

14. The premises shall display notices at the exit reminding customers to leave quietly and be respectful of nearby residents.

Contact

15. A direct telephone number for the duty manager at the premises shall be available at all times the premises is open for licensable activities. This telephone number is to be made available to residents and businesses in the vicinity.

Incident Recording

16. An incident log shall be kept at the premises, and made available on request to a police officer, police licensing officer or Council authorised licensing officer. It must be completed within 24 hours of the incident and will record the following:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons.
 - c) Any complaints received concerning crime and disorder.
 - d) Any incidents of disorder.
 - e) All seizures of drugs or offensive weapons.
 - f) Any faults in the CCTV system, searching equipment or scanning equipment.
 - g) Any refusal of the sale of alcohol.
 - h) Any visit by a relevant authority or emergency service.

Challenge 25

17. The Licensee shall adopt a "Challenge 25" policy, where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products, shall be asked for proof of their age.
18. The Licensee shall prominently display notices advising customers of the Challenge 25 policy.
19. The following proof of age documents are the only ones to be accepted:
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving Licence
 - Passport
 - Military ID

Drugs Policy

20. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.

Security

21. The premises will risk assess the need for door supervisors and will employ SIA registered door supervisors when deemed necessary.

Environmental Protection Conditions

22. No rubbish will be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
23. No drinks shall be taken outside after 22:00 hours.
24. Staff and customers will be positively encouraged to respect the needs of local residents and to leave the premises in the area quietly and clear signage at the exit to and outside the premises shall be erected and maintained at all times reminding staff and customers to respect the needs of local residents and to keep noise to a minimum.
25. After 23:00 hours staff shall be used to ensure the exit doors are closed as soon as possible after entrance or exit and any windows to the building shall be kept closed.
26. Prior to the first commercial use of the basement area, the licence holder shall employ a suitable person to provide a noise report to Licensing Services for approval demonstrating that when amplified sound is being played at a level similar to when an event is being held in that area, the noise levels in the common parts of the flats above the venue do not exceed the following standards:
 - The LAeq (15 min) with amplified sound shall not exceed the background noise level (LA90) without amplified sound.
 - Music noise levels in the 63Hz and 125Hz octave bands shall not exceed Leq,15 min 65 dB in any 15 minute period.
27. The basement area shall not be used for commercial purposes until the noise limiter is set and locked to the settings agreed in the noise report and appropriate measures taken to ensure its settings are not tampered with. The sound limiting device shall be used at all times when regulated entertainment is taking place.

LAP 25/30 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.30am on 22 September 2025
having commenced at 10.00am.

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 13th August, 2025

Present: Cllr B Banks, Cllr R V Roud and Cllr M Taylor (Chair)

PART 1 - PUBLIC

LAP 25/28 DECLARATIONS OF INTEREST

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

LAP 25/29 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR DECISION UNDER DELEGATED POWERS

LAP 25/30 REVIEW OF A PRIVATE HIRE DRIVERS LICENCE - 006/2025

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual.)

The Licensing and Appeals Committee, sitting as a Panel, considered whether the licensing authority should take any action against a Private Hire Driver's licence holder following receipt of a complaint that five passengers had been carried when the vehicle was only licensed to carry four.

Due regard was given to the explanation and apology of the driver in respect of the circumstances. The Panel accepted this version of events and were satisfied that the apology was genuine.

Nonetheless the Panel made it clear that an offence had been committed contrary to s.40A of the Road Traffic Act 1988 which carried a maximum penalty of £2500.

RESOLVED: That in respect of Case Number 006/2025 the Private Hire Drivers licence be suspended for a period of one week.

The meeting ended at 10.35 am
having commenced at 10.00am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 13th August, 2025

Present: Cllr B Banks, Cllr R V Roud and Cllr M Taylor (Chair)

PART 1 - PUBLIC

LAP 25/31 DECLARATIONS OF INTEREST

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

LAP 25/32 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR DECISION UNDER DELEGATED POWERS

LAP 25/33 REVIEW OF A PRIVATE HIRE DRIVERS LICENCE - CASE 007/2025

(Reasons: Part 2 – Private – LGA 1972 Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing & Appeals Committee, sitting as a Panel, considered whether the licensing authority should take any action against a Private Hire Driver's licence holder following receipt of a complaint received that two passengers with assistance dogs had been refused travel.

Due regard was given to the explanation of the driver in respect of the circumstances. The Panel was not satisfied with the explanation provided or that the driver was fully aware of their legal obligations under the Equality Act 2010.

In the circumstances the Panel decided to suspend the Private Hire Driver's licence for a period of two weeks and the Panel recommended that the driver re-sit the online disability awareness course and send proof of completion to the licensing authority.

RESOLVED: That, in respect of Case Number 007/2025:

- (1) the Private Hire Drivers licence be suspended for a period of two weeks; and
- (2) the driver re-sit the online disability awareness course and send proof of completion to the Licensing Authority.

The meeting ended at 12.27 pm
having commenced at 11.30am

Licensing and Appeals Committee

26 November 2025

Part 1 - Public

Matters for Decision Under Delegated Powers



Cabinet Member

Responsible Officer Eleanor Hoyle, Director of Planning, Housing and Environmental Health

Report Author Crispin Kennard, Interim Regulatory Services Manager

Review of Licensing Fees and Charges 2026/27

1 Summary and Purpose of Report

- 1.1 The responsibility for setting the licensing fees and charges for 2026/27 is with the Licensing & Appeals Committee. This report gives details of the proposed Licensing fees and charges for 2026/27.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 It is RECOMMENDED that the proposed scale of fees for licences, consents and registrations set out in **Annex 1** of this report be adopted with effect from the 1 April 2026.

4 Introduction and Background

- 4.1 The review has been conducted by the Interim Regulatory Services Manager and the report sets out the recommended changes to the existing fee structure.
- 4.2 The proposed charges for 2026/27 have taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:

- Fees and charges should reflect the Council's strategic priorities and other corporate aims, recognising there may be trade-offs as these are not mutually exclusive.
- Fees and charges should have due regard to the Council's Medium Term Financial Strategy.
- If there is to be a subsidy from the Council taxpayer to the service user, this should be a conscious choice.
- The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
- Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body).
- Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators.
- There should be consistency between charges for similar services.
- Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

- 4.3 It is essential considering the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.
- 4.4 The licensing regimes listed within this document cover a wide range of activities and services ranging from the sale and supply of alcohol to individuals keeping dangerous wild animals. The purpose of the licensing regimes are specific to the regulation that govern it but in general, licensing is required to protect the public, protect and support businesses practices and ensure fair trading; and ensure the welfare of animals.
- 4.5 The council has the power to set some fees for certain licensing regimes. However, a number of licensing regimes have fees that have been set by the specific Act or associated regulations. There are three fee regime types that have been set out within this document. These fee regime types relate to how the fees have been set.

Type 1	Type 2	Type 3
Fees that are set by statute for which the council has no power to amend.	A maximum fee cap set by statute that permits councils to set a reasonable fee to recover its costs up to that cap.	The relevant statute permits councils to set their own local fees that will enable it to recover its reasonable costs.
Example <ul style="list-style-type: none"> • Licensing Act 2003 • Lotteries 	Example <ul style="list-style-type: none"> • Gambling Act 2005 	Example <ul style="list-style-type: none"> • Taxi and Private Hire • Scrap Metal

- 4.6 All of the fees within type 2 up to the relevant cap and all of the fees within type 3 fee regimes have been set to recover the council's reasonable costs in carrying out its functions for each specific regime. The fees relate to that regime only and all the income received from fees is used to offset those costs. The council cannot and does not use the income from one specific licensing regime to cover deficits in other regimes.
- 4.7 The council will aim to undertake a review of type 2 and 3 licensing fee regimes every year. When considering the fees the council will consider the costs that it has incurred from the previous year and set a fee based on those costs. If the council does, in reviewing the fees identify a surplus or a deficit it will adjust the fees accordingly to either reduce the fee levels to reduce the surplus or increase the fee levels to repay that deficit in costs from previous years. This means that the fees will fluctuate year on year based on the review of income and cost associated with that relevant licensing regime.
- 4.8 The principal areas covered by Type 3 above is that relating to Hackney Carriage/Private Hire licensing and Animal licensing. Further details in respect of these areas is set out below.

European Service Directive

- 4.9 The European Union Services Directive -2006/123/EC (the Directive) was given effect in UK law via the Provision of Services Regulations 2009 (SI2009/2999). This Directive and the Regulations contain provisions about the fees which may be charged under relevant licensing regimes within the scope of the Directive. In particular licensing authorities may not set fees that are dissuasive, and any fees must be reasonable and proportionate to the cost of the licensing process and the issuing of the licence.
- 4.10 These provisions have been considered in setting the fees set out in this document.

4.11 In addition, a judgment of the Supreme Court in a case involving Westminster City Council has provided further clarification of the type of costs which may be considered when setting fees, and when fees may be payable. Pending further guidance from the European Court of Justice, the judgment of the Supreme Court established that a licensing regime may operate on the basis that an applicant must pay:

- i. on making the application, the costs of the application process and,
- ii. on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.

4.12 The council has, following this decision, reviewed the Type 3 regime fees, for which the Directive relates so that they identify the costs for processing the application through to determination (Part A) and the cost for running and the enforcement of the licensing regime (Part B).

4.13 Taxi Licensing is exempt from this ruling.

5 Summary of Numbers of Licences

5.1 The table below shows the tracking of the number of licences Tonbridge & Malling Borough Council is responsible for validating, processing, and issuing.

	27/10/25	13/11/24	26.09.23	10.11.22	04.10.21	20.04.21	18.12.19
Hackney Carriage Vehicles	192	172	167	144	137		179
Hackney Carriage Drivers	54	56	64	62	70		99
Dual Driver badges	226	219	184	164	167		178
Private Hire Operator	92		102	111	116		105
Private Hire Vehicles*	356	380	398	361	346		477
Private Hire Drivers	331	354	367	376	391		456

Total taxi licences	1251	1,181	1,282	1,218	1,227		1,494
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Number of Drivers	611	629	615	602	628		733
Scrap Metal - Site licence	0	2	2	3	2	2	3
Scrap Metal – Mobile licence	5	5	7	8	7	6	7
Lottery Licences	63	55	70	69	64	60	75
Adult Gaming Centres	1	1	1	1	1	1	1
Betting Shops	7	8	8	8	8	8	8
Boatman Licence	10	8	8	4	4	4	5
Club Premises Licence	22	28	28	28	29	29	29
Premises Licences	392	375	375	370	370	360	352

	27/10/25	13/11/24	26.09.23	10.11.22	04.10.21	20.04.21	18.12.19
Dangerous Wild Animals	2	2	1	1	1	1	1
Hypnotism Licence	0	0	0	0	0	0	0
Street Traders Licence	0	0	0	0	0	0	1
Personal Licences	1976	1818	1,806	1,767	1,747	1,817	1,750
Sex Shop	1	1	1	1	1	1	1
Animal Boarding**							
Home Boarding**							
Pet Shop **							
Animal Activity	43	37	38	39	36	33	26
Riding Establishments							
Zoo licensing	1	1	1	1	1	1	1
Total	3774	3,522	3,628	3,518	3,498	3,568	3,780

Licensing Act 2003

- 5.2 The fees are set by Government, where there has been no change to fees since 2005 when Act came into force.

Annual fee income

- 5.3 In general terms, the amount a premises licence holder pays in Annual fees depends on their rateable value, with additional payment when a premises capacity is significantly increased, or when in a town centre they have “multiplier status.”
- 5.4 The vast majority of TMBC Annual fees are due in November of each year – As the Annual fee has to be paid on the anniversary of the grant of the licence.

Category Level and amount	Number of premises	Number of Club premises certificates	Total premises in Category	Total income "£"
"A" - £70	61	5	66	£4,620
"B" - £180	198	16	214	£38,520
"C" - £295	53	1	54	£15,930
"D" - £320	15	0	15	£4,800
"E" - £350	41	0	41	£14,350
Number of premises with no annual fee*	24	0	24	£0,00
Sub total	392	22	414	£78,220
Additional Fee for Hop Farm Event licence				£8,000
Additional Fee for Humphrey Bean				£640
Total	392	22	414	£86,860

6 Hackney Carriage & Private Hire

- 6.1 Fee levels for hackney carriage and private hire licensing are subject to various statutory controls. Whilst these controls provide the Council with some discretion as to the level of fee, the cost of a licence must be related to the overall cost of the licensing scheme itself.
- 6.2 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 provides that, in respect of hackney carriage and private hire drivers, the Council may charge 'such a fee as they consider reasonable with a view to recovering the costs of issue and administration'.
- 6.3 For vehicle (both hackney carriage and private hire) and private hire operators' licences, fee levels are governed by s.70 of the 1976 Act. This section allows the Council to charge such fees as may be sufficient in aggregate to cover in whole or in part –
- the reasonable cost of conducting inspections of hackney carriages/ private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - the reasonable cost of providing hackney carriage stands; and
 - any other reasonable administrative or other costs in connection with the above and with the control and supervision of hackney carriage and private hire vehicles.

- 6.4 S.70 of the 1976 Act also provides that should the Council determine that the fees be varied, they shall publish in at least one local newspaper a notice setting out the variation proposed and allowing a minimum 28-day period from the publication of the notice for any objections to the fee increase to be made.
- 6.5 Should members agree to the recommendation of this report, the notice mentioned in 6.4 will be published as soon as possible and any objections received reported to committee in March 2026 for consideration prior to the new Hackney and Private Hire fees coming into force on 1st April 2026.
- 6.6 A table showing the existing 2025-26 fees and proposed fees for 2026-27 is presented at **Annex 1**.

Fee model

- 6.7 The fee model sheets for the main Taxi fee increase, show officer cost and time in the validating, processing, issuing and enforcement cost where applicable. Sample sheets are shown at **Annex 2**.

Costs for plates, holders, and door insignia

- 6.8 The costs for plates, holders and door insignia are not set by the Licensing and Appeals Committee.
- 6.9 Any costs shown are the current manufacturer's costs and are subject to change anytime during the year, without reference to the Licensing and Appeals Committee.

7 Proposal

- 7.1 The proposed scale of fees for licences, consents and registrations set out in **Annex 1** of this report

8 Financial and Value for Money Considerations

- 8.1 As set out above

9 Risk Assessment

- 9.1 The recommended fee levels have been calculated in order to ensure that the service remains self-financing, whilst at the same time not making a profit.

10 Legal Implications

- 10.1 As set out above

11 Consultation and Communications

- 11.1 As set out above in 6.4 and 6.5, the agreed taxi fee increases will have to be published for taxi stakeholders to make comment or objection. If any objection is made, these will be considered at the next Licensing and Appeals Committee meeting scheduled for the 25 March 2026.

12 Implementation

- 12.1 Agreed fee increase will take effect from the 1 April 2026

13 Cross Cutting Issues

- 13.1 Following corporate guidelines for all of the charges included in this report has ensured a standard approach across different services

14 Climate Change and Biodiversity

- 14.1 A moderate source of emissions is likely to be maintained at current levels or increased.
- 14.2 The Taxi and Private Hire vehicle fleet is continually being renewed as older vehicles cannot be licenced after the age of ten years.

15 Equalities and Diversity

- 15.1 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.

16 Other If Relevant

- 16.1 None

Background Papers	Department of Transport statistics Home Office statistics
Annexes	Annex 1 – Proposed fees and charges for 2026/27 Annex 2 – Example of fee model calculation that is used to model fees

Annex 1 - Licensing Services Fees 2026/27



Notes:

- Licensing fees are set by Licensing and Appeals Committee under delegated powers. 2026/27 fees are presented to the Licensing and Appeals Committee on the 26 November 2025.
- All Taxi fees would need to go out on consultation for 4 weeks and advertised in local paper. If TMBC receives any objections, then a new Licensing and Appeals Committee will need to consider any objections made.
- Licensing Act 2003 fees are set by Central Government
- Gambling Act fees upper limits are set by Government – TMBC is at the top of the permitted fees we can charge.
- Animal licences are between one and three years depending on star rating granted on grant or renewal.

Current fees and charges – Taxi Licensing

Driver Licences – 3 years	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Hackney Carriage (New)	£250 Plus £49.50 DBS	£262 Plus £49.50 DBS	£271	£389*	
Private Hire (New)	£250 Plus £49.50 DBS	£262 Plus £49.50 DBS	£271	£298	
Dual	£280 Plus £49.50 DBS	£293 Plus £49.50 DBS	£271	£389*	£268
Hackney Carriage (Renewal)	£250 Plus £49.50 DBS	£262 Plus £49.50 DBS	£188	£380*	

Driver Licences – 3 years	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Private Hire (Renewal)	£250 Plus £49.50 DBS	£262 Plus £49.50 DBS	£188	£293	
Dual (Renewal)	£280 Plus £49.50 DBS	£293 Plus £49.50 DBS	£188	£380*	£261

* includes £27 to unmet demand survey plus £9 for maintenance of TV monitor

Vehicle Licences – one year	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Hackney Carriage (New)	£303*	£316*	£333	£347***	£345 (includes £30 to unmet demand survey)
Private Hire (New)	£293**	£305**	£304	£320	£304
Hackney Carriage (Renewal)	£281**	£293**	£333	£347***	£321 (includes £30 to unmet demand survey)
Private Hire (Renewal)	£281**	£293**	£304	£320	£281

* Includes cost of plates and door insignia in case of Hackney Carriage – (does not include plate holders)

** Includes cost of external and internal Plates - (does not include plate holders)

*** Includes £24.50 to unmet demand survey plus £8.50 for maintenance of TV monitor

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Plate Exempt Fee	£49	£51	£57		
Transfer from Hackney to Private Hire	£24	£25	£78	£74	£77
Transfer from Private Hire to Hackney	£24 + door stickers if needed	£25 + door stickers if needed	£99	£74	£77

Operator Licence	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
5 Year Licence – per vehicle	£95	£99	5 years - £766 (N)	5 years - £608 (N)	5 years - £681 (N)
During first year	£95	£99	5 years - £601 (R)	5 years - £510 (R)	5 years - £669 (R)
During second year	£75	£79	3 years - £547 (N)	3 years - £425 (N)	3 years - £453 (N)
During third year	£56	£59	3 years - £383 (R)	3 years - £345 (R)	3 years - £447 (R)
During fourth year	£38	£40	1 year - £332 (N)	1 year - £245 (N)	1 year - £251 (N)
During fifth year	£20	£21	1 year - £168 (R)	1 year - £162 (R)	1 year - £233 (R)
			(N)= New (R) = Renewal	(N)= New (R) = Renewal	(N)= New (R) = Renewal
Add or remove a name from a vehicle or operator licence	Add a name - £47, vehicle as above	Add a name - £49, vehicle as above			

Insurance Plates	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
(Hackney Carriage Vehicle)– first month	£70*	£73*	Up to two months is (£95)		Up to two months is (£81)
(Hackney Carriage Vehicle)– each additional month	£48	£50			
(Private Hire Vehicle) – first month	£61**	£63**			
(Private Hire Vehicle) – each additional month	£48	£50			

* Includes cost of external / internal Plates, Fare Chart and Insignia (does not include holders)

** Includes cost of external / internal Plates (does not include holders)

Additional Costs	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Driver Badge with plastic holder/lanyard & admin fee	£15.50	£16	£24	£12	£14
Driver Badge with admin fee only (no holder)	£14.50	£15		£14	
Plastic holder for Driver Badge & Lanyard only	£1.50	£2			
Change of driver type	Admin + difference + new badge	Admin + difference + new badge	£54		
Change of Ownership of licensed vehicle	£24	£25	£27	£27	£27

Additional Costs	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Duplicate paper licence	£13.50	£14	£13	£14	£14
Change of name and address (driver badge not included)	£14	£15	£25		£25
Replace internal plate holder	£2.50	£3		£2	£2
Vehicle exemption certificate	£49	£51		£56	£58

Knowledge Test	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Attempting knowledge test	£65	£68	£53	£40	£60
Attempting knowledge test again after first failure	£65	£68	£53	£40	£60

Current fees and charges - Administration Fees

Administration charges	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
General	£47	£49	£30	£51	£31
Transfer of Vehicle	£24	£25	£27		£27
Change of name / address	£14	£15	£25	£13	£13
Change of name / address for a drivers badge	£14	£15		£25	£25
Copy of existing paper licence	£13.50	£14	£13	£14	£14

A judgment of the Supreme Court in a case involving Westminster City Council has provided further clarification of the type of costs which may be taken into account when setting fees, and when fees may be payable. Pending further guidance from the European Court of Justice, the judgment of the Supreme Court established that a licensing regime may operate on the basis that an applicant must pay:

- i. on making the application, the costs of the application process and,
- ii. on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.

The following fees and charges are therefore broken down into Part A (the cost of making the application) and Part B (the fee covering costs of running the licensing regime due when the application is successful).

Current fees and charges - Scrap Metal Dealers

Scrap Metal Dealers	2025-26			2026-27		
	Part A Fee	Part B Fee	Total Fee	Part A Fee	Part B Fee	Total Fee
Scrap Metal – Mobile Collectors Licence (new and renewal)	£92	£265	£357	£96	£275	£371
Scrap Metal –Site Licence	£123	£355	£478	£128	£369	£497
Scrap Metal – Renewal of Site Licence	£111	£318	£429	£115	£331	£446

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Scrap Metal – Mobile Collectors Licence (new and renewal) (Total)	£357	£371		£353	£364
Scrap Metal –Site Licence (Total)	£478	£497	£590	£578	£593
Scrap Metal – Renewal of Site Licence (Total)	£429	£446	£498	£491	
Admin change to licence	£47	£49	£40	£38	£40

Current fees and charges – Film classification

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Film classification	£80 per hour	£83 per hour		£80	£86 per hour

Current fees and charges - Street Trading Consents

Street Trading consents	2025-26			2026-27		
	Part A Fee	Part B Fee	Total Fee	Part A Fee	Part B Fee	Total Fee
Fixed pitch – annual consent	£112	£321	£433	£122	£330	£452
Fixed pitch – monthly consent	£72	0	£72	£75	0	£75
Fixed Pitch 1 – 7 days	£21	0	£21	£22	0	£22

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Initial application				Consultation application fee (applies to full year applications only) £172	£81
Annual Pitch fee (total)	£433	£452		Up to 12 trading days £37 Full years consent £292	£33

Current fees and charges - Sex Establishments

Sex Establishment	2025-26			2026-27		
	Part A Fee	Part B Fee	Total Fee	Part A Fee	Part B Fee	Total Fee
Sex Establishments: sex shop or sex cinema	£1000	£1000	£2000	£1040	£1040	£2080

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Sex Establishments: sex shop or sex cinema (Total)	£2000	£2080		£5338	£2826

Current fees and charges – Boating licences

	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Pleasure boats	£190	£198		£159	
Boatman	£37	£38		£19	
Row boats	£37	£38		£32	

Current fees and charges – pre-application advice

			2026-27	Sevenoaks	Maidstone	Tunbridge Wells
	Small application - up to one hour of advice		£62		Up to 1 hour £80	Up to 1 hour £80
	Medium application - up to two hours advice		£135		Site visit 1 hour – £100	Site visit 1 hour – £107
	Large application - up to four hours advice		£260		Minor variations – £38	Minor variations – £38
	Events up to 1000 capacity includes the cost of specialist officers and site visits.		£374		Assisting and completing applications and advice for Transfer/Variation of DPS / Personal Licence – £40 TEN - £15	
	Events between 1001 and up to 1999 capacity includes the cost of specialist officers and site visits.		£520			
	Events between 2000 and up to 4999 capacity includes the cost of specialist officers and site visits.		£728			
	Events 5000 people or more includes the cost of specialist officers and site visits.		£1,040			

Current fees and charges – Hypnotism License and Cosmetic procedures

Hypnotism licence	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Hypnotism licence	£36	£37			

	2025-26	2026-27
Acupuncture, electrolysis and ear piercing (premises and 1 practitioner)	£180	£187
Cosmetic piercing, tattooing, semi-permanent make up (premises and 1 practitioner)	£206	£214
Additional treatments at same premises when applied for at the time of original application	£57	£59
Additional practitioners at same premises	£57	£59

Animal Welfare Licensing

Animal Welfare Licensing Fees –

This new fee table spits out the fees into 9 Groups

Animal Welfare Licences	2025-26			2026-27		
	Part A	Part B	Total	Part A	Part B	Total
GROUP 1 Provision of Boarding for Cats Provision of Boarding for Dogs in Kennels Home Boarders (1 to 5 boarded dogs) Dog Day Care (1 to 5 day care dogs) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£409	£221	£630	£425	£230	£655
GROUP 2 Home Boarders (6 or more boarded dogs) Dog Day Care (6 or more day care dogs) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£460	£233	£693	£479	£242	£721
GROUP 3 Dog breeders (1 to 5 breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£470	£232	£702	£489	£241	£730

Animal Welfare Licences	2025-26			2026-27		
GROUP 4 Dog breeders (6 or more breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£490	£246	£736	£509	£256	£765
GROUP 5 Hiring Out Horses Plus initial & 12 monthly veterinary fees based upon an hourly rate (including travel time)	£440	£245	£685	£457	£255	£712
GROUP 6 Selling Animals as Pets (Domestic or Small Shop unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£397	£175	£572	£413	£182	£595
GROUP 7 Selling Animals as Pets (Retail Estate unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£429	£217	£646	£446	£226	£672
GROUP 8 Keeping or Training Animals for Exhibition All licences last for 3 years Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£388	£173	£561	£403	£180	£583

Animal Welfare Licences	2025-26			2026-27		
GROUP 9 Franchises						
Franchise/arranger licence with boarding themselves	£650					£676
Franchise/arranger fee without boarding themselves	£550					£572
Plus veterinary fees based upon an hourly rate (including travel time) if necessary						
Each Host	£85					£88

This new fee tables spits out the fees into 9 Groups

Animal Welfare Licences	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
GROUP 1 (Total)	£630	£655	£651		
Provision of Boarding for Cats					
Provision of Boarding for Dogs in Kennels					
Home Boarders (1 to 5 boarded dogs)					
Dog Day Care (1 to 5 day care dogs)					
Plus veterinary fees based upon an hourly rate (including travel time) if necessary					

Animal Welfare Licences	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
GROUP 2 (Total) Home Boarders (6 or more boarded dogs) Dog Day Care (6 or more day care dogs) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£693	£721	£597		
GROUP 3 (Total) Dog breeders (1 to 5 breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£702	£730	£621	£750	
GROUP 4 (Total) Dog breeders (6 or more breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£736	£765		£785	
GROUP 5 (Total) Hiring Out Horses Plus initial & 12 monthly veterinary fees based upon an hourly rate (including travel time)	£685	£712	£657-£760	£845	

Animal Welfare Licences	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
GROUP 6 (Total) Selling Animals as Pets (Domestic or Small Shop unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£572	£595	£651	£785	
GROUP 7 (Total) Selling Animals as Pets (Retail Estate unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£646	£672			
GROUP 8 (Total) Keeping or Training Animals for Exhibition All licences last for 3 years Plus veterinary fees based upon an hourly rate (including travel time) if necessary	£561	£583	£597	£655	£856

Animal Welfare Licences	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
GROUP 9 Franchises (Total)					
Franchise/arranger licence with boarding themselves	£650	£676			
Franchise/arranger fee without boarding themselves	£550	£572			
Plus veterinary fees based upon an hourly rate (including travel time) if necessary					
Each Host	£85	£88			£76

Animal Welfare Misc	2025-26	2026-27	Sevenoaks	Maidstone	Tunbridge Wells
Variation	£40	£42			£42
Pre- application advice per hour	£60	£62			£42
Dangerous Wild Animals (New application)		£550	£720	£210	£767
Dangerous Wild Animals (Renewal with no changes)		£450			
Primate licence (new legislation coming into force) new and renewal		£350			
Zoos *number of animal types	£820	£853		2-10* £720 10+* £1220	£1754

Gambling Act 2005 Fees

<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500

<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

Note: Tonbridge & Malling Borough Council are already charging the maximum per licence as allowed under the Gambling Act 20

Driver badge

SLO
LO

Legal TMBC
Committee
Fin

Annex 2

← Officer rates per hour

telephone costs
Documents cost
Financial admin

	SLO	LO	legal	COM	Fin	SLO	LO	legal	COM	Fin	total TMBC 4 7 10
	Time					Cost					
Assistance to applicant	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64
Knowledge Test	0.4	0.3				£22.72	£12.42	£0.00	£0.00		£35.15
Check information NR3 Check	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56
Medical checks	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64
DVLA / Tax and right to work check	0.25	0.25				£14.20	£10.35				£24.56
DBS appointment	0.25	0.25				£14.20	£10.35				£24.56
process application fee	0.1	0.2			0.1	£5.68	£8.28	£0.00	£0.00		£13.96
load application onto computer	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56
Print card / paper licence	0.1	0.2				£5.68	£8.28	£0.00	£0.00		£13.96
contact applicant to clarify details						£0.00	£0.00	£0.00	£0.00		£0.00
Office - overheads (In salary costs)											£0.00
representations						£0.00	£0.00	£0.00	£0.00		£0.00
negotiation						£0.00	£0.00	£0.00	£0.00		£0.00
inspection visit						£0.00	£0.00	£0.00	£0.00		£0.00
Enforcement	0	0				£0.00	£0.00	£0.00	£0.00		£0.00
determine application	0.22	0.22				£12.50	£9.11	£0.00	£0.00		£21.61
sub total	2.22	2.32	0	0		£126.12	£96.07	£0.00	£0.00		£253.54
hearing to be arranged	2.2	0.5				£124.98	£20.71	£0.00	£0.00		£145.69
determine application - Hearing	3	1	3	3		£170.43	£41.41	£223.08	£168.72		£603.64
notify relevant persons	0.5	0.5	0.03	0.03		£28.41	£20.71	£2.23	£1.69		£53.03
application granted	0.75	0.25				£42.61	£10.35	£0.00	£0.00		£52.96
update register		0.25				£0.00	£10.35	£0.00	£0.00		£10.35
hearing & Members allowance											
sub total						£492.54	£199.60	£225.31	£170.41		£855.32
application rejected - prepare for an appeal	20	2	12	1		£1,136.20	£82.82	£892.32	£56.24		£2,167.58
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£966.68	£0.00		£966.68
post appeal hearing		2.5	2	0		£0.00	£103.53	£148.72	£0.00		£252.25
total	28.67	9.32	30.03	4.03		£1,628.74	£385.94	£2,233.03	£226.65		£3,386.51
							£427.66	£1,693.25			

2025/26 Fee
£250.00

Proposed fee 2026/27

£253.54
£8.55
£262.10

Round Number
£262

1%

Street Trading

SLO
LO

Legal TMB
Committee
Fin



Annex 2

telephone costs
Documents cost
Financial admin
production of information documentation
/ awareness

	SLO	LO	legal	SLO	LO	legal	COM	Fin	total TMB 4 7 10
	Time			Cost					
Assistance to applicant	0.5	0.75		£28.41	£31.06	£0.00	£0.00		£59.46
Validate application	0.25	1		£14.20	£41.41	£0.00	£0.00		£55.61
				£0.00	£0.00	£0.00	£0.00		£0.00
Process application	0.5	1		£28.41	£41.41	£0.00	£0.00		£69.82
Consider representations	0.5	0.5		£28.41	£20.71				£49.11
				£0.00	£0.00				£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
Office - overheads (In salary costs)									£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
inspection site visit	1.5	1.5		£85.22	£62.12	£0.00	£0.00		£147.33
Enforcement				£0.00	£0.00	£0.00	£0.00		£0.00
				£0.00	£0.00	£0.00	£0.00		£0.00
determine application	0.5	0.5		£28.41	£20.71	£0.00	£0.00		£49.11
sub total	3.75	5.25	0	£213.04	£217.40	£0.00	£0.00		£451.44

Proposed fee		
TMB		
Period	Cost	Fee
Year	£451.44	£452.00
Month		£75.00
1 - 7 day		£22.00

Dual Driver badge

SLO
LOLegal TME
Committee
Fin

← Officer rates per hour

telephone costs
Documents cost
Financial admin
production of information documentation /
awareness

SLO	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	total	TMBC
										4	
										7	
										10	

	Time					Cost					
Assistance to applicant	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64
Knowledge Test	0.4	0.3				£22.72	£12.42	£0.00	£0.00		£35.15
Check information NR3 Check	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56
Medical checks	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64
DVLA / Tax and right to work check	0.25	0.25			0.1	£14.20	£10.35	£0.00	£0.00		£24.56
DBS appointment	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56
process application fee	0.1	0.2				£5.68	£8.28	£0.00	£0.00		£13.96
load application onto computer	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56
Print card / paper licence	0.1	0.2									£22.00
contact applicant to clarify details											£0.00
Office - overheads (In salary costs)						£0.00	£0.00	£0.00	£0.00		£0.00
representations						£0.00	£0.00	£0.00	£0.00		£0.00
negotiation						£0.00	£0.00	£0.00	£0.00		£0.00
inspection visit						£0.00	£0.00	£0.00	£0.00		£0.00
Enforcement	0	0				£0.00	£0.00	£0.00	£0.00		£0.00
determine application	0.22	0.22				£12.50	£9.11	£0.00	£0.00		£21.61
Premium for driving PHV or HCV											£23.00
sub total	2.22	2.32	0	0		£107.94	£78.68	£0.00	£0.00		£284.58
hearing to be arranged	2.2	0.5				£124.98	£20.71	£0.00	£0.00		£145.69
determine application - Hearing	3	1	3	3		£170.43	£41.41	£223.08	£168.72		£603.64
notify relevant persons	0.5	0.5	0.03	0.03		£28.41	£20.71	£2.23	£1.69		£53.03
application granted	0.75	0.25				£42.61	£10.35	£0.00	£0.00		£52.96
update register		0.25				£0.00	£10.35	£0.00	£0.00		£10.35
hearing & Members allowance											
sub total						£474.36	£182.20	£225.31	£170.41		£855.32
application rejected - prepare for an appeal	20	2	12	1		£1,136.20	£82.82	£892.32	£56.24		£2,167.58
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£966.68	£0.00		£966.68
post appeal hearing		2.5	2	0		£0.00	£103.53	£148.72	£0.00		£252.25
total	28.67	9.32	30.03	4.03		£1,610.56	£368.55	£2,233.03	£226.65		£3,386.51
							£427.66		£1,693.25		

2025/26
Fee

£280.00

Proposed fee
2026/27

£284.58

£8.55

£293.13

Round
Number

£293

1%

Vehicles - renewals

SLO
LOLegal TME
Committee
Fin

← Officer rates per hour

	SLO	LO	legal	COM	Fin	SLO	LO	legal	COM	Fin	total	TMBC
telephone costs												4
Documents cost												7
Financial admin												10
	Time					Cost						
Assistance to applicant	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64	
						£0.00	£0.00	£0.00	£0.00		£0.00	
Check information	0.25	0.5				£14.20	£20.71	£0.00	£0.00		£34.91	
Pairing up garage documentation	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56	
process application fee	0.1	0.2			0.1	£5.68	£8.28	£0.00	£0.00		£13.96	
load application onto computer	0.25	0.5				£14.20	£20.71	£0.00	£0.00		£34.91	
Printplates / paper licence	0.2	0.25				£11.36	£10.35	£0.00	£0.00		£21.71	
contact applicant to clarify details						£0.00	£0.00	£0.00	£0.00		£0.00	
Office - overheads												
Cost of plates						£0.00	£0.00	£0.00	£0.00		£8.50	
negotiation						£0.00	£0.00	£0.00	£0.00		£0.00	
inspection visit						£0.00	£0.00	£0.00	£0.00		£0.00	
Enforcement	0.7	0.85				£39.77	£35.20	£0.00	£0.00		£74.97	
determine application	0.2	0.2				£11.36	£8.28	£0.00	£0.00		£19.64	
sub total	2.15	2.95	0	0		£122.14	£122.16	£0.00	£0.00		£284.15	
hearing to be arranged	2.2	0.5				£124.98	£20.71	£0.00	£0.00		£145.69	
determine application - Hearing	3	1	3	3		£170.43	£41.41	£223.08	£168.72		£603.64	
notify relevant persons	0.5	0.5	0.03	0.03		£28.41	£20.71	£2.23	£1.69		£53.03	
application granted	0.75	0.25				£42.61	£10.35	£0.00	£0.00		£52.96	
update register		0.25				£0.00	£10.35	£0.00	£0.00		£10.35	
hearing & Members allowance												
sub total						£488.57	£225.68	£225.31	£170.41		£855.32	
application rejected - prepare for an appeal	20	2	12	1		£1,136.20	£82.82	£892.32	£56.24		£2,167.58	
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£966.68	£0.00		£966.68	
post appeal hearing		2.5	2	0		£0.00	£103.53	£148.72	£0.00		£252.25	
total	28.6	9.95	30.03	4.03		£1,624.77	£412.03	£2,233.03	£226.65		£3,386.51	
							£427.66	£1,693.25				

2025/26
Fee

£281.00

Proposed fee 2026/27

£284.15

£8.55

£292.71

Round number

£293

1%

Vehicles -new - Hackney

SLO
LOLegal TME
Committee
Fin

← Officer rates per hour

	SLO	LO	legal	COM	Fin	SLO	LO	legal	COM	Fin	total	TMBC
telephone costs												4
Documents cost												7
Financial admin												10
	Time					Cost						
Assistance to applicant	0.25	0.25				£14.20	£10.35	£0.00	£0.00			£24.56
						£0.00	£0.00	£0.00	£0.00			£0.00
Check information	0.4	0.5				£22.72	£20.71	£0.00	£0.00			£43.43
Pairing up garage documentation	0.25	0.25				£14.20	£10.35	£0.00	£0.00			£24.56
process application fee	0.1	0.2			0.1	£5.68	£8.28	£0.00	£0.00			£13.96
load application onto computer	0.25	0.5				£14.20	£20.71	£0.00	£0.00			£34.91
Printplates / paper licence	0.15	0.25				£8.52	£10.35	£0.00	£0.00			£18.87
contact applicant to clarify details						£0.00	£0.00	£0.00	£0.00			£0.00
Office - overheads												
Cost of plates						£0.00	£0.00	£0.00	£0.00			£9.00
Door Insignia						£0.00	£0.00	£0.00	£0.00			£9.00
inspection visit						£0.00	£0.00	£0.00	£0.00			£0.00
Enforcement	0.85	0.85				£48.29	£35.20	£0.00	£0.00			£83.49
determine application	0.25	0.25				£14.20	£10.35	£0.00	£0.00			£24.56
sub total	2.5	3.05	0	0		£142.03	£126.30	£0.00	£0.00			£307.33
hearing to be arranged	2.2	0.5				£124.98	£20.71	£0.00	£0.00			£145.69
determine application - Hearing	3	1	3	3		£170.43	£41.41	£223.08	£168.72			£603.64
notify relevant persons	0.5	0.5	0.03	0.03		£28.41	£20.71	£2.23	£1.69			£53.03
application granted	0.75	0.25				£42.61	£10.35	£0.00	£0.00			£52.96
update register		0.25				£0.00	£10.35	£0.00	£0.00			£10.35
hearing & Members allowance												
sub total						£508.45	£229.83	£225.31	£170.41			£855.32
application rejected - prepare for an appeal	20	2	12	1		£1,136.20	£82.82	£892.32	£56.24			£2,167.58
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£966.68	£0.00			£966.68
post appeal hearing		2.5	2	0		£0.00	£103.53	£148.72	£0.00			£252.25
total	28.95	10.05	30.03	4.03		£1,644.65	£416.17	£2,233.03	£226.65			£3,386.51
						£427.66	£1,693.25					

2025/26 fee
£303.00

Proposed fee 2026/27

£307.33
£8.55
£315.88Round number
£316

1%

Vehicles -new - Private Hire

SLO
LO

Legal TME
Committee
Fin

← Officer rates per hour

telephone costs
Documents cost
Financial admin
production of information
documentation / awareness

	SLO	LO	legal	COM	Fin	SLO	LO	legal	COM	Fin	total	TMBC
											4	7
											10	

	Time					Cost						
Assistance to applicant	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56	
Updating Operator licence						£0.00	£0.00	£0.00	£0.00		£0.00	
Check information	0.25	0.5				£14.20	£20.71	£0.00	£0.00		£34.91	
Pairing up garage documentation	0.25	0.25				£14.20	£10.35	£0.00	£0.00		£24.56	
process application fee	0.1	0.2			0.1	£5.68	£8.28	£0.00	£0.00		£13.96	
load application onto computer	0.25	0.5				£14.20	£20.71	£0.00	£0.00		£34.91	
Printplates / paper licence	0.15	0.25				£8.52	£10.35	£0.00	£0.00		£18.87	
contact applicant to clarify details						£0.00	£0.00	£0.00	£0.00		£0.00	
Office - overheads												
Cost of plates						£0.00	£0.00	£0.00	£0.00		£8.00	
negotiation						£0.00	£0.00	£0.00	£0.00		£0.00	
inspection visit						£0.00	£0.00	£0.00	£0.00		£0.00	
Enforcement	0.85	0.85				£48.29	£35.20	£0.00	£0.00		£83.49	
determine application	0.2	0.25				£11.36	£10.35	£0.00	£0.00		£21.71	
sub total	2.3	3.05	0	0		£130.66	£126.30	£0.00	£0.00		£296.32	
hearing to be arranged	2.2	0.5				£124.98	£20.71	£0.00	£0.00		£145.69	
determine application - Hearing	3	1	3	3		£170.43	£41.41	£223.08	£168.72		£603.64	
notify relevant persons	0.5	0.5	0.03	0.03		£28.41	£20.71	£2.23	£1.69		£53.03	
application granted	0.75	0.25				£42.61	£10.35	£0.00	£0.00		£52.96	
update register		0.25				£0.00	£10.35	£0.00	£0.00		£10.35	
hearing & Members allowance												
sub total						£497.09	£229.83	£225.31	£170.41		£855.32	
application rejected - prepare for an appeal	20	2	12	1		£1,136.20	£82.82	£892.32	£56.24		£2,167.58	
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£966.68	£0.00		£966.68	
post appeal hearing		2.5	2	0		£0.00	£103.53	£148.72	£0.00		£252.25	
total	28.75	10.05	30.03	4.03		£1,633.29	£416.17	£2,233.03	£226.65		£3,386.51	

2025/26 fee
£293.00

Proposed fee 2026/27

£296.32
£8.55
£304.87

Round number
£305

1%

Licensing and Appeals Committee

26 November 2025

Part 1 - Public

Matters for Decision Under Delegated Powers



Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Environmental Health
Report Author	Crispin Kennard, Interim Regulatory Services Manager

Sex Establishments and Sexual Entertainment Venues – Policy Review 2026-2031

1 Summary and Purpose of Report

- 1.1 The current Policy on Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues has been reviewed. There have been no legislative updates, however following recent case law it is proposed to consult on renewing the current policy which will then run for five years.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective Council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the Borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 Members are recommended to approve the Policy at **Annex 1** for public consultation. Any objections will be brought to the Committee for discussion in March 2026.
- 3.2 If no responses to the consultation are received, policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

4 Introduction and Background

- 4.1 Tonbridge & Malling Borough Council currently has one licensed Sex Shop, trading in Aylesford. There are no Sex Cinemas or Sexual Entertainment Venues currently operating within the Borough.

- 4.2 Since November 2005, the Licensing Act 2003 has required a wide range of regulated entertainment to be licensed by the Council acting as the Licensing Authority. This includes live and recorded music as well as dancing and dance performances.
- 4.3 Members will be familiar with the restrictions in the 2003 Act, which mean that any representation against a Premises licence and Club Premises Certificate can only be based on the four licensing objectives namely:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - The protection of public safety
 - The protection of children from harm

Whilst licences can be subject to review procedures, they otherwise continue in force for the life of the business concerned.

- 4.4 Sex shops and sex cinemas, in contrast, are licensed under the Local Government (Miscellaneous Provisions) Act 1982. This regime gives the Licensing Authority a wider discretion in determining whether to grant or refuse licences (including the statutory grounds for refusal), a power to set a limit on the number of premises that may be suitable for a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for a year at a time, meaning there is scope for regular review.
- 4.5 These concerns were addressed by amending Schedule 3 to the 1982 Act through Section 27 of the Policing and Crime Act 2009. A new class of licensed sex establishment – Sexual Entertainment Venues (SEVs) – was created which required lap dancing venues and similar premises to be licensed under the more flexible 1982 Act rather than under the Licensing Act 2003.
- 4.6 In 2011 Tonbridge and Malling Borough Council consulted local residents and businesses on whether the Council should adopt the new powers to regulate sexual entertainment venues contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 4.7 The overwhelming view of respondents was that the Council should adopt the new provisions. Accordingly, on 23 February 2012 Council resolved to adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. These adopted provisions came into effect on 1 June 2012.

- 4.8 The decision to adopt the new provision only related to relevant adult entertainment. Any other licensable activity at a venue such as alcohol sales and late night refreshment remains licensable under the Licensing Act 2003.
- 4.9 The provisions of Schedule 3 to the 1982 Act allow -
- Local people to oppose an application for a sexual entertainment venue if they have legitimate concerns that it would be inappropriate given the character of an area, for example, if the area was primarily a residential area. An objection cannot however be made on purely moral or religious grounds.
 - Local authorities to decide whether or not to set a limit on the number of sex establishments of a particular type in a locality, as well as the number of sex establishment generally. The limit for a particular locality may be set as nil, but it is however unlikely that a local authority could set the limit as nil for the whole of its area without running the risk of judicial review.

Development of the Statement of Licensing Policy

- 4.10 The Tonbridge and Malling Borough Council's Statement of Licensing Policy on Sex Shops, Sex Cinemas and SEVs was developed in close conjunction with the other local authorities in Kent. This was achieved via the mechanism of the Kent and Medway Regulatory Licensing Steering Group.
- 4.11 The current policy was developed taking full account of the requirements of the legislation and guidance so as to minimise the prospect of future judicial review.
- 4.12 The aim of the joint working group was to promote consistency to the benefit of Licensees, potential licensees, businesses, residents and to regulatory agencies such as the police.
- 4.13 The policy is attached as **Annex 1** to this report, with a pool of model conditions attached at **Annex 2**. Whilst not exhaustive, it is hoped this will guide both applicants and the public regarding what would generally be expected from anyone seeking a sex establishment licence from this authority.
- 4.14 The policy provides that each application will be judged on its own merits but taking into account the various criteria laid out within the policy document. In this way each application will be considered as to whether it is suitable given the nature of the particular locality in question.
- 4.15 There have been no recent changes which require amendments to the policy at this time, however given the policy is now three years old it is recommend a public consultation is undertaken prior to being renewed.

5 Proposal

- 5.1 It is proposed to put the policy on Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues as shown at **Annex 1** out for public consultation ultimately running for five years.

Consultation timetable

- 5.1.1 The proposed timetable for consultation in respect of the policy is:

- Licensing and Appeals Committee – 26th November 2025
- Public Consultation – 1st December – 27th February 2026
- Responses to Licensing and Appeals Committee 25th March 2026
- Council – 21st April 2026
- New policy comes into force – May 2026

- 5.1.2 A feedback form for use during the consultation is shown at **Annex 3**

- 5.1.3 As per recommendations, should no responses be received policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

6 Other Options

- 6.1 It is an option that this Policy could be renewed as is without the need for public consultation.

7 Financial and Value for Money Considerations

- 7.1 There are no statutory fees for sex establishments or sexual entertainment venues. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.
- 7.2 The current licence fee for a sex shop, sex cinema or sexual entertainment venue is £2,000 (with proposals in place to raise this to £2080 from 1st April 2026 following the annual review of fees and charges).

8 Risk Assessment

- 8.1 The retention and suitable updating of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

9 Legal Implications

- 9.1 There is no statutory requirement to have a licensing policy for sex establishments. However, it is considered best practice and also an effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications for sex establishments, the application process itself and the grounds for objection, refusal, the hearings procedure and the grounds for appeal.
- 9.2 Any criteria applicable to applications for sex establishments must meet the requirements of the Provision of Services Regulations 2009. It is considered that the policy complies with these regulations.

10 Consultation and Communications

- 10.1 The proposal is to consult on renewing the existing policy for five years (2026-31).

11 Implementation

- 11.1 If the recommendations are agreed the existing policy will be consulted on and any comments/objections brought to the next Committee for discussion prior to the policy being renewed for five years.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

- 12.1.1 Limited or low impact on emissions and environment.

- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

- 12.2.1 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.

12.3 Other If Relevant

- None

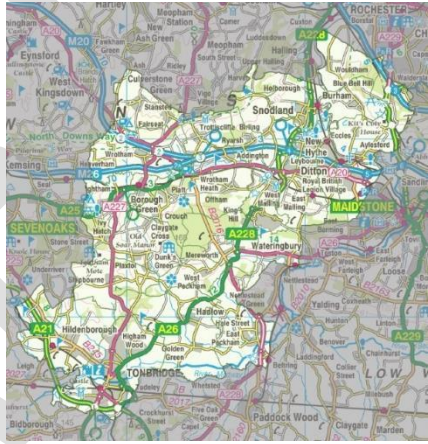
Background Papers	None
Annexes	Annex 1 – SEV Policy Annex 2 – Pool of draft conditions Annex 3 – Feedback form

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Tonbridge & Malling Borough Council's
Policy on Licensing Sex Shops, Sex
Cinemas and Sexual Entertainment
Venues
2026 – 2031

1 INTRODUCTION

- 1.1 The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest, the remainder of the borough is dotted with villages and smaller towns. The latest population figures from the mid-2024 Mid-year population estimates show that there are 136,900 people living in the borough. This population size makes Tonbridge & Malling the 6th largest local authority district in the Kent County Council (KCC) area (Kent Analytics Statistical Bulletin August 2025).
- 1.2 Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Paper and packaging mills, distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high-tech development, particularly at the Kings Hill business and residential community.
- 
- 1.3 Tonbridge & Malling has a younger age profile compared to the county average, with a greater proportion of 5 – 19-year-olds than the average for the KCC area. Tonbridge & Malling also has a higher proportion of middle-aged residents, aged between 45 and 59 compared to the county average.
- 1.4 Over the past 10 years Tonbridge & Malling's population has grown by 9% (an additional 12,300 people). This is the 6th highest rate of growth of any Kent district. The population growth in Tonbridge & Malling is set to continue with current forecasts suggesting that between 2024 and 2037 the population of the borough will increase by a further 14.2%.
- 1.5 88% of Tonbridge & Malling's population is of white British ethnic origin with the remaining 12% being classified as ethnic minorities (Census 2021). The proportion of Tonbridge and Malling's population classified as minority ethnic is lower than the county average of 17.4%.

2 OVERVIEW

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) provides that a local authority may, by resolution, adopt schedule 3 to that Act.
- 2.2 Tonbridge and Malling Borough Council consulted local residents and businesses on whether the Council should adopt the new powers to regulate sexual entertainment venues contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') between the 1 September 2011 and 14 October 2011.
- 2.3 The overwhelming view expressed by respondents was that the Borough Council should adopt the new provisions. Accordingly, the sexual entertainment licensing provisions contained in the 1982 Act were adopted at Full Council on Thursday 23 February 2012. These provisions came into effect on 1 July 2012.
- 2.4 Premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the 1982 Act) do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment then this is not a provision of relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.
- 2.5 In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.6 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of

relevant entertainment be regulated entertainment under the Licensing Act 2003.

3 POLICY

3.1 The purpose of this policy is to:

- Set out the expectations of Tonbridge and Malling Borough Council in relation to the licensing of sexual entertainment venues, sex shops and sex cinemas
- The process for making an application
- The process the Council will follow in considering and determining an application.
- Assist any persons making representations in respect of an application to make a properly directed and evidenced representation.

3.2 Notwithstanding this policy, each application will be assessed on its individual merit. Whilst this policy will set out the broad scope of the Council's expectations, it should not be seen as restricting or predetermining the outcome of any application or representation in respect of the licensing of any premises.

4 DEFINITIONS

4.1 For the purpose of this policy the following definitions (as set out in the 1982 Act) will apply:-

Sex Shop

4.2 Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles (anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity) or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

4.3 Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or primarily deal with or relate to, genital organs or urinary or excretory functions but does not include a dwelling to which the public is not admitted.

Sexual Entertainment Venue

4.4 Any premises at which relevant entertainment is provided before a live

audience for the financial gain of the organiser or the entertainer.

5 RELEVANT ENTERTAINMENT

- 5.1 Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 5.2 The following forms of entertainment will therefore fall within the definition of 'Regulated entertainment',
- Lap Dancing
 - Pole Dancing
 - Table Dancing
 - Strip Shows
 - Peep Shows
 - Live Sex Shows
- 5.3 However, this list is not exhaustive, and Tonbridge and Malling Borough Council will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

6 EXEMPTIONS FROM BEING A SEXUAL ENTERTAINMENT VENUE

- 6.1 The following are not sexual entertainment venues for the purposes of this policy:-
- a) sex cinemas and sex shops
 - b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
 - I. there have not been more than eleven occasions on which relevant entertainment has been provided which fall (wholly or partly) within the period of 12 months ending with that time
 - II. no such occasions has lasted for more than 24 hours and
 - III. no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasions falls within the 12 month period mentioned in subparagraph (I)).
- 6.2 Premises which fall under this exemption created for infrequent entertainment do not require a sexual entertainment licence but will instead need an appropriate authorisation under the Licensing Act 2003. For example, to cover the performance of dance.

6.3 Operators are encouraged to maintain written records of any relevant entertainment that falls within the exemption. This will enable the Licensing Authority to verify whether the venue falls within the permitted exemption.

6.4 Any records should contain information of the date, times of the event and those persons who have participated in the relevant entertainment, which includes performers, security, management and bar staff. If tickets are sold then details should be recorded of the number of tickets sold at each event.

7 NUDITY

7.1 Schedule 3 of the 1982 Act sets out the definition of a display of nudity:

- in the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and
- in the case of a man it means exposure of his pubic area, genitals or anus

8 SPONTANEOUS ENTERTAINMENT

8.1 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

9 THE ORGANISER

9.1 Any person who is responsible for the organisation or management of the relevant entertainment at a premises at which relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

9.2 The organiser must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one

person who is responsible for the organisation or management of the relevant entertainment or the premises.

10 PLANNING

- 10.1 Applicants are encouraged to ensure that the proposed activity will constitute a lawful planning use and the hours sought do not exceed those authorised by any planning permission. Where the hours authorised by the relevant planning permission are different to the licensing hours for those premises, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 10.2 Failure to obtain planning permission (where required) is not a ground for refusal of the grant of an application under the 1982 Act and such a failure to obtain planning permission will be dealt with as part of the planning process.
- 10.3 The Borough Council will not normally consider planning matters such as 'need' in determining a licence application as this is more appropriately dealt with by the planning process.

11 EUROPEAN CONVENTION ON HUMAN RIGHTS

- 11.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Council will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights.

Article 6 – in the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law

Article 8 – Right to a Private Life

Article 10 – freedom of expression

Article 1 of the First Protocol – every person is entitled to the peaceful enjoyment of his or her possessions

12 LOCALITY, CHARACTER AND LAYOUT

- 12.1 Paragraphs 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a

particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made.

12.2 Schedule 3 to the 1982 Act defines 'relevant locality' as follows:

- In relation to premises the locality where they are situated.
- In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

12.3 Once the Borough Council has determined the relevant locality, it will seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

12.4 The Borough Council has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each application it receives on its own individual merits.

12.5 In licensing of sexual entertainment venues the Borough Council will consider the impact of such premises and their operation on the vicinity. This will include:

- The likely effects of any increased footfall or vehicular traffic,
- Any advertising or displays of an erotic or pseudo-erotic nature,
- The type of location (residential, commercial, industrial),
- The vicinity of establishments whose patrons are likely to be effected by the operation of the premises,
- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people,
- The proximity of educational establishments to the premises,
- The proximity of places of worship to the premises,
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises,
- The proximity to shopping centres,
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive),
- The proximity to historic buildings and tourist attractions,
- Localities where the cumulative impact of the venue, taken with

other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance,

- The nature and concerns of any objections received from residents or businesses,
- Any evidence of complaints about noise and/or disturbance caused by the premises,
- The proximity of other sex establishments.

12.6 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the following,

- The type of activity to which the application relates
- The duration of the proposed licence
- The days and hours of operation of the activity
- The layout and condition of the premises
- The use to which other premises in the vicinity are put
- The levels of crime and disorder in the area.

12.7 Sex establishments should not be functionally visible to passersby on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

13 WAIVERS

13.1 The Borough Council may waive the need for a sex entertainment venue licence under certain circumstances.

13.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The Borough Council may grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. The waiver may last for such a period that the Borough Council think fit but can be terminated by the Council at any time with 28 days notice.

13.3 The Borough Council will consider waiver applications on an individual basis.

14 APPLICATION PROCESS

14.1 The Borough Council may impose restrictions on the licence or to place conditions on the licence. Where such restrictions or conditions are applied, the Borough Council will ensure that they are necessary, reasonable and proportionate to achieve the objectives of any primary legislation, in particular the 1982 Act and any subsequent, relevant legislation.

14.2 The Borough Council will consider,

- The locality, character and layout of the premises including access
- The times of operation
- The suitability of the applicant
- The cumulative impact of the premises when taken together with other licensed premises in the locality.
- The management procedure in place to ensure the premises is operated in a way conducive to the area.

The above list is not exclusive, and the Borough Council may consider other factors where relevant to the particular application.

- 14.3 Applications for licenses for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by:
- i. The relevant fee;
 - ii. A site plan of radius of $\frac{1}{4}$ of a mile (scale 1:500) clearly showing the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.5;
 - iii. A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar
- 14.4 The plan of the premises must show the position of all CCTV cameras. All such cameras must be approved by Kent Police and be operated in accordance with the CCTV code of practice.
- 14.5 Plans may be considered in other scales with prior agreement with the Borough Council.
- 14.6 Applicants must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the area of Tonbridge and Malling no later than 7 days after the date the application is made.
- 14.7 Applicants must display a notice of the application on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning with the date the application was made.

- 14.8 All notices should be in the form prescribed (**Appendix B**) and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 14.9 The applicant must serve the application on Chief Officer of Police at Tonbridge Station no later than 7 days after the date of application.
- 14.10 In determining an application, the Borough Council shall have regard to all relevant considerations, including any comments made by:
- Police
 - Fire Authority
 - Planning and Building Control
 - KCC Safeguarding Children Board
 - UK Border Agency
 - Environmental Health (Environmental Protection and Food and Safety)
 - Councillors
 - Interested Parties (local residents/businesses)
- 14.11 Officers from any of these authorities may inspect the premises to ensure that the required technical standards are met.
- 14.12 The Borough Council will not determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.

15 OBJECTIONS

- 15.1 Any person can object to an application.
- 15.2 Objections cannot be based on purely moral grounds/values or religious grounds as the legislation specifically prohibits this. Any objections on this basis will be refused or disregarded if presented with other reasons for objection.
- 15.3 Objections to the application must be made in writing and be received by the Borough Council within 28 days of the application being made. The objection must state in general terms the grounds of the objection.
- 15.4 The general terms of any objection will be provided to the applicant prior to the determination of the application. However, the Council will not without the consent of the objector reveal his/her name or address to the applicant.

16 CONDITIONS

- 16.1 The Borough Council may attach conditions to a licence. To assist applicants the Licensing Authority has formulated a pool of conditions (**Appendix A**) in respect of each type of licensed premises. However, this list is not exhaustive and is merely to give an indication of what may be considered in respect of any individual application.
- 16.2 Some of the conditions will be placed on the particular type of establishment as mandatory conditions and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed venue. Each case will be dealt with on its individual merits.
- 16.3 Whilst conditions or restrictions may be imposed in relation to any matter (other than any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005) it is likely that the conditions or restrictions will be attached in respect of the following areas:
- Hours of opening and closing
 - Visibility of the interior of the premises
 - Displays or advertisements
 - Any change to the type of premises
 - Minimum distance between audience and performers
 - The control of access to changing room facilities
 - The control of private viewings

17 HEARINGS

- 17.1 Under paragraph 10 (19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing & Appeals Panel that is responsible for determining the application.
- 17.2 Whilst Schedule 3 does not make explicit provision for objectors to be heard, the Council believes it is right to offer an oral hearing to objectors. This does however remain within their discretionary powers. Although a local authority is under a duty to consider any objection made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 17.3 Persons making written objections will also be informed of the date and time of the Licensing & Appeals Panel hearing where they will be invited to address the committee and ask questions relating to the application.
- 17.4 All objectors and applicants are reminded that they can, if they wish, be legally represented at their own expense at the hearing. Alternatively, they may if

they wish ask a Councillor to represent them.

- 17.5 All parties may use witnesses and supporting documentation however, copies of documents and details of witnesses must be submitted to the Borough Council for consideration prior to the hearing and in exceptional circumstances with approval of all parties at the hearing.
- 17.6 The Licensing & Appeals Panel will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicant and objectors. After the evidence has been presented all parties will be asked to leave to allow for the Licensing Sub- Committee to come to a decision on the application.
- 17.7 When a decision is reached the Licensing & Appeals Panel will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 17.8 The decision of the Licensing & Appeals Panel will be confirmed, in writing, to the parties within 5 working days of the meeting at which the application was considered giving reasons for the decision.

18 REFUSAL OF A LICENCE

- 18.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence **must not** be granted:
- To a person under the age of 18,
 - To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the
 - last 12 months,
 - To a person other than a body corporate who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made or,
 - To a body corporate which is not incorporated in an EEA State or,
 - To a person who has within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 18.2 A licence may be refused where,
- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
 - If the licence were to be granted, renewed or transferred the business

to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.

- The number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is or exceeds the number which the authority considers is appropriate for that locality.
- That the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character of the premises, vehicle, vessel or stall in respect of which the application is made.

18.3 In making any determination to refuse an application, renewal or transfer the local authority will give consideration to:

a) **Unsuitability of applicant**

In determining the suitability or otherwise of an applicant the local authority may consider

- previous experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors
- any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

b) **Business carried out on behalf of a person who would be refused**

The Borough Council takes a serious view of any application that seeks to subvert the underlying principals of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason be refused or disqualified from the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

c) **The application exceeds the limit set on the number of the specific type sex establishment in an area**

Tonbridge and Malling Borough Council has not set a limit on the number of establishments of a specific type that will be permitted

within any particular locality. In deciding whether to allow the application the authority will have consideration to:

- Any nuisance associated with the premises or the activities undertaken thereon
- The possibility of children or other vulnerable persons being harmed or exploited by the provision of sexual entertainment or the operation of sex shops or sex cinemas
- The potential of the activities associated with the operation of the premises being a source of crime and disorder, being associated with crime or being used to support crime.
- Any other reason including the existence of a police caution, representations from the police or by other enforcement agencies in relation to crime and disorder.

This list is not exhaustive

d) **The grant of the licence would be inappropriate**

In deciding whether the grant of a licence is appropriate the Borough Council will consider the type of area in which it is intended to site the premises and the hours during which it is intended to operate. The Council is also likely to consider:

- The proximity to other premises/ establishments (please see list at 12.5)
- Whether the area is predominantly residential rather than commercial in nature and premises may cause disturbance to local community.
- Whether management systems are suitable to ensure the safety of performers, customers and staff.

Again, this list is not exhaustive

19 DURATION OF LICENCES

19.1 Licenses for sex establishments will be granted for up to one year.

20 RENEWAL OF LICENCE

20.1 It will be the applicant's responsibility to apply for the renewal of the licence in good time (not less than 6 weeks) prior to the expiry date of the existing licence. In the event that no application is made prior to the expiry of the existing licence the licence shall cease to remain in force, and a new application will be required.

21 APPEALS

- 21.1 Section 27 of Schedule 3 to the 1982 Act permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made to the Magistrates Court within 21 days of notification of the decision of the Licensing & Appeals Panel.
- 21.2 An appeal can be made in the following circumstances:-
- By an applicant for the grant, renewal or transfer of a licence whose application is refused,
 - By an applicant for the variation of terms, conditions or restrictions on or subject to which the licence is held whose application is refused,
 - The holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held,
 - The holder of any such licence whose licence is revoked.
- 21.3 There is no right of appeal for objectors.
- 21.4 There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

TONBRIDGE AND MALLING BOROUGH COUNCIL

STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS

These terms, conditions and restrictions apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Definitions

Save where the context otherwise requires, the following expressions shall have the following meanings:-

- i) “Sex Establishments”, “Sex Cinema”, “Sex Shop”, “Sex Article”, “Sexual Entertainment Venues” and “relevant entertainment and nudity” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- ii) “Premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
- iv) “Approved” means approved by the Council in writing.
- v) “The Council” means the Tonbridge and Malling Borough Council.

General

The following terms, conditions and restrictions are applicable to all sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Sex Shops

Times of Opening

Condition 1

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

Conduct and Management of Premises

Condition 2

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

Condition 3

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Condition 4

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

- a) Duly authorised officer of the Tonbridge and Malling Borough Council
- b) Police Officer, and
- c) Officer of the Fire Authority

Condition 5

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 6

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

Condition 7

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

Condition 8

No person under the age of 25 shall be permitted entry to the premises and no person under the age of 18 or be employed in the business of sex establishments.

Condition 9

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

Condition 10

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

Condition 11

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

Condition 12

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 13

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

Use of the Premises

Condition 14

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

Condition 15

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

Goods available in sex establishments

Condition 16

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop the respective charge being charged.

Condition 17

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

Condition 18

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video so certified.

- a) The screen of any equipment used should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- b) The screen shall be placed in such a position approved by the Council.
- c) Only videos of clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) No film or video will be shown in its entirety.
- e) Films will not be shown at the customer's request.
- f) All trailers shown are to be approved by the British Board of Film Classification
- g) A warning notice will be placed on the screen stating "For staff use only" or "No customers allowed to operate".

External Appearances

Condition 19

No advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from the outside of the premises except:- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence by a Council.

Such display, advertisement, word, letter, model, sign, placard, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

No merchandise shall be displayed in any window which can be seen by any person walking pass the external parameter of the building.

Condition 20

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 25 will be admitted and they may be asked to produce evidence of their age.

Suggested notice 'PERSONS UNDER 25 CANNOT BE ADMITTED TO THESE PREMISES'

Condition 21

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Condition 22

- (a) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screen or such other arrangements as approved by the Council.
- (b) This condition shall not be construed as lessening any obligation of the Licensee under Licence Condition 21.
- (c) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop window during any cleaning process.

State, Condition and Layout of the Premises

Condition 23

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

Condition 24

Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex establishment is open to the public.

Condition 25

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit" or "Fire Exit".
- (ii) Doors and openings that lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".
- (iii) Save in the case of emergency no access shall be permitted through the premises adjoining or adjacent.

Condition 26

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

Condition 27

Alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall be made except with the prior approval of the Council.

Condition 28

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

Safety

Condition 29

The Licensee shall take all reasonable precautions for the safety of the public and employees.

Condition 31

The Council reserves the right after grant, renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case

Condition 32

The licence may be revoked by the Council if at any time the holder is convicted of any offence of using the licensed premises, or other premises for which a similar licence has been granted other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Sex Cinemas

Film Categories

Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U—Universal - suitable for all
- PG — Parental Guidance — some scenes may be unsuitable for young children
- 12 — Passed only for persons of 12 years and over
- 15 — Passed only for persons of 15 years and over
- 18 — Passed only for persons of 18 years and over
- Restricted 18 - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Unclassified Films

Condition 2

The licensee must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

Restricted Films

Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Persons Under 18

Condition 4

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

Advertising

Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

Condition 7

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Condition 8

When the programme includes a film restricted 18, the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

CINEMA CLUB — MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Restricted 18

Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by authorised officer of the Council during any performance or at any other reasonable time.

Condition 11

Tickets shall in no circumstances be sold to persons other than to members.

Membership

Condition 12

The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Condition 13

Membership shall be open to persons of both sexes of not less than 18 years of age

Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

Condition 15

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

Condition 16

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

Condition 17

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

Condition 18

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

Condition 19

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

Condition 20

Membership cards shall be personal to the member and carry a photograph of the holder.

Condition 21

Neither membership tickets nor guest tickets shall be transferable.

Condition 22

Guests may be asked for proof of identity, or of age, or any particulars of any guest shall be produced by any member of guest if demanded by the management.

Condition 23

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of Sex Articles

Condition 24

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Display of Tariff and Charges

Condition 25

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Conduct and Management of Premises

Condition 26

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 27

A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

Condition 28

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

Condition 29

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

Condition 30

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 31

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Condition 32

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

Internal access to cinema

Condition 33

Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers by and/or other areas within the building that are open to the public for other activities.

Condition 34

The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

Security

Condition 35

A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

Use of Premises

Condition 36

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

Safety

Condition 37

The Licensee shall take all reasonable precautions for the safety of the public and employees.

Sexual Entertainment Venue

Times of Opening

Condition 1

The premises shall not open unless otherwise permitted:

[TIMES WILL BE SPECIFIED FOR EACH LICENCE]

Conduct and Management of Premises

Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral

purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity

Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

Age Restriction

Condition 11

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

Condition 12

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES

Advertising

Condition 13

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

Condition 14

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive.

Condition 15

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

External and Internal access to an area holding relevant entertainment

Condition 16

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

Condition 17

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

Condition 18

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

Layout of the premises

Condition 19

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

Condition 20

All dance booths or cubicles are to be equipped with a panic alarm for safety.

Condition 21

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

Condition 22

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

Condition 23

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

Condition 24

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

Entertainers/Performers

Condition 25

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.

Condition 26

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

Condition 27

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

Condition 28

Performers shall be aged not less than 18 years old.

Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

Condition 34

Photography or videoing of performances should not be allowed.

Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises
Staffing

Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch customers in any way
- Performer must not be within 30cms (12") from any part of a patron
- Climb onto furniture provided for patrons
- Simulate sex acts
- Use sex articles

Sale of Goods

Condition 38

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

Display of Tariff and Charges

Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

Condition 41

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

Condition 42

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

Use of Premises

Condition 43

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

Pool of Possible Additional Conditions

Age Restriction

Condition a

All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.

Security

Condition b

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

Condition c

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

Condition d

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

Entertainers/Performers

Condition e

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement

Condition f

There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

Staffing

Condition g

All staff employed to work at any premises licensed as a sex establishment shall be required to provide an enhanced criminal records bureau disclosure to the Licensing Authority in which the premises is located.

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Annex 3

Feedback Form - Draft ‘Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy’

Respondent	Comment	Ref	Officers comments and recommendation to Licensing and Appeals Committee

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Licensing and Appeals Committee

26 November 2025

Part 1 - Public

Matters for Decision Under Delegated Powers



Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Environmental Health
Report Author	Crispin Kennard, Interim Regulatory Services Manager

Street Trading Policy Review 2026-2029

1 Summary and Purpose of Report

- 1.1 The current policy on Street Trading has been reviewed. It is proposed to consult on renewing the current policy which will then run 2026-29.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective Council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the Borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 Members are recommended to approve the policy at **Annex 1** for public consultation. Any objections/comments from the consultation will be brought to the Committee for discussion in March 2026.
- 3.2 If no responses to the consultation are received, policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

4 Background

- 4.1 The original street trading policy was introduced circa 2009 and covered only three areas of the Borough: Tonbridge Town Centre, Bluebell Hill Area and Hadlow Village. The rest of the borough had not been included and therefore there were no restrictions on trading, and the licensing team were not able to issue consents or regulate the number or location of traders across large parts of the borough.

- 4.2 In 2021, Street Trading was one stream identified as protentional area for revenue growth.
- 4.3 Following a lengthy consultation process the current Street Trading policy (2023-2026) was introduced in June 2023 designating the whole of the boroughs streets as 'Consent Streets'.
- 4.4 Owing to the staff resources required to implement and run the Street Trading consents, the licensing leam have not yet to be able to implement this policy.

5 Current situation and Policy Review

- 5.1 Since it was adopted in 2023 the resources required to implement and run the Street Trading policy, have not been available to the licensing team and so far, no consents have been issued. Tonbridge & Malling Borough Council are therefore missing out on a large amount of revenue and the businesses that are currently trading, are in some cases, completely unregulated.
- 5.2 By reviewing and renewing the Street Trading policy this revenue stream option is maintained, whilst options for fully implementing this policy can be explored within the new directorate arrangements for the licensing team.
- 5.3 With the renewal of this policy and its eventual implementation it is hoped to make the borough an attractive place to trade, whilst ensuring street traders compliment the local businesses and offer quality goods and services to our residents. Within the policy we have strict criteria to ensure the highest possible standards.

These include, but are not limited to:

- a) Minimum food safety ratings for food traders
- b) Priority can be given to those traders who use local produce
- c) Environmentally sustainable businesses
- d) No consent will be granted for an area that could cause a risk to the business owners, staff, customers or residents
- e) We will assess each application for its location suitability, taking into account surrounding business/schools/wildlife/local amenities

6 Proposal

- 6.1 It is proposed to put the Street Trading policy as shown at **Annex 1** out for public consultation with the life of the policy running 2026-29.

Consultation timetable

- 6.2 The proposed timetable for consultation in respect of the policy is:
- Licensing and Appeals Committee – 26th November 2025
 - Public Consultation – 1st December – 27th February 2026

- Responses to Licensing and Appeals Committee 25th March 2026
- Council – 21st April 2026
- New policy comes into force – June 2026

6.3 A feedback form for use during the consultation is shown at **Annex 2**

6.4 As per recommendations, should no responses be received policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

7 Other Options

7.1 It is an option that this policy could be renewed as is without the need for public consultation.

8 Financial and Value for Money Considerations

8.1 There are no statutory fees for Street Trading. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.

8.2 Street Trading fees already feature in the Licensing Fee chart and will come under annual review.

8.3 The current total licence fee for an annual Street Trading consent is £433 (with proposals in place to raise this to £452 from 1st April 2026 following the annual review of fees and charges).

9 Risk Assessment

9.1 The retention and suitable updating of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

10 Legal Implications

10.1 There is no statutory requirement to have a licensing policy for Street Trading. However, it is considered best practice and also an effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications, the application process itself and the grounds for objection/refusal.

10.2 Any criteria applicable to applications for Street Trading must meet the requirements of the Provision of Services Regulations 2009. It is considered that the policy complies with these regulations.

11 Consultation and Communications

- 11.1 The proposal is to consult on renewing the existing policy for three years (2026-29).

12 Implementation

- 12.1 If the recommendations are agreed the existing policy will be consulted on and any objections brought to the next Committee for discussion prior to the policy being renewed for three years. How best to implement the policy will be reviewed as part of the new arrangements to bring the Licensing Team into the Planning, Housing and Environmental Health Directorate.

13 Cross Cutting Issues

13.1 Climate Change and Biodiversity

- 13.1.1 Limited or low impact on emissions and environment.

- 13.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

13.2 Equalities and Diversity

- 13.2.1 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.

13.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Street Trading Policy Annex 2 – Consultation Feedback form



www.tmbc.gov.uk

Annex 1

Tonbridge & Malling Borough Council

Street Trading Policy

June 2026 – June 2029

Contact Information

Email: street.trading@tmbc.gov.uk

Tel: 01732 844522

Content	Page Number
Overview	3
Purpose of policy	4
What is Street Trading?	4
Exemptions	5-7
Locations and Permissions	7
Trading on Council owned Land	7
Trading in Multiple Locations	8
Markets & Events	8
Additional Legislation Requirements	8-9
Suitability of Applicants	9-10
The Application Process	10-11
Fees	11-12
Consultation	12
Advertising your application	13
Decision Making	13-14
Refusal of Applications	14
Consent Conditions	14-15
Changes to current licences (transfers/variations)	15-16
The Renewal Process	16
Enforcement Action	17
Fees	17
Annex A – Standard Consent Conditions	19-20
Annex B - Relevant Convictions when determining the suitability of an applicant for street trading consent	21-22

1. Overview

- 1.1. In 2009, Tonbridge and Malling Borough Council adopted provisions contained in the Local Government (Miscellaneous Provisions) Act 1982 relating to Street Trading and as a result trading in certain streets (or parts thereof) within the Borough was either allowed, with the written consent of the Council, or prohibited.
- 1.2. In 2022, the Council sought to re-designate the borough to increase the councils reach with regards to issuing Street Trading Consents and the original version of this policy was introduced in June 2023 running to June 2026.
- 1.3. This policy is designed to cover a wide range of applications so it can be as inclusive as possible whilst also outlining what is both in and out of scope under the re-designation.
- 1.4. The table below gives an overview of the types of application that will require a street trading consent and those that will likely not:

Activities In Scope	Activities out of scope
Food & Drink sellers trading on the Highway	Markets trading at market venues
Food & Drink sellers trading on Private Land	Farmers Markets
Food & Drink sellers trading on Council Owned Land	School Fetes and Fairs
Roadside fruit sellers	Church Fetes and Fairs
Roadside flower sellers	Christmas Light events
Christmas tree sellers (except those trading in garden centres/yards etc)	Music Events (Festivals)
Non-itinerant ice cream seller (stopping in one location for a period of time)	Pedlars, Roundsmen & News vendors
Selling goods outside a shop if the goods are not the same as those on offer inside the shop	Charities and organisations handing out leaflets
Charities and organisations selling goods <i>may</i> require consent	Sales of articles by householders on their <u>own land</u> (vehicles, plants, household goods)
Placing cars for sale on any <u>public road or land</u>	Charity collections – although these will require a street collection permit
This is not an exhaustive list, and all applications will be reviewed individually and judged on their own merit.	

2. Purpose of this policy

- 2.1. The purpose of this policy is to provide a framework for applicants looking to gain consent to trade within the borough. It will set out the decision-making criteria so applicants know what is expected of them and it will provide guidance to Council officers who are responsible for administering and enforcing the street trading regime.
- 2.2. This policy will help shape the street trading environment, ensuring it remains sensitive to the needs of the residents, provides the public with good quality choice and compliments those premises-based businesses already trading in the borough.
- 2.3. Public safety will be considered with each application as well as the prevention of crime, disorder, and nuisance.

3. What is Street Trading

- 3.1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 gives local authorities the power to allow or prohibit street trading within their administrative areas; across the whole of it or just in certain parts.
- 3.2. The Local Government (Miscellaneous Provisions) Act 1982 (from here on referred to as 'the Act') defines 'street trading' as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 3.3. It defines a 'street' as being:
 - a) Any road, footway, beach, or other area to which the public have access without payment; and
 - b) A service area as defined in Section 329 of the Highways Act 1989 ('An area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be, provided service stations or other buildings or facilities to be used in connection with the use of the special road')
- 3.4. When determining what constitutes a street, council officers will use the following as a test –
 - If members of the public have unrestricted access to the area to look at goods offered for sale without having to pay a fee, the area will be considered a street.
- 3.5. Anyone wishing to trade in a street within Tonbridge & Malling will be required to apply for consent.
- 3.6. The council does not hold a list of suitable street trading locations. Applicants should have regard to this policy and the requirements contain within to identify suitable locations.

4. Exemptions

- 4.1. The Act states that the following activities are not 'street trading' and therefore would not require consent:
- (a) trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871;
 - (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order;
 - (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
 - (d) trading as a newsvendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act;
 - (e) trading which:
 - i) is carried on at premises used as a petrol filling station; or
 - ii) is carried on at premises used as a shop or in a street adjoining premises so used as part of the business of the shop (such business must not obstruct the highway or payment area);
 - (f) selling things, or offering or exposing them for sale, as a roundsman;
 - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway;
 - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 i.e. the collection of money or selling of articles for the benefit of a charity or other similar cause.

Pedlars

- 4.2. A pedlar is defined in law as being 'any hawker, pedlar, petty chapman, tinker, caster of metals or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered. So in practice, a pedlar is someone who sells items on the move and sells items as he/she travels.
- 4.3. Established case law has set out other criteria which helps to further differentiate pedlars from street traders. These are that:

- a pedlar cannot travel to a location to trade, they must trade when they travel.
- a pedlar must only travel and trade on foot.
- a pedlar must not unnecessarily linger if they put their goods down or stop for a reason other than to sell their goods.
 - if a pedlar uses a trolley or cart to help transport their goods, it must be small and easily moved.
 - a pedlar must only sell goods when approached by members of the public.
- 4.4. A person who does not meet all of the above criteria must be treated as a street trader (and will require consent to trade in the Council area).
- 4.5. A person who intends to trade as a pedlar requires a pedlar certificate. Further information on how to apply for a pedlar certificate can be found here: <https://www.gov.uk/pedlars-certificate>

Roundsman

- 4.6. Although the Act does not define what a roundsman is, there is legal precedent in case law, specifically the case of *Kempin t/a British Bulldog Ice Cream V Brighton and Hove Council*, where Lord Justice Latham ruled that a roundsman was someone who delivered pre-ordered goods within a locality.

Local Exemptions

- 4.7. Tonbridge & Malling also exclude the following from needing to apply for Consent –
 - Itinerant traders: someone who trades from a vehicle which goes from place to place, remaining in any one location in the course of trading for periods of 15 minutes or less and does not return to the same location or within 200m, on the same day. Common examples are ice cream vans and sandwich vendors. Whilst itinerant traders are exempt from street trading, they must still get permission from the Council if they intend to trade on Council owned land, such as parks and open spaces. See below for further details.
 - Non commercial events: events that are community-based and run for non-commercial purposes, such as a fete or school fundraising activity. Where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the activity is not exempt from needing a consent.
 - Working farms: goods from working farms sold at the premises where they were produced.

- Residential properties: unwanted household items or produce, such as homegrown fruit and vegetables, eggs, preserves e.g. jam etc.
- Travelling fairs and circuses: traders as part of an established travelling fair or circus.
- Used vehicles: where a vehicle is legally parked and advertised for sale on a person's own land.

5. Locations and Permissions

- 5.1. When deciding where to trade, you must consider which permissions you may need.
- 5.2. Any person wishing to trade on Council owned land must get permission to do so before applying for a street trading consent.
- 5.3. Any person wishing to trade on privately owned land should get permission before applying for a street trading consent. The permission must be submitted as part of your application, it should be in writing and contain the contact details for the landowner in case the Council wishes to confirm the permission is legitimate.

6. Trading on Council owned land

- 6.1. Any person wishing to trade on Council owned land must get permission to do so before applying for a street trading consent. This is the case with Council owned parks and open spaces. A copy of the council's public open spaces policy can be found [here](#).
- 6.2. Any form of trading on Council owned land, including itinerant traders and others which might be exempt, all require permission.
- 6.3. Even those forms of trading which have been deemed exempt from a street trading consent will still need permission from the Council if they wish to trade on Council owned land. Please contact property.services@tmhc.gov.uk for further information or to ask about trading in a specific area owned by the Council.
- 6.4. Additional pitch fees may be required to gain permission for trading on council owned land. These fees are in addition to the consent application fees.
- 6.5. Once permission has been granted, you should include the details of the permission as part of your application. We would expect to see the confirmation in writing/email from a member of Tonbridge & Malling council staff. Officers will not contact other departments on your behalf and all permissions should be in place before you submit your street trading application.

7. Trading in Multiple Locations

- 7.1. Applicants may wish to apply for multiple locations on one consent.
- 7.2. These locations must be defined on the application form and the days and times of trading in each location must be specified.
- 7.3. When determining the application, the Council will need full details for each location including a map/plan of the area, the appropriate permissions to trade (if necessary) and any other information that is important for each location.
- 7.4. The Council can choose to refuse some locations or days and times for specific locations if it is deemed necessary. For example, if a trader applied for a late-night licence in a residential area, this may cause a nuisance to residents.

8. Markets & Events

- 8.1. The following annual events within the Borough are exempt from requiring a Street Trading consent:
 - Tonbridge Christmas Lights
 - West Malling Christmas Lights
 - Borough Green Christmas Lights
 - Tonbridge Farmers Market
 - West Malling Farmers Market
- 8.2. This is not an exhaustive lists and event organisers can apply to have their events exempted from the requirements of a Street Trading consent. Requests should be made in writing to street.trading@tmbc.gov.uk All requests will be assessed on their own merit.

9. Additional Legislation Requirements

Licensing Act 2003

- 9.1. The supply of alcohol and the provision of late-night refreshment (hot food and hot drink supplied to members of the public between the hours of 23:00 and 05:00) are 'licensable activities' under the terms of the Licensing Act 2003.
- 9.2. Where a person's street trading involves selling alcohol or provision of late night refreshment, they will need a premises licence or temporary event notice (TEN) issued in accordance with the Licensing Act 2003, as well as a street trading consent. More information on both can be found on the Council website.
- 9.3. The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder cannot demonstrate that a premises licence or TEN is in place or has been applied for.

Food business registration

- 9.4. Where a person's street trading involves selling food and/or drink, they must register as a food business with the Council where their business is based or where their vehicle/stall is stored overnight, as well as holding a street trading consent.
- 9.5. All businesses selling food and/or drinks are advised to display their current food hygiene rating.
- 9.6. The Council expects traders to maintain good standards of hygiene. Traders who sell food and or/drink will, as a condition of their consent, be required to achieve and maintain a minimum food hygiene rating of 3 or above. The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder has a rating of less than 3. A business may be able to continue trading whilst they work to improve their standards but only in exceptional circumstances. This would be at Licensing Officers discretion in consultation with the Councils Environmental Health team.

Planning

- 9.7. In some cases, planning permission may be required in addition to a street trading consent.
- 9.8. A person intending to apply for a street trading consent should always check to see if they need planning permission before making their application.
- 9.9. The Council may revoke a consent in the event of the holder being in breach of planning legislation.

10. Suitability of applicants

- 10.1. A person can only be granted consent if they are aged 17 years or older.
- 10.2. When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:
 - Whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.
 - Refusal or neglect in paying fees due to the council in relation to a street trading consent.
- 10.3. Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, the Council will consider the following:
 - whether the conviction is relevant;
 - the seriousness of the offence;
 - the length of time since the offence occurred;
 - whether there is a pattern of offending behaviour;
 - whether that person's circumstances have changed since the offence occurred;

- the circumstances surrounding the offence and the explanation offered by that person.

11. The Application Process

- 11.1. The council will only accept and validate applications in the prescribed format.
- 11.2. The application form can be found on the **council's website**.
- 11.3. The application form should be fully completed and emailed to street.trading@tmbc.gov.uk
- 11.4. Part of the application form requires you to accurately describe the articles you wish to sell. These articles will become a condition of your consent should it be granted. If you change the articles you sell, this could breach the consent and result in the consent being revoked.
- 11.5. If you wish to change the articles at a later date, you are able to submit a variation to the consent, however you will not be guaranteed these articles will be approved if they are unsuitable.

Assistants and Employees

- 11.6. As part of the application, you will be required to supply the details of all assistants and employees who work at any consent location(s) when the consent holder is not present. The application form can be found on the **councils website**.
- 11.7. Any assistant working alone at a consent location must be a minimum of 17 years old and have a sound understanding of the conditions outlined on the consent document.
- 11.8. You will need to complete their details on the Assistants and Employees application form and supply the following:
 - A Basic DBS check (no more than one month old). This check must be renewed every 3 years.
 - A photograph of the assistant/employee.
- 11.9. Further assistants can be added throughout the consent by submitting the Assistants and Employee application and supporting documentation.

Supporting Documentation

- 11.10. For your application to be validated, you must email the supporting documentation to street.trading@tmbc.gov.uk You can either send it on the same email as the application form or on a separate email.
- 11.11. The following supporting documentation is required –

- A map and/or plan of the location with the trading position clearly marked (further detail below), preferably to scale. If you are applying to trade as Mobile in more than one location, please use markers (for example, location 1, 2 or 3).
 - The applicant should mark on the plan/map the exact position of the van, stall etc. they intend to use in the location, with measurements. If the van, stall etc. includes an awning, canopy or hatch that will extend out, this must be indicated on the plan. The applicant should also indicate the orientation of the stall, so that it is clear where customers will stand to be served.
 - Officers will need to identify any neighbouring properties who may be affected, so it may be necessary for the applicant to submit a series of plans and/or maps of varying sizes and scales. Road names should also be included, where appropriate.
 - As well as showing the positioning of the van, stall etc. the applicant must include on the plan, any furniture, containers e.g. bins or signage that they intend to use.
 - If the plan(s) accompanying the application do not indicate the proposed pitch accurately enough, the application will be rejected.
- Photographs which clearly show the vehicle, stall etc. to be used, including its actual design/artwork. Or in the case of a unit which is under construction, a detailed illustration.
- Planning permission (if necessary) or proof of permission given by any Landowner if trading off the Highway
- Proof of public liability insurance (minimum £5million).
- A copy of the current food registration or proof that a food registration has been applied for (if you intend to sell food and/or drinks)
- A Basic DBS certificate, no more than 1 month old. This check must be renewed every 3 years.
- A photograph of the applicant holder.

12. Fees

- 12.1. The fee for your application will be determined by:
- The length of consent applied for (single day, a week, a month, or a year)
 - The location(s) you wish to trade
 - The size of the pitch required

A full list of fees can be found on the council's website.

- 12.2. Fee's will be paid in two parts.
- Part A is the application fee and must be paid to validate and process the application
 - Part B is paid once the application has been granted following a successful consultation period. The part B fee must be paid in order for the consent document to be issued. Failure to make the part B fee will result in the consent being revoked.

- 12.3. The fee can be paid (to be confirmed).
- 12.4. Incomplete applications will not be processed or validated, and the applicant will be informed by email. If you are unable meet all the requirements, your application will be rejected, and your fee will be refunded minus an admin fee as outlined in our fee chart.
- 12.5. Applications that remain outstanding with no contact will automatically be withdrawn after a period of six months.
- 12.6. There are no refunds for withdrawn applications.

13. Consultation

- 13.1. The consultation period for the application is determined by the type of application. For a one-year consent, the consultation period is 28 days. For a one month, week or day consent, the consultation period is 14 days.
- 13.2. The relevant consultation period will start the day after the council receives a valid application.
- 13.3. Once the council has validated the application, it will consult with the following –
- Kent County Council Highways;
 - Environmental Health;
 - Economic Development;
 - Property Services
 - Planning;
 - Kent Police;
 - Kent Fire and Rescue;
 - Trading Standards;
 - The Parish Council for the location of the proposed consent;
 - Town Council (where appropriate);
 - The Ward Member for the location of the proposed consent;
 - The Kent County Council Member for the location of the proposed consent
- 13.4. As well as the consultees listed above, any interested party may request to see a copy of the application (redacted where necessary).
- 13.5. Consultees will receive details of the application, including maps and plans via email.
- 13.6. Consultees and interested parties may submit comments or objections against, or in favour of the application during the consultation period. These comments or objections should be relevant to the criteria outlined in section 12. The Council will consider responses from the consultees and any other interested party when determining the application.

14. Advertising your application

- 14.1. The applicant must display a notice prominently at the proposed trading location(s) for the entire consultation period to publicise the application.
- 14.2. The notice must be printed on A4 white paper and state the following:
 - The applicant's name.
 - The proposed days and hours of trading.
 - A description of the articles it is proposed to sell.
 - That representations against the application must be submitted to the Council by email to street.trading@tmhc.gov.uk
 - The date by which representations must be made (the end of the consultation period).
- 14.3. A template for this public notice can be found online.
- 14.4. Applicants must ensure the notice is adequately fixed or erected and are encouraged to laminate it, so that it can withstand wet and windy weather. A check of the notice will be carried out by an officer during the consultation period.
- 14.5. If the application is not advertised properly, the consultation period may be extended.

15. Decision making criteria

- 15.1. Applications for a street trading consent will be determined by the relevant Licensing Officer, under delegated powers, using the criteria listed below. Each case will be assessed on its own merits and individual circumstances, where appropriate, may be taken into consideration. When determining the application, we will look at the following criteria:
 - **Suitability of location**

The location of the proposed trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term 'public' refers to both customers and other members of the public using the street. The pitch should also not conflict with any Traffic Orders, such as waiting restrictions. The applicant must also ensure they have adequate access to toilet facilities. As well as the suitability of the location, the council will also assess the likely, unreasonable burden on other agencies. The street trading activity should not present a risk to good public order.
 - **Suitability of applicant**

As detailed in section 10, the suitability of applicants will be assessed before a licence is granted.
 - **Suitability of goods on offer**

The existence of shops and businesses operating in the immediate area will be considered, if appropriate, to avoid, amongst other things, unfair economic advantage.

- **Does the application satisfy a need in the area?**
In areas where there are no other traders, does this proposed application satisfy a need? For example, on an industrial estate where there are no other food outlets, a trader offering both hot and cold food and beverages could be suitable.
- **Does the application support local community needs?**
In some locations, traders wishing to sell fresh, local produce could be a great support for the community. However, if there are already a number of established businesses, selling similar items, granting consent to a street trader could have a negative impact on the community.
- **Could the application if granted, present a significant risk of nuisance to residents and businesses in the area?**
The council will seek to ensure there is no nuisance caused by noise, fumes, smells, or light pollution.
- **Does the appearance of any vehicle or stall compliment the visual amenity of the location?**
Photographs of any vehicle or stall must be included with the application so the council can ensure its appearance is suitable for the location.
- **Is the business environmentally sustainable?**
As the council moves towards carbon neutrality, consideration will be given to the environmental sustainability of the business. The use of local produce and products will be encouraged.

16. Refusal of an application

- 16.1. When the Council refuses an application for consent, the applicant will be notified in writing (normally email) and given the reasons for the refusal.
- 16.2. There is no right of appeal against a decision to refuse to grant or renew a street trading consent.
- 16.3. The Act entitles the applicant to a partial refund for the application fee in the event it is refused. The Council will take two payments for applications. A part A fee to validate and process the application and a part B fee to grant the application (see section 12 of this policy for further details). For any application which is refused, the applicant will not need to pay the part B fee.

17. Consent Conditions

- 17.1. Where a consent is granted, the applicant will be issued with a consent document which will contain:
 - Their name, being the holder of the consent and person legally responsible.

- The address and/or description of the location where they are permitted to trade.
 - A individual consent number.
 - A photograph of the van, vehicle, stall etc they can use, if applicable.
 - The names of all consent holders, assistants and employees authorised to work at the consent location(s).
 - The dates the consent starts and ends (expires).
- 17.2. Consents will be issued for the length that has been applied for unless it is deemed appropriate to grant it for a shorter term, having considered the individual merits of the application.
- 17.3. All consents are subject to certain, standard conditions as outlined in **ANNEX A**. Each consent will have conditions that specify:
- The location(s) that the holder can trade from.
 - The permitted trading days and times.
 - The items that can be sold.
- 17.4. The Council may decide to add additional conditions when granting a consent, where it is deemed appropriate having considered the individual merits of the application.
- 17.5. Failing to comply with any conditions can lead to revocation of the consent.

18. Transferring a street trading consent

- 18.1. There is no provision for transferring a street trading consent in the Act.
- 18.2. If the holder of a consent wishes to sell or give up their business, the new owner must apply for a new consent. The former owner should surrender their consent when they wish to cease trading.
- 18.3. If a new consent is to be applied for, the former owner should notify the council of their intent to cease trading so that a new application can be considered and if granted, can take effect once the former consent is surrendered. The council will not allow the two owners to trade at the same time, in the same location.
- 18.4. Any application will be subject to the same process as a new application and the full 28 day consultation period.

19. Varying a consent

- 19.1. The Act gives the council the power to vary the conditions attached to a consent at any time.
- 19.2. Should the holder of a consent wish to change any of the conditions on their consent, they can, at any time, submit a written request to vary the consent. This would be required where the consent holder wishes to:
 - Change the operating days and/or times.
 - Trade from a different stall, vehicle etc.
 - Start selling something new i.e. articles not currently listed on the consent.
- 19.3. A fee will apply to the variation.
- 19.4. The Council will determine a request to vary a condition or conditions in the same way it would consider a new application, by carrying out a 28-day consultation and making a decision based on the criteria listed in this policy.
- 19.5. The consultation period may be reduced from 28 days to 14 days if the variation is minor. Requests to change conditions which restrict the items that can be sold or the stall, vehicle etc. will generally be considered to be a minor variation.
- 19.6. Changes to trading locations or the addition of additional trading locations will require a new application.

20. Renewing a consent

- 20.1. The holders of one year street trading consents will receive a renewal notification (via email) approximately two months before the consent is due to expire.
- 20.2. Holders of shorter consents (one month, week or day) will not receive renewal notifications and should submit new applications as and when required.
- 20.3. Consent holders are able to apply to renew their consent with exactly the same terms as before i.e. for another year and with the same conditions attached.
- 20.4. If consent holders wish to vary the conditions at the same time as renewing the consent, they will be required to complete the 28 day consultation period and should therefore submit the renewal application and updated supporting documentation in advance to prevent one consent lapsing before the renewed (amended) consent is granted.
- 20.5. Renewal applications should be submitted no less than four weeks before the expiry date of the consent to ensure a new consent is issued in good time.
- 20.6. If a renewal application is not submitted before or on the expiry date of the consent, the consent will lapse, and a new application would then be required.

21. Surrendering a consent

- 21.1. The holder of a consent may, at any time, surrender it if it is no longer required. The original consent document must be returned to the council and the holder of the consent should formally surrender the consent in writing (or by email).

22. Enforcement, non-compliance and revocation of consents

- 22.1. The Council has a duty to carry out enforcement where it becomes aware of or receives allegations which concern unauthorised trading (trading in a street without first obtaining a consent) or non-compliance with street trading consents that have been granted.
- 22.2. Consent holders who are found to be non-compliant with related regulations, such as food and hygiene, trading standards or the Licensing Act, may have their consent revoked.
- 22.3. All enforcement and compliance activity will be carried out in accordance with the councils enforcement policy which can be found [here](#).
- 22.4. Under paragraph 10 of schedule 10 of the Act, a person commits an offence if they:
- Trade in a street without first obtaining a street trading consent.
 - Have a street trading consent and breach a condition of it, or trade from a stall, vehicle etc. that they have not been given permission to trade from.
- 22.5. A person who is found guilty and convicted of this offence can receive a fine of up to £1,000.
- 22.6. Other than prosecution, the Council may decide it appropriate to take one of the following actions:
- Verbal warning.
 - Written warning.
 - Vary the conditions attached to a consent to, for instance, change the operating days or hours.
 - Revoke a consent.
- 22.7. The Act gives the Council the power to revoke or vary the conditions attached to a consent at any time, to which there is no right of appeal.
- 22.8. Council Officers who are authorised to carry out enforcement and compliance activities carry photographic ID, Council issued identity cards and authorisations which they will produce, if requested.

23. Fee setting

- 23.1. The Act allows the council to set its own fees, with the aim being to cover all costs incurred by the council.
- 23.2. Street Trading consent fees are reviewed on an annual basis and any changes come into effect on 1st April.

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Annex A

Standard consent conditions

General

1. Trading must only take place between hours specified on the consent.
2. The consent holder must only trade at the location(s) identified on the consent.
3. The consent holder must ensure they have written permission from the respective landowner to occupy the area.
4. The consent holder must only trade from the van / vehicle / stall / barrow / cart specified on the consent.
5. The consent holder must only sell the articles (items) specified on the consent.
6. Counterfeit articles must not be sold.
7. The consent must be displayed prominently at the trading location(s), during the course of trading, so that it is clearly visible to the public.
8. The consent holder and any assistants employed by them, must treat the public (including other street traders) fairly and with courtesy at all times.
9. The consent holder and any assistants employed by them, must not obstruct any officer of the council and should comply with any reasonable requests.
10. The consent holder must ensure that their business/activity is conducted in a way that does not:
 - a) Cause a nuisance to residents and businesses nearby.
 - b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
 - c) Endanger the public, themselves or any assistant they employ.
 - d) Obstruct the emergency services.
11. The consent holder must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient suitable containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attracting pests.

12. The consent holder must ensure that the refuse and waste containers they provide are removed at the end of the consent period (daily) and are not emptied into public bins. All waste should be disposed of responsibly.
13. The consent holder must ensure that they and any assistants employed by them have adequate access to proper toilet facilities.
14. All 'A' boards, waste containers, furniture and signs to be displayed must have prior permission
15. The consent holder must not cause or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
16. Consent holders must pay for all services and utilities used during the course of the consent at any location. This includes but is not limited to electricity, water, and gas.
17. Fire hydrants, manholes and other street furniture must not be obstructed.
18. The consent holder must, at all times, have in place public liability insurance cover with a minimum liability of £5million.
19. All electrical cables must be safely covered if they run along the ground, or suspended properly with support, to minimise the risk of harm to the public.

Annex B

Relevant Convictions when determining the suitability of an applicant for street trading consent

1. Dishonesty

A street trading consent will not be granted unless 4 years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is the later.

2. Violence

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted.

In other cases a street trading consent will not be granted unless 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is the later.

3. Drugs

A street trading consent will not be granted unless 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is the later.

A Street trading consent will not be granted unless 5 years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is the later.

4. Sexual and Indecency Offences

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children, any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

5. Exploitation

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

6. Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless 5 years have lapsed since any such convictions or completion of any sentence imposed whichever is the later.

7. Street Trading Legislation

The Council takes a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless 2 years have lapsed since any offence under the 1982 Act or if there is more than one conviction unless 5 years have lapsed.

8. Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

9. Existing Consent Holders Convicted of An Offence

The Council may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence fall into one of the categories detailed above.

Annex 2

Feedback Form - Draft ‘Street Trading Policy 2026-29’

Respondent	Comment	Ref	Officers comments and recommendation to Licensing and Appeals Committee

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Agenda Item 9

- This is a verbal discussion – no papers attached

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- This is a verbal discussion – no papers attached

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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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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Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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