

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.