

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

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

Recommendation: Members' instructions are requested

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:

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 20th March 2012, subject to any appeal to a Magistrates Court or higher Court.