

LICENSING ACT 2003 – Section 88
Notice of determination of an application to review a club premises certificate

Reference:
19/01006/CLUB

Tonbridge and Malling Borough Council, being the relevant Licensing Authority in this matter, on 2nd August 2019 received an application for a review of a club premises certificate in respect of the premises known as Aylesford Village Club, 57 Rochester Road, Aylesford, Kent. ME20 7BS

On the 20th September 2019 a hearing was held to consider this application and having considered it, the Licensing and Appeals Committee sitting as a panel (“the Panel”) determined as follows:

The Panel considered carefully 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 the Council’s statement of licensing policy.

The Panel RESOLVED that the club premises certificate be suspended for a period of one calendar month, because the panel were satisfied that there had been unacceptable nuisance at the premises.

The panel stated that during the period of suspension, it expected the Committee, Trustees and Staff of the Aylesford Village Club to:

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

Also, the panel decided to exclude from the certificate the sale of alcohol for consumption off the premises. 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 is an offence under the Licensing Act 2003.

In addition, the panel imposed the following conditions:

1. Supply the Licensing team of Tonbridge and Malling Borough Council with the revised Aylesford Village Club rules before the end of the suspension, and

- show evidence of effective staff training having taken place
2. All doors and windows to be kept closed at all times except for access and egress
 3. Implement the Challenge 25 policy and keep a refusals log

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

Dated: 24th September 2019

Signed

Chairman Licensing & Appeals Panel

Signed

Licensing Officer

Please address any communications to:

Licensing Services
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent ME19 4LZ

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.