

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Tuesday, 4th March, 2014

Present: Cllr C Brown (Chairman), Cllr O C Baldock and Cllr Mrs C J Woodger
Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/4 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct

LA 14/5 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

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

LA 14/6 LEGAL PROCEEDINGS UNDER LICENSING ACT 2003

(Reason: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The report of the Director of Central Services set out details of action taken following an appeal to the Magistrate's Court by the licensee of the Somerhill Public House in respect of a decision made by the Licensing and Appeals Committee, sitting as a Panel, on 5 August 2013.

The Director of Central Services explained that, as the legal proceedings had commenced, any revised decision arising from further negotiation between the licensee, Kent Police and the licensing authority could only be agreed by way of a Consent Order issued by the Court and signed by all parties. He further explained that the Council's Constitution did not provide an express power to the Director of Central Services to dispose of legal proceedings.

RESOLVED: That the Director of Central Services be authorised to sign the Consent Order, as set out at Annex 1 to the report, and settle the current court proceedings.

The meeting ended at 10.13 am