



**LICENSING COMMITTEE - LICENSING HEARING**  
**(SUB-GROUP C)**

**20 March 2012 at 10.30 am**

***Council Chamber, Argyle Road, Sevenoaks***

**AGENDA**

**Membership:**

Fittock, Hogarth and Piper (substitute)

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**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.

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1. Appointment of Chairman
2. Declarations of interest.
3. **Mobile Catering Unit, Lay-By, Adjacent To The Portobello Inn, London Road, West Kingsdown, Kent. TN15 6JB**  
(Fawkham & West Kingsdown)

**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.

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LICENSING COMMITTEE (HEARING) – 20 MARCH 2012

APPLICATION FOR A PREMISES LICENCE FROM THE MOBILE CATERING UNIT, LAY-BY, ADJACENT TO THE PORTOBELLO INN, LONDON ROAD, WEST KINGSDOWN, KENT. TN15 6JB FOR AN APPLICATION UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 11/03328/LAPRE

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Report of the: Community and Planning Services Director

Status: For Decision

Portfolio Holder Cllr. Mrs Bracken

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

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**Recommendation:** Members' instructions are requested

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**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by Mr Hudayi Tulu, 32 Adam Close, Crowborough, East Sussex. TN6 3DT

The Mobile Catering Unit is situated in the lay-by, Adjacent to The Portobello Inn, London Road, West Kingsdown, Kent. TN15 6JB.

The applicant is applying for the licensable activity of late night refreshment.

**The application is to:**

Section L	To allow late night refreshment on Monday to Thursday from 23:00 to 00:00 hours and Friday and Saturday from 23:00 to 02:00 hours outdoors.
Section O	Hours premises are open to the public on Monday to Thursday from 23:00 to 00:00 hours and Friday and Saturday from 23:00 to 02:00 hours.

**The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:**

## Agenda Item 3

### General

Food and soft drinks only supplied

### The Prevention of Crime and Disorder

Stall holder is well experienced with mobile catering units. Monitors and manages any activities around the unit, which is manned at all times.

### Public Safety

Vehicle parked in lay-by for business hours only. No obstructions caused to road users.

### The Prevention of Public Nuisance

Litter, if evident, is collected within a radius of around 50m at close of business.

### The Protection of Children from Harm

No children are permitted access to the unit.

### Representations received from statutory consultees:

Fire Safety	NO ADVERSE COMMENTS
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO OBJECTIONS
Commercial	NO OBJECTIONS
Environmental Protection	NO ADVERSE COMMENTS
Development Control	NO ADVERSE COMMENTS

### Representations received from interested parties:

One from the Parish Council.

### Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

None.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

**Sources of Information:** <http://www.culture.gov.uk/alcohol> and entertainment

**Contact Officer(s):** Mrs. Claire Perry Ext. 7325

**KRISTEN PATERSON  
DEPUTY CHIEF EXECUTIVE AND DIRECTOR FOR COMMUNITY  
AND PLANNING SERVICES**

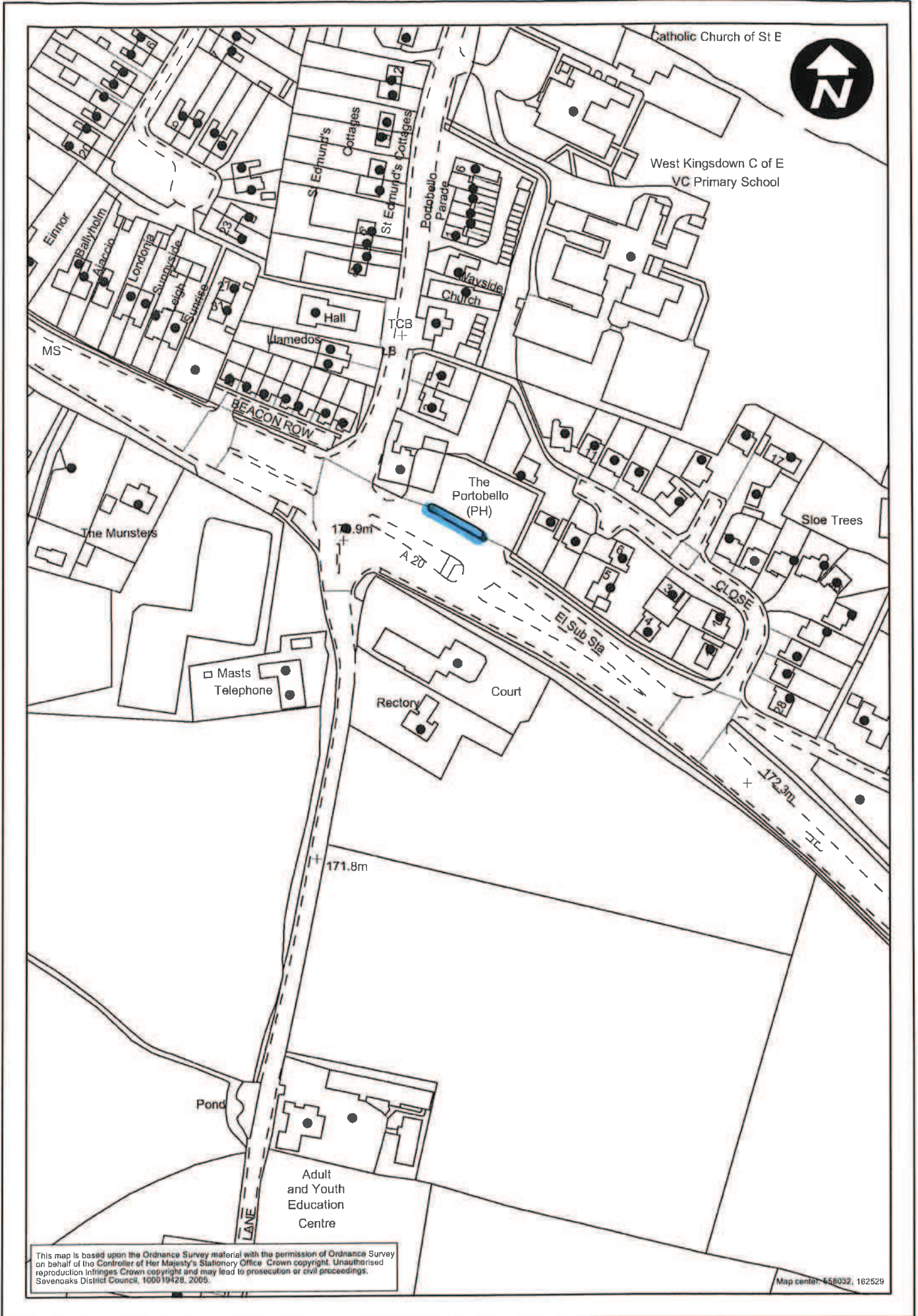
### RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 20<sup>th</sup> March 2012, subject to any appeal to a Magistrates Court or higher Court.

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Map center: 658032, 162529

Sylvia Lewis

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**From:** West Kingsdown Parish Council [wkpc@btconnect.com]  
**Sent:** 22 February 2012 12:32  
**To:** Sylvia Lewis  
**Subject:** 11/03328

Re 11/03328

Parish Council wish to object to this application. In this rural location it would be inappropriate to have and encourage very late trading, with local noise and light issues this produces to local residents. The layby in Question is a bus layby and therefore would take up the space of this provision.

Mrs Lynda Harrison  
West Kingsdown Parish Clerk  
[wkpc@btconnect.com](mailto:wkpc@btconnect.com)