

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 9th June, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority, Ms S Hall (Barrister to the Applicant), Mrs D Martin (Designated Premises Supervisor) and Ms N Law (Controller Premises Licence, MRH Petroleum); and Mr A Townend, Mr M Morton and Mrs G Morton (Interested Parties)

**PART 1 - PUBLIC**

**LA 16/37 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**

**LA 16/38 APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR MRH DITTON, 613 LONDON ROAD, DITTON**

The Panel gave consideration to an application made by Malthurst Petroleum Limited for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of premises called MRH Ditton, 613 London Road, Ditton. The application related to a change of the licenced hours for the supply of alcohol for consumption off the premises.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 4 to the report, and the written representations received during the statutory consultation period (as set out at Annex 6 to the report). The Panel was advised that the representation from Kent Police had been withdrawn following the agreement of the Applicant to the conditions proposed in an email from PC John Brooker dated 6 June 2016. The Panel was further advised that the Environmental Protection Team had withdrawn its written representation following the agreement of the Applicant to condition 7 in the Kent Police conditions and clarification of the signage informing patrons not to sound car horns.

The Panel listened carefully to the representations made by the Applicant and by local residents Mr M Morton and Mr A Townend who made particular reference to their concerns in respect of the proximity of residential properties to the proposed licensed premises.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

**RESOLVED:** That the Premises Licence be granted subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and to the following further conditions:-

#### Variation

Section 13 of 17 of the online form	<p><b>Supply of Alcohol –</b></p> <p>From 00:00 hours until 24:00 hours (24 hours a day) every day of the week.</p>
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#### Existing licence

	<p><b>Late Night Refreshment –</b></p> <p>From 23:00 hours until 05:00 hours every day of the week</p>
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#### Conditions:

1. CCTV to be installed in and around the premises covering the internal and external areas accessed by customers;
2. Written notices and signs will be prominently displayed in all public areas informing customers that they are subject to recording by means of CCTV;
3. All CCTV cameras and recording equipment must be well maintained, kept in good working order and be subject to regular testing and inspection. Records of all testing and inspections must be maintained at the premises;
4. All images captured by CCTV must be of a continuous nature and be retained and stored securely for a minimum of 30 days;

5. CCTV images should be provided to Kent Police within a reasonable time period upon request when required for the purposes of investigation and detection of incidents or offences and to assist with the identification of person believed connected with offences;
6. Spirits will only be sold from behind the till area/point of sale;
7. Appropriate signs will be displayed within the shop and on the forecourt requesting customers respect the local residents by leaving the premises quietly;
8. Appropriate signs will be displayed within the shop and on the forecourt stating that the premises are licensed for off-sales only and consumption of alcohol is prohibited within the shop and on the forecourt;
9. Signage will be displayed within the premises to ensure customers are fully aware of the operation of Challenge 25;
10. Sufficient and suitable waste receptacles will be located on site; and
11. A written refusals book will be kept at the premises and all staff fully trained in its use as per the Challenge 25 policy. The following information will be recorded in this book:-
  - Time and Date of Refusal
  - Item refused
  - Name/Description of person refused sale
  - Reason for refusal
  - Name of staff member making refusal

A condition reference the use of a refusals log had been offered in the operating schedule and would be reproduced subject to the licence being granted as the applicant would prefer to maintain the wording offered in the application.

#### **LA 16/39 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 2.07 pm  
having commenced at 12.30 pm