

LICENSING HEARING PANEL

8 APRIL 2014

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE ROYAL GEORGE 380 HIGH STREET CHATHAM

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Summary

Application for review received from Kent Police in respect of Royal George Public House 380 High Street Chatham.

The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A.

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

A copy of the review application is at Appendix C with supporting evidence at Appendix D (confidential papers).

1. The application

- 1.1 In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of the Royal George Public House, 380 High Street, Chatham.
- 1.2 A copy of the review application is at Appendix C and the Panel's attention is drawn to the grounds for the review, these being failure to promote the prevention of crime and disorder licensing objective of the Licensing Act 2003.
- 1.3 Supporting evidence is set out in an Exempt Appendix D. The Panel will have to exclude the press and public (see agenda item 8), should Members wish to discuss this information.
- 1.4 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the

Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities.

1.5 Before determining the review application, the Council as licensing authority must hold a hearing to consider it and any relevant representations received.

1.6 Following the advertising of the review application, no relevant representations have been received from interested parties, the premises licence holder or any of the other responsible authorities.

2. Background

2.1 As stated at paragraph 1 this is an application to review an existing premises licence in respect of the alleged failure to promote the prevention of crime and disorder licensing objective.

3. Promotion of Licensing Objectives

3.1 A licence holder is expected to demonstrate that they have dealt with and understand the four licensing objectives, where appropriate when applying for a licence and once granted to adhere to the conditions and promote the licensing objectives.

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. Policy Considerations

4.1 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.

4.2 In determining this application, the Panel should consider information contained in Chapters 127 to 131 on reviews and appendix 4 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives as well as Chapters 9 to 11 of the amended Guidance.

4.3 The application for review of the premises licence relates to the licensing objective in respect of prevention of crime and disorder.

5. Risk Management

5.1 The Panel has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to

the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and in accordance with the Licensing Act 2003, relevant regulations, guidance and local policy.

6. Financial and legal implications

- 6.1 There are no direct financial requirements at this time.
- 6.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 6.3 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 the Panel 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.

7. Advice and analysis on determination of review application

- 7.1 The Panel must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:
 - (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the premises licence;
 - (c) remove the designated premises supervisor (where premises licence authorises sale of alcohol)
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence
- 7.2 "Modification" of the conditions of a licence includes adding new conditions as well as altering or omitting any existing conditions. Where conditions are modified, or where a licensable activity is excluded, the authority can, if it wishes, limit the changes to a period not exceeding three months.

8. Recommendations

- 8.1 That the Panel considers and determines this application.

9. Background papers

None

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