

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 12th July, 2019

Present: Cllr D Keers (Chairman), Cllr Mrs P A Bates and Cllr D W King

Together with representatives of the Licensing Authority, Mr S Alam (the Applicant) and Mrs C Alam and Councillor N Stapleton on behalf of West Malling Parish Council.

PART 1 - PUBLIC

LAP 19/4 DECLARATIONS OF INTEREST

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

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LAP 19/5 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT DESH, 68-70 HIGH STREET, WEST MALLING

The Panel gave consideration to an application for the variation of a Premises Licence made by Mr S Alam, Director of Sofia May Limited, under section 34 of the Licensing Act 2003 in respect of premises at DESH, 68-70 High Street, West Malling. The application sought the removal of a restaurant condition preventing the sale of alcohol to people who were not eating in the restaurant.

The Panel gave careful consideration to the written report of the Director of Central Services and Deputy Chief Executive, the application set out at Annex 2 to the report and the written representation received during the statutory consultation period from West Malling Parish Council. The Panel was advised that no representations had been received from the Responsible Authorities and noted that the Police had agreed a number of conditions with the applicant which could be applied should the Panel decide to modify the licence.

In reaching its decision the Panel was mindful of the guidance dated April 2018 issued by the Secretary of State under s.182 of the Licensing Act 2003 and of the Council's Statement of Licensing Policy.

The Panel considered that there was insufficient information available at the Hearing to determine whether or not the application should be

granted and felt that item 7 of the proposed conditions agreed with Kent Police was clearly ambiguous. The Panel, therefore

RESOLVED: That consideration of the application be adjourned to a future meeting to allow clarification to be sought from Kent Police in relation to proposed condition 7 and from Kent County Council regarding the site boundary and the placement of tables and chairs outside of the premises.

Subsequent to the meeting the application was withdrawn by the applicant so a further hearing was not required.

LAP 19/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.59 am
having commenced at 10 am