

LICENSING HEARING PANEL

8 APRIL 2014

LICENSING ACT 2003 APPLICATION TO VARY A PREMISES LICENCE

PAPA JOHNS PIZZA 70 NEW ROAD CHATHAM ME4 4QR

Report from: Perry Holmes, Assistant Director Legal and Corporate Services

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Summary

The applicant has applied to vary a current Premises Licence in respect of late night refreshment for Papa Johns Pizza, 70 New Road, Chatham, ME4 4QR.

The application before Members is to extend the opening hours to Friday to Saturday 11:00 to 03:00 and Sunday 11:00 to 01:00.

The application before Members is as amended by the applicant following discussions and agreement with the Police.

Representations have been received from members of the public and to date no agreement has been reached.

1. The application

- 1.1 In accordance with the Licensing Act 2003, the Council has received an application to vary a current Premises Licence in respect of late night refreshment for Papa Johns Pizza, 70 New Road, Chatham, ME4 4QR
- 1.2 The details of the application requirements are as follows: -

Hours for late night refreshment (outdoors)

Monday to Saturday	11:00 to 03:00
Sundays	11:00 to 01:00

Further details: -

The applicant would be willing to do deliveries only if granted an extension of the licence, lock the doors at 12:30 and not serve any members of the public.

Hours the premises are open to the public

Monday to Saturday	11:00 to 03:00
Sundays	11:00 to 01:00

A copy of the application as submitted is at Appendix A

Following discussion with the Police, the applicant has amended the operating schedule of his application to include the two conditions as part of section M as detailed at Appendix B.

A copy of the existing premises licence detailing current hours of operation and conditions is at Appendix C

The application has been correctly advertised in the local press and notices displayed on the premises for the required period.

A copy of a plan showing the location of the premises is at Appendix D.

2. Background

- 2.1 As stated at paragraph 1 this is an application to vary an existing premises licence in respect of late night refreshments and the operating schedule has been amended to incorporate the amendments agreed with the Police.

Copies of these amendments to the application may found at Appendix B.

3. Promotion of Licensing Objectives

- 3.1 The applicant is expected to demonstrate that they have dealt with and understand the promotion of the four licensing objectives, where appropriate. Members are referred to section M of the application at Appendix A along with amendments at Appendix B where the applicant has referred to this issue.

- 3.2 The four licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

4. Relevant Representations

- 4.1 This matter has been put to the Licensing Hearing Panel because the Council has received relevant representations from members of the public. Copies of these representations are attached at Appendix E.

5. Policy Considerations

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 5.2 In determining this application, Members may wish to consider information contained in appendix 4 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives as well as Chapters 9 and 10 of the amended Guidance.
- 5.3 The objections raised in the relevant representations received relate to all four of the licensing objectives.

6. Risk Management

- 6.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

7. Financial and legal implications

- 7.1 There are no direct financial requirements at this time.
- 7.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to members as appropriate at the hearing. However, whatever the decision of the panel members, this must be based on the evidence placed before it and the panel must decide what weight to attribute to this information.

8. Recommendations

- 8.1 That the Panel considers and determines this application.

9. Background papers

None

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