

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 20 March 2012 commencing at 10.52 am

Present: Sub-Committee E: Cllrs. Fittock, Hogarth and Piper (substitute)

Also present: Mr. M. Cassum - Applicant's Representative
Mr. H. Tulu - Applicant
Mrs. J. Bolton - Licensing Officer
Mrs. H. Langford - Legal Adviser
Ms V. Etheridge - Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST.

No declarations of interest were made.

3. MOBILE CATERING UNIT, LAY-BY, ADJACENT TO THE PORTOBELLO INN, LONDON ROAD, WEST KINGSDOWN, KENT. TN15 6JB

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application for a Premises Licence for the The Mobile Catering Unit, Lay-By, Adjacent to the Portobello Inn, London Road, West Kingsdown, Kent. TN15 6JB . The application was made by Mr. Hudayi Tulu, 32 Adam Close, Crowborough, East Sussex TN6 3DT. It was noted that an objection had been received and that accordingly the application had been referred to the Sub-Committee for determination.

No representatives of West Kingsdown Parish Council, the objectors, were present. However an email had been sent to the Licensing Officer. The Chairman advised that the Sub-Committee had not seen this information and asked the Applicants if they agreed that it be submitted. The Applicants agreed and paper copies of the email were circulated.

The Chairman adjourned the Hearing to provide all those present with an opportunity to read the late submission from the Parish Council

At 10.54 a.m. the Hearing adjourned.

At 10.59 a.m. the Hearing reconvened.

The Hearing heard from the applicant's representative in support of the application. In response to the issues raised in the late submission, the Applicant's representative

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replied that they had offered to reduce the hours of operation applied for by one hour on Fridays and Saturdays to coincide with the Public House opening hours which the Parish Council had still objected to; that they had consulted Kent Highways and had understood that as they were causing no obstruction to the highway there was no problem with them parking there; and that the mobile catering unit did trade on Sundays but only until 8.00 p.m. The application therefore stood as applied for.

The Legal Advisor responded that the licence application was a separate issue to the highways issue, which was a matter for Kent Highways to consider, but that the Hearing did need to assess the application against the licensing objectives and one of those objectives was public safety.

In response to questions about possible noise nuisance, the applicant's representative advised that no generator was used, the engine was not run and the extraction fan ran off the battery. The van was parked near a public house and car park in a lay-by on a busy road. The window of the unit faced the footpath, and there was still enough room in the lay-by for a bus.

At 11.15 a.m. the Hearing Members and Council's Legal Adviser withdrew to consider the issues raised.

At 11.26 a.m. the Hearing Members and Council's Legal Adviser 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, to the guidance issued under s.183 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

It was therefore unanimously,

Resolved: That the Premises Licence in respect of The Mobile Catering Unit, Lay-By, Adjacent to the Portobello Inn, London Road, West Kingsdown, Kent. TN15 6JB subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.27 am

Chairman

Notice of determination for application premises licence

To: MR HUDAYI TULU OF MOBILE CATERING UNIT

Of: LAY-BY, ADJACENT TO THE PORTOBELLO INN, LONDON ROAD, WEST KINGSDOWN, KENT. TN15 6JB

Ref: 11/03328/LAPRE

Sevenoaks District Council being the licensing authority, on the 16 November 2011 received an application for a premises licence in respect of premises known as the Mobile Catering Unit, Lay-By, adjacent to the Portobello Inn, London Road, West Kingsdown, Kent TN15 6JB.

On the 20 March 2012 there being valid representation which was received and 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:

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.

To add the conditions on the Licence as follows:

1. That litter, if evident, is collected and removed, within a radius of 50m at close of business.

Reason: For the Prevention of Public Nuisance

This licence granted at the Hearing is effective from the 20 March 2012.

Dated: 20 March 2012

Signed

Chairman – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services
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.