

LICENSING SUB-COMMITTEE

Minutes of the meeting held at Time Not Specified on 19 September 2023

Present:

Councillor Kira Gabbert (Chairman)
Councillors Robert Evans and Sam Webber

Also Present:

5 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Kira Gabbert was appointed Chairman for the meeting.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 NEW PREMISES LICENCE APPLICATION FOR SEL'S KEBABS, STATION APPROACH, ORPINGTON, BR6 0ST

The Application:

The application as submitted sought a premises licence for Late Night Refreshment only, Monday to Thursday until 00.00 hours and Friday and Saturday until 01.00 hours. The Sub-Committee was advised by the Licensing Officer that the Responsible Authorities had been notified concerning the application, but no objections from them had been received. A local ward member, Councillor Owen who attended the hearing, nevertheless, provided a copy of a planning permission for the premises issued under reference DC/19/01807/FULL2 for a change of use to Mixed Use A3 (Restaurants and Cafes) and A5(hot food takeaway).

Condition 4 of that permission provided for "The use shall not operate on any Sunday or Bank Holiday, Christmas Day, or Good Friday nor before 07.00 or after 22.30 on any other day. Paragraph 22.1 of the Council's Statement of Licensing Policy 2021--2026 stated that the Licensing Authority would not grant an application for a new Premises Licence or Club Premises Certificate unless it was satisfied that all relevant planning permissions were in place where necessary. The Sub-Committee was advised that the applicant was unaware of the condition attached to the planning permission until the hearing and his intention was to apply to the Council for a variation of the planning condition.

Reasons for Decision:

Members noted that, notwithstanding the lack of a representation from the planning authority, the proposed use for the premises for the provision of late-night refreshments was apparently in breach of a planning condition restricting the hours of operation at the premises. They did not feel that a sufficient justification had been presented for them to depart from the Council's Statement of Licensing Policy requiring that all relevant planning permissions be in place. The applicant had indicated that he was intending to contact the planning division. In the circumstances Members concluded that the correct course would be to adjourn the Licensing application so that the planning situation could be clarified.

Decision:

That the application for the grant of a new premises licence at Sel's Kebabs, Station Approach, Orpington, BR6 0ST be adjourned and that the application be considered at a re-convened meeting of the Licensing Sub-Committee to be heard no later than 31st March 2024.

Chairman