

Licensing Panel

Friday, 15 March 2013

10.00am

Present:

Cllr John Loughlin (Chair)

Cllrs: Greta Goatley
Derek Sales

Also in attendance:

Mr Robert Sutherland	Representative for Applicant Mr Makhan Cheema
Mr Stephen Thomas	Representative for Respondent Mr Kevin Pearton
Mr Kevin Pearton	License Holder

Christina Hills	Senior Licensing Officer
Martin Goodman	Corporate Lawyer
Ravy Sarin-Busbridge	Committee & Scrutiny Assistant

22. Declarations of Interest

No declarations of interest were made.

23. Order of Agenda

Mr Sutherland raised a preliminary issue on behalf of the applicant. He argued that the hearing was unnecessary as consent to transfer the Licence had been given by his client in exercise of a power of attorney.

In response, Mr Thomas argued on behalf of the Licence holder that the validity of the power of attorney and subsequent alleged consent to transfer were in question. He argued that they were a civil matter beyond the scope of the Panel.

Determination

Having taken legal advice from the Corporate Lawyer and having retired for consideration, the Chair advised that the Panel would reserve judgement on the preliminary matter and proceed to hear the application for transfer.

24. Application for the transfer of a Premises Licence under the Licensing Act 2003 for Karma, 68/69 High Street, Gravesend

Mr Sutherland made submissions on behalf of the Applicant to the effect that his client had taken all reasonable steps to obtain consent for the transfer of the premises Licence. He argued that the applicant was in a position to use the premises straightaway for the

licensable activities authorised by the Licence. He said that accordingly the Licence should be transferred.

Having sought clarification as to whether the applicant was intending to run the premises as the License holder, to which the answer was that the applicant was intending for a tenant to run the Licensed premises with designation of a Designated Premises Supervisor, Mr Thomas made representations on behalf of his client the Licensee. He stated that Mr Pearton would be content to transfer the Licence to a third party and that as Mr Singh had not sought that outcome he had not taken all reasonable steps to obtain the Licence.

Cllr Goatley enquired as to why there was no police presence at the hearing and was advised by the applicant's representative that no objections were submitted by the police.

Determination

The Panel had agreed that all reasonable steps had been taken by the applicant to obtain consent and that the applicant was in a position to use the premises straightaway for the licensable activities authorised by the Licence.

Resolved that the application be granted.

Note: The Panel determined to make no further comment in relation to preliminary matter.

Close of meeting

The meeting ended at 12.30 pm.