

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 17th May, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mrs N Chaussy (Applicant), Mr J Patel (Operations Manager), Mr M Paget (Designated Premises Supervisor) and Mr D Mitchem and Mr S Richards on behalf of local residents.

PART 1 - PUBLIC

LA 18/37 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 18/38 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE FARMHOUSE, 97 HIGH STREET, WEST MALLING

The Panel gave consideration to an application made by Heritage Taverns Limited for a variation of the Premises Licence under section 34 of the Licensing Act 2003 in respect of the premises known as The Farmhouse, 97 High Street, West Malling. The application related to varying the timings authorised by the current licence for the sale of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 2 to the report and the written representations received during the statutory consultation period (as set out at Annex 4 to the report).

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Heritage Taverns Limited, and to Mr D Mitchem and Mr S Richards on behalf of local residents.

The Panel was mindful of its obligations under section 35(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 35(4) as it considers appropriate for the promotion of the

licensing objectives. The Panel took into consideration chapters 2 and 9 of the guidance dated April 2018 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel took into account all of the representations from local residents regarding noise and the potential for increased public nuisance contrary to the licensing objectives. The Panel was also mindful of the applicant's stated objectives for the increase in hours, namely to increase its food-led business, in particular restaurant meals, and the consequence of this on the prevention of public nuisance objective.

The Panel was satisfied that the licensing objectives, and in particular the prevention of public nuisance, could be promoted by the imposition of conditions only.

RESOLVED: That the application to vary a 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 conditions:-

Section J	<p>Supply of alcohol for consumption both on and off the premises</p> <p>Monday to Thursday from 08:00 hours until 00:00 hours</p> <p>Friday, Saturdays, Sundays preceding a Bank holiday and New Year's Eve from 08:00 hours until 00:30 hours.</p>
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Conditions:

1. The sale of alcohol after 23:30 hours must be limited to sales associated with the consumption of a substantial meal only.
2. No outside drinking will take place in front of the premises.

LA 18/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2.54 pm
having commenced at 1 pm