



LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP E)

20 March 2012 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Fittock, Hogarth and Piper (substitute)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Committee Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Manager on 01732 227325.

3. **Mobile Catering Unit, Lay-By, Adjacent To The Portobello Inn, London Road, West Kingsdown, Kent. TN15 6JB (Pages 1 - 2)**

**PROCEDURE AT HEARINGS OF SUB-COMMITTEES OF THE
LICENSING COMMITTEE ESTABLISHED IN ACCORDANCE WITH
SECTION 9 OF THE LICENSING ACT 2003**

1. In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish one or more Sub-Committees each consisting of three members of the Committee.

2. The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2005.
3. Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
4. The quorum for a hearing of a Sub-Committee shall be three members.
5. At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
6. The order of business at hearings shall be:
 - (a) Election of Chairman
 - (b) Declarations of interests
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the Applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the Applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.
 - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
 - (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
 - (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulations.

Jessica Bolton

From: [REDACTED]
Sent: 19 March 2012 23:04
To: Jessica Bolton
Subject: burger van, london Road West Kingsdown

Jessica

Sorry for late reply regarding the hearingve just come back from the Parish committee meeting tonight

Re burger van in layby adjacent to portobello car park, London Road

Parish Council have considered this application and recent correspondance from KCC regarding the matter. They reply to their position as a highway authority, whilst they do not permit such trading, it is tolerated. the only exception to the rule is nder section 147A of the highways act 1980 which states

- a) the verge of a trunk road or a principle road
- b) a layby on such a road
- c) unenclosed lan within 15 metres of any part of any such road

The location of the burger van comes into the above points and therefore Parish Council would wish to see that the trading on the side of the A20 ceases as not appropriate location. They would perfer to see the trader off the main A20, inside the car park and a formal planning application made. However should permission be granted by SDC, Members would not wish to see the opening hours any longer than the opening times of the pub licence, with the exception of Sunday when no trading should take place as per application. It has been noted that the applicant is currently trading on a Sunday.

The location is a residential area and it is unfair to residents to have the noise of the van and the additional noise generated from vehicles, engines and car doors, using the catering unit.

There is no evidence that the unit has alot of passing traffic in the early hours of the morning.

I hope this clarifies the Parish Councils ppoints of view on this application

Mrs Lynda Harrison
Parish Clerk for West Kingsdown

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