

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 14th March, 2025

Present: Cllr R V Roud (Chair), Cllr B Banks and Cllr M Taylor.

Together with representatives from the Licensing Authority, the Applicant and other interested parties.

PART 1 - PUBLIC

LAP 25/7 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 PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LAP 25/8 APPLICATION FOR A NEW PREMISES LICENCE FOR KANEERA EXPRESS (TONBRIDGE) LTD, 5-6 TOLLGATE BUILDINGS, HADLOW ROAD, TONBRIDGE, KENT TN9 1NX

The Panel gave careful consideration to an application for a premises licence in respect of Kaneera Express (Tonbridge) Ltd, 5 – 6 Tollgate Buildings, Hadlow Road, Kent, TN9 1NX.

Careful consideration was given to the written report of the Director of Central Services and Deputy Chief Executive, which set out details of the application, the reasons for referral to the Panel and the policy considerations that applied to the application.

It was reported that in response to the statutory consultation period, the Borough Council, in its role as the Licensing Authority, had received a number of representations objecting to the application. However, no representations had been received from any of the responsible authorities.

The Panel felt that the objections could be summarised as follows:

- Public nuisance created by the noise being emitted from the premises.
- Dangers posed to public safety by traffic issues created by deliveries at the premises and by people stopping to use the premises.

- The potential for anti-social behaviour, crime and disorder consisting of anti-social behaviour, littering and public order offences in the locality.
- It was also suggested that young people might be drawn to the premises and that they were potentially at risk of harm.

In reaching a decision, the Panel took account of all the five written representations received objecting to the granting of the application and the verbal representations made by Mr P Charlton, Ms E Francis, Mr N Yeo on behalf of Mr M Phipps and Ms J Chalmers, and Mr D Martin at the Hearing. The Panel also took into account the Secretary of State's most recent Guidance issued under s.182 of the Act and its own Statement of Licensing Policy. In addition, the Panel took account of the fact that there were no representations made by any of the responsible authorities.

RESOLVED: That the application for a new premises licence be granted, namely: the supply of alcohol; and for the hours applied for save for Christmas Eve and New Years Eve when the Panel accepted the Applicant's concession of reducing the hours from 02:00 hours to 23:00 hours, so the hours will be 06:00 hours until 23:00 hours seven days per week, subject to the mandatory conditions and the following additional conditions (as set out on the Notice of Determination):

- (1) The applicant will not allow any deliveries from the premises (e.g. Deliveroo, Just Eat etc).
- (2) The applicant will install a minimum of 32 CCTV security cameras, which will cover the inside, front and back of the premises. Content of cameras to be kept for a minimum of 31 days.
- (3) The applicant will put up a Notice asking customers to be quiet on leaving the premises.
- (4) The applicant will keep the front of the premises clear from litter at all times.
- (5) The applicant will notify the Licensing Authority as soon as they have appointed the dedicated Designated Premises Supervisor (DPS) (including name and start date).

on the grounds that:

- (1) It was the Panel's view that the traffic and parking issues that were raised by the objectors were either planning or highway issues and were not relevant to the licensing objectives.

- (2) The suitability of the location of the store was a planning issue and beyond the scope of the Panel.
- (3) Whether or not there was a need for these premises was not a relevant consideration for the Panel. There was no representation from the Planning Authority.
- (4) The Panel was not satisfied by the representations made that the licensing of the premises would lead to a rise in crime or disorder, or in public nuisance or would mean that children could not be protected from harm. There was no concrete evidence to support these suggestions, and the Police had not made any representations, which the Panel felt was significant.

LAP 25/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.11 pm
having commenced at 10.00am