

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 7th September, 2018**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr J Griffiths (Applicant and Designated Premises Supervisor), Mr P Thomason, Environmental Health Services (Responsible Authorities), Mr S Collings, Mr T McClinton, Mr C Williams, Mrs S Williams and Councillor M Base (interested parties).

**PART 1 - PUBLIC**

**LA 18/97 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 18/98 APPLICATION FOR A NEW PREMISES LICENCE FOR LITTLE GEM, 19 HIGH STREET, AYLESFORD**

The Panel gave consideration to an application for a Premises Licence made by Mr John Griffiths, Director of Pace Asset Management Ltd, under Section 17 of the Licensing Act 2003 in respect of the premises known as Little Gem, 19 High Street, Aylesford. The application related to the Sale of Alcohol, Recorded Music and Late Night Refreshment.

Pace Asset Management Ltd was represented at the hearing by Stephen Thomas, Solicitor, who had indicated by letter prior to the hearing that the application for the sale of alcohol was amended to be from 12.00 to 23.00 hours Monday to Sunday with the exception of New Year's Eve when it would be until 01.00 hours on New Year's Day. The application for recorded music and late night refreshment was withdrawn.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 1 and the plan of the premises at Annex 2 to the report, and the written representations received during the statutory consultation period as set out at Annexes 3, 4 and 6. Following the amendment of the application, Mr P Thomason for the responsible authority for

Environmental Health, indicated that his objections to the application had been addressed and he no longer had any objections.

The Panel listened carefully to the representations made by Mr Thomas and one resident in support of the application and by Councillor M Base (representing himself) and three local residents who had objected to the application. The local residents were particularly concerned about the use of the forecourt for drinking and smoking and the amount of noise and disturbance that this might generate.

In reaching its decision the Panel took into consideration the guidance dated April 2018 issued by the Secretary of State under Section 182 of the Licensing Act 2003, and in particular Chapter 2 and the Prevention of Public nuisance, as well as the Council's Statement of Licensing Policy.

The Panel took account of all of the representations from local residents regarding noise and public nuisance and the modifications made to the application by Mr Thomas on behalf of Pace Asset Management.

The Panel was satisfied that the licensing objectives could be promoted by granting the licence in accordance with the amended application and subject to the mandatory conditions, the conditions consistent with the operating schedule, those conditions proposed by the applicant in the letter to the Licensing Authority dated 31 August 2018 and the conditions recommended by the Panel at the Hearing. The Panel concluded that, in order to promote the licensing objectives, particularly the prevention of public nuisance, the application could be approved and, therefore

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

Section J	<p><b>Supply of alcohol for consumption both on and off the premises</b></p> <p>Monday to Sunday from 12:00 hours until 23:00 hours and until 01:00 hours on New Year's Day</p>
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**Conditions:**

1. The use of the forecourt shall cease at 21:00 hours on all days including New Year's Eve.
2. During opening hours the front of the forecourt shall be delineated by some form of barrier.

3. All tables and chairs shall be removed from the forecourt at closing time.
4. No more than 8 persons shall use the forecourt at any time.
5. With the exception of ingress and egress, all doors and windows shall be kept closed after 21:00 hours (The Panel recommended that an automatic closing device be fitted to the front door).
6. No bottle bins shall be emptied between 21:00 hours and 08:00 hours.
7. All deliveries shall take place on weekdays between 08:00 hours and 17:00 hours.
8. Signage shall be put up requesting patrons to respect the rights of local residents.

**LA 18/99 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 12.45 pm  
having commenced at 10.00 am