

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **LICENSING AND APPEALS PANEL**

**Friday, 20th September, 2019**

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

Together with representatives of the Licensing Authority, the applicants for the review, representatives of the licensed premises and other interested parties. Councillor C J Williams was also present as an observer and local Ward member.

### **PART 1 - PUBLIC**

#### **LAP 19/7 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

#### **LAP 19/8 APPLICATION FOR A REVIEW OF A CLUB PREMISES CERTIFICATE AT AYLESFORD VILLAGE CLUB, 57 ROCHESTER ROAD, AYLESFORD**

The Panel gave consideration to an application for the review of a club premises certificate in respect of the premises known as Aylesford Village Club, 57 Rochester Road, Aylesford which had been made under section 87 of the Licensing Act 2003.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, together with the application and written representations received during the statutory consultation period. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

The Panel was mindful of its obligations under section 88(3) of the Licensing Act 2003, which stated that, having regard to the application and representations, the Licensing Authority must take such steps set out in section 88(4) as it considers appropriate for the promotion of the licensing objectives. The Panel also had particular regard to the provisions of the amended guidance issued under section 182 of the 2003 Act and to the Council's Statement of Licensing Policy.

The Panel was satisfied that there had been unacceptable nuisance at the premises and that the club premises certificate should be suspended

for a period of one calendar month. The Panel stated that during the period of suspension the Committee, Trustees and Staff of the Aylesford Village Club were expected to:

1. Fully understand the conditions of the certificate and to have training and plan how they would comply with those conditions; and
2. Review the rules and regulations of the Aylesford Village Club to ensure they fully comply with the licensing regulations and to plan how those rules would be fully complied with by both members and guests.

The Panel pointed out to the management of the Aylesford Village Club that the consumption of alcohol purchased on the premises and consumed outside of the licensed premises in breach of the mandatory conditions was an offence under the Licensing Act 2003. The Panel decided that the sale of alcohol for consumption off the premises should, therefore, be excluded from the club premises certificate.

Finally, with regard to the burning of refuse, the Panel advised that while this issue was not within its remit it fully understood residents' concerns. It suggested that residents should continue to notify the Environmental Health service about any concerns regarding noise nuisance and any other public nuisance. The Panel encouraged Aylesford Village Club to liaise with the Council about the most appropriate way to dispose of waste.

The Panel, therefore,

**RESOLVED:** That the Club Premises Certificate for Aylesford Village Club be suspended for a period of one calendar month and that the following conditions be applied:-

1. The sale of alcohol for consumption off the premises be excluded from the club premises certificate;
2. Before the end of the period of suspension, the Licensing team of Tonbridge and Malling Borough Council be supplied with the revised Aylesford Village Club rules and shown evidence that effective staff training had taken place;
3. All doors and windows to be kept closed at all times except for access and egress; and
4. The Challenge 25 policy be implemented and a 'refusals log' kept.

**LAP 19/9 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 2.02 pm  
having commenced at 10.15 am