

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 21st September, 2009

Present: Cllr Miss J L Sergison (Chairman), Cllr A W Allison, Cllr J A L Balcombe, Cllr J R H Clements and Cllr Mrs F A English.

PART 1 - PUBLIC

**LA
09/041 DECLARATIONS OF INTEREST**

Councillor Balcombe declared a personal and prejudicial interest in the application in respect of the Hengist Restaurant in that he knew the applicant and the objectors. He withdrew from the meeting during consideration of this item.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LA
09/042 APPLICATION FOR VARIATION OF PREMISES LICENCE - THE
HENGIST RESTAURANT, 7-9 HIGH STREET, AYLESFORD**

The Panel gave consideration to an application made by Mr Paul Smith to extend the hours of Sale of Alcohol and the provisions of Regulated Entertainment and Late Night Refreshment. The notice of the application had been displayed at the premises and advertised in a local newspaper and the Panel was advised that three representations had been received during the statutory period from local residents on the grounds of public nuisance.

The Panel heard from Mr Sharpe and Mrs Vermeer on behalf of the objectors. Having considered very carefully the application for the variation of the premises licence at The Hengist Restaurant and taken into account the Licensing Act 2003, statutory guidance, regulations, the application, written representations received and oral evidence submitted to the meeting, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Variation to the Premises Licence be granted as follows:-

1. Sale of Alcohol

The hours of operation shall be 10.00 to 24.00 hours Monday to Saturday; 10.00 to 21.00 hours on Sunday and 10.00 to 01.00 hours on New Year's Eve;

2. Late Night Refreshment

The hours of operation shall be 23.00 to 24.00 hours Monday to Saturday and 23.00 to 01.00 on New Year's Eve; and

3. Plays, Music and Dance

The hours of operation shall be 11.00 to 23.00 hours Monday to Saturday and 11.00 to 01.00 hours on New Year's Eve. Performances shall not take place on Sundays (unless this is New Year's Eve) and are restricted to fifty per year with no more than one performance per week.

MATTERS FOR CONSIDERATION IN PRIVATE

LA
09/043

EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information the following matter be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA
09/044

APPLICATION FOR HACKNEY CARRIAGE DRIVER'S LICENCE (Reason: LGA 1972 Sch 12A Para 1 - Information relating to an individual)

The Central Services Director submitted details of an application for a Hackney Carriage Driver's Licence received from the holder of the Private Hire Driver's Licence granted at the meeting held on 3 August 2009 (Minute LA 09/040 refers).

RESOLVED: That the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence and would, therefore, be granted said licence subject to

(1) the applicant serving a probationary period concurrent with the dates applied to the Private Hire Driver's Licence;

(2) any infringements of the licence during the probationary period being referred to the Licensing and Appeals Committee sitting as a Panel for review; and

(3) during the probationary period the applicant shall not operate as a Hackney Carriage Driver other than for Castle Cars without the prior written consent of the Council.

The meeting ended at 2140 hours