

LICENSING HEARING PANEL

23 SEPTEMBER 2014

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE MORRISONS M LOCAL, CHURCHILL AVENUE, CHATHAM, KENT ME5 0DE

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

Author: Mandy Francis, Senior Licensing and Enforcement
Officer

Summary

The applicant, has applied for a new premises licence to request the supply of alcohol on the premises at Morrisons M Local (formerly Medway Queen), Churchill Avenue, Chatham, Kent ME5 0DE. A representation has been received from Ward Councillors on behalf of their constituents.

1. The application

1.1 In accordance with the Licensing Act 2003, the council has received an application for a new premises licence in respect of Morrisons M Local (formerly Medway Queen), Churchill Avenue, Chatham, Kent ME5 0DE.

1.2 The application is for:

Supply of Alcohol – On the premises

Monday to Sunday 06:00 – 00:00

Hours the premises are open to the public

Monday to Sunday 06:00 – 00:00

A copy of the application as submitted is at Appendix A.

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

All responsible authorities have been consulted in line with the Licensing act.

A copy of the floor plan is attached at [Appendix B](#).

A copy of a map showing the location of the premises is at [Appendix C](#)

2. Background

- 2.1 An application has been received in respect of Morrisons M Local (formerly Medway Queen), Churchill Avenue, Chatham, Kent ME5 0DE, a copy of which is attached at [Appendix A](#).
- 2.2 As stated at paragraph 1.2 this is an application for a new premises licence for the supply of alcohol on the premises.

3. Promotion of Licensing Objectives

- 3.1 The applicant is expected to demonstrate that they have dealt with the promotion of the four licensing objectives, where appropriate. Members are referred to Paragraph M of the application at [Appendix A](#) 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 a representation from Ward Councillors. A copy of this representation is attached at [Appendix D](#).

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.
- 5.3 The objection raised in the relevant representation received relates to two of the four licensing objectives.
 - the prevention of public nuisance
 - the protection of children from harm

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 or legal implications 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 objectors, should either have the requisite grounds to do so. Legal advice will be given to members as appropriate at the meeting. However, whatever the decision of the Panel, this must be based on the evidence placed before it in line with the licensing objectives and the Panel must decide what weight to attribute to this information.

8. Recommendation

- 8.1 That the Panel considers and determines this application.

Background Papers

None

Lead officer contact: Mandy Francis – Senior Licensing and Enforcement Officer
Telephone: 01634 306000
Email: mandy.francis@medway.gov.uk