

Licensing and Appeals Panel

06 August 2025

Part 1 - Public

Delegated



Cabinet Member N/A

Responsible Officer Adrian Stanfield, Director of Central Services & Deputy Chief Executive

Report Author Katie Shipman and Samantha Kemp, Licensing Officers

Application for a new premises licence at The Market House, 130 High Street, Tonbridge, Kent, TN9 1DE

1 Summary and Purpose of Report

- 1.1 The Licensing and Appeals Committee sitting as a Panel is asked to consider an application for a new premises licence after a number of objections were received during the 28-day consultation period.
- 1.2 During the 28-day consultation period, the Licensing Department has received three representations from interested parties and two objections from the statutory consultees.
- 1.3 If granted, the premises seeks to supply alcohol, for consumption on and off the premises Sunday to Thursday 09:00 until 23:00, and Friday and Saturday 09:00 until 03:00. It also seeks to provide live and recorded music Monday to Thursday 08:00 until 23:00, Friday and Saturday 08:00 until 03:00 and Sunday 09:00 until 23:00. It also seeks to provide late night refreshment Friday and Saturday 23:00 until 01:00.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 That Members determine the application carefully, considering the application along with any representations made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

4 Introduction and Background

- 4.1 The application was validated on 12th June 2025, with the 28-day consultation running until 11th July 2025 but being extended to 15th July 2025 after an additional notice was displayed to ensure the application was advertised correctly.
- 4.2 At any stage, during the 28-day public consultation period, a responsible authority, or other person, may make representations in connection with any of the four licensing objectives namely: -
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by other persons are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

- 4.3 The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's Statement of Licensing Policy runs from 2025 until 2030. The Policy will be available at the hearing, for reference purposes.
- 4.4 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to Guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. The Guidance will also be made available at the hearing for reference purposes.

5 Proposal

- 5.1 The applicant is Mr Mark Richards of Eden Tonbridge Limited.
- 5.2 A copy of the application form can be seen at **Annex 1**. The application proposes the sale of alcohol, provision of live and recorded music and the sale of late-night refreshments.
- 5.3 The plan of the premises can be seen at **Annex 2**.

5.4 The application is for the following –

Supply of alcohol	<p>Sunday to Thursday 09:00 – 23:00</p> <p>Friday and Saturday 09:00 – 03:00</p> <p>Where Christmas Eve / New Years Eve fall on a Sunday, Monday, Tuesday, Wednesday or Thursday - alcohol to be sold until 03:00</p>
Provision of recorded music	<p>Monday to Thursday 08:00 – 23:00</p> <p>Friday and Saturday 08:00 – 03:00</p> <p>Sunday 09:00 – 23:00</p> <p>Where Christmas Eve / New Years Eve fall on a Sunday, Monday, Tuesday, Wednesday or Thursday – recorded amplified music to be played until 23:00 on the ground floor and until 03:00 in the basement, known as ‘The Vault’.</p>
Provision of live music	<p>Monday to Thursday 08:00 – 23:00</p> <p>Friday and Saturday 08:00 – 03:00</p> <p>Sunday 09:00 – 23:00</p> <p>Where Christmas Eve / New Years Eve fall on a Sunday, Monday, Tuesday, Wednesday or Thursday – recorded amplified music to be played until 23:00 on the ground floor and until 03:00 in the basement, known as ‘The Vault’.</p>
Provision of late-night refreshments	<p>Friday and Saturday 3:00 – 01:00</p>

- 5.5 During the 28-day consultation period, the Licensing Department has received the following representations –

Other persons	3 – these can be seen at Annex 3 of this report
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- 5.6 Representations received from statutory consultees –

Fire Safety	Comments received – No Objection
Trading Standards	No comments received
Social Service	No comments received
Police	Comments received – Representation can be seen in Annex 4 of this report
Environmental Health TMBC	Comments received – Representation can be seen in Annex 5 of this report
Health & Safety	No comments received
Planning	No comments received

- 6 The current licence can be seen at **Annex 6**.

7 Other Options

- 7.1 The steps an authority may take are –

1. Grant the licence subject

- i. to such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
- ii. any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).

2. Exclude from the scope of the licence any of the licensable activities to which the application relates.

3. Reject the application.

8 Financial and Value for Money Considerations

- 8.1 None unless there is a successful appeal against the Panel decision to the Magistrates' Court. This could result in costs being awarded against the Council.

9 Risk Assessment

- 9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

10 Legal Implications

- 10.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Having regard to the relevant representations, the Panel must take such of the steps set out, as it considers appropriate, for the promotion of the licensing objectives.

- 10.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.
- 10.3 Section 18(10) of the Licensing Act permits the authority to grant a premises licence so that it has effect subject to different conditions in respect of: -
- Different parts of the premises concerned.
 - Different licensable activities covered.
- 10.4 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court.

11 Consultation and Communications

- 11.1 The Licensing Act 2003 requires all new application to undergo a 28-day consultation. During this consultation period, a blue public notice was displayed at the premises and an advert was place in a local newspaper.

12 Implementation

- 12.1 Decision of Licensing Panel will have immediate effect if granted, all parties may challenge the decision in the form of an appeal at the Magistrates Court.

13 Cross Cutting Issues

13.1 Climate Change and Biodiversity.

13.1.1 Adaptation and resilience have not been considered.

13.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

13.2 Equalities and Diversity.

13.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	TBC Statement of Licensing Policy 2025 - 2030
Annexes	Annex 1 – Application Annex 2 – Premises plan Annex 3 – Representations from other persons Annex 4 – Representation from Police Annex 5 – Representation from Environmental Protection Annex 6 – Current licence