

LICENSING HEARING

Minutes of the meeting held on 23 March 2015 commencing at 10.30 am

Present: Cllrs. Mrs. Ayres, Clark and Orridge

Also present: Mr. M. Rahman - Applicant
Mr S. Meah - Applicant's employee
Mr R. Jordan - Applicant's representative

Mr P. Walker - Objector (Representative of Kemsing Parish Council)

Mrs. L. Leeds - Licensing Officer
Mr. D. Lagzdins - Legal Advisor
Ms. V. Etheridge - Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Clark be appointed Chairman of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Application for a Premises Licence under the Licensing Act 2003 for Tamarind Fine Indian Dining, 3 The Parade, Dynes Road, Kemsing, Kent. TN15 6RE

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a premises licence under the Licensing Act 2003. It was noted that an objection had been received from the Parish Council and that accordingly the application had been referred to the Sub-Committee for determination.

The Chairman advised the hearing of a typographical error within the report: where Section L was referred to it should read 'J' and Section O should read 'L' respectively.

The Hearing heard from the applicant's representative. He advised that on consideration of the objections raised by the Parish Council the applicant was prepared to offer amendments to the application and additional information to that already identified, on how the four licensing objectives would be met if the proposed application was granted. These included amendments to the variation applied for under Section J and L to provide for no sale of alcohol for consumption off the premises, to amend the hours of sale of alcohol to 1700 until 2230 hours on Mondays to Saturdays and to amend opening hours to 1700 until 2300 hours on Mondays to Saturdays (no Sunday trading). The owners were also prepared to close their doors at 2100 hours and allow no new customers; advertise their opening hours as until 2100 hours only; have a zero tolerance drug policy with signage; allow no alcohol consumption for under 18s; have 'leave quietly' signage and request taxi companies to text on arrival in order to prevent customers waiting for long periods outside the restaurant.

Licensing Hearing - Monday, 23 March 2015

In response to questions the applicant responded that no off sales would mean no alcohol sales with takeaway and sales on premises only in conjunction with food. He did not have the data to be able to advise how the split between takeaway and restaurant would be.

The Hearing heard from the objector who reaffirmed that the Parish Council's main concern was with the hours. He explained that there was a concern that it was a creeping application, they were opposed on planning and licensing grounds as it was liable to be a public nuisance being open with alcohol until 11 p.m at night in a quiet residential area. Concerns were over potential increased crime, upset to residents in the area and setting a precedent that two other takeaways in the parade may follow. In response to a question he said that the Council had no evidence of public nuisance in the vicinity of the premises at the present time.

In summing up the applicant's representative pointed out that no other objections had been received. The objector reaffirmed the Parish Council's concern was with the hours.

In summing up the applicant's representative pointed out that no other objections had been received. The objector reaffirmed the Parish Council's concern was with the hours.

At 10.54 the Hearing Members withdrew to consider the issues raised, with the Council's Legal Advisor and Democratic Services Officer in attendance.

At 11.45 the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties and the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. The Sub Committee was satisfied that granting the application subject to conditions would be in accordance with the relevant licensing objectives and had considered and accepted the new proposals put forward by the applicant. The Chairman reminded parties that it was possible at any stage for a responsible authority or any other person to ask the licensing authority to review the licence if there was a concern that licensing objectives were not being met.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Tamarind Fine Indian Dining, 3 The Parade, Dynes Road, Kemsing, Kent. TN15 6RE, subject to mandatory conditions, and amendments to licensable activities, operating schedule and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.48 am

Chairman

LICENSING ACT 2003 – Section 23

Notice of determination for application premises licence

To: TAMARIND FINE INDIAN DINING

Of: 3 THE PARADE, DYNES ROAD, KEMSING, KENT. TN15 6RE

Ref: 15/00147/LAPRE

Sevenoaks District Council being the licensing authority, on the 23 March 2015 received an application for a variation to a premises licence in respect of premises known as Tamarind Fine Indian Dining, 3 The Parade, Dynes Road, Kemsing, Kent. TN15 6RE

On the 23 March 2015 there being a valid representation which was received had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

To grant the premises licence subject to mandatory conditions, and following amendments to licensable activities, operating schedule and additional conditions:

Section J	To allow sale of alcohol for consumption on the premises Monday to Saturday from 17:00 until 22:30 hours. No off sales.
Section L	Hours premises are open to the public Monday to Saturday from 17:00 until 23:00 hours.

To add the conditions on the Licence as follows:

- Opening hours of the premises to be advertised as being until 2100 hours Monday to Saturday
- No new patrons to be admitted after 2100 hours Monday to Saturday
- No persons under 18 years of age to be allowed to consume alcohol on the premises

To amend the Conditions consistent with the Operating Schedule

- The CCTV footage to be made available to the Police upon request
- Signage of a Zero Tolerance Drugs Policy

Having had regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182. The conditions are appropriate to address potential undermining of the licensing objectives of preventing crime and disorder and public nuisance.

This licence granted at the Hearing is effective from the 23 March 2015

Dated: 23 March 2015

Signed

Chair – Licensing Hearing

Signed

Designation –Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.