

## **LICENSING HEARING PANEL**

**19 JANUARY 2016**

### **LICENSING ACT 2003 APPLICATION TO VARY A PREMISES LICENCE**

#### **DIXY CHICKEN & PIZZA 46 CANTERBURY STREET GILLINGHAM ME7 5TX**

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

Author: Alison Poulson, Licensing & Local Land Charges Manager

#### **Summary**

The applicant has applied to vary a current Premises Licence in respect of Dixy Chicken & Pizza, 46 Canterbury Street, Gillingham ME7 5TX to extend the hours of trade in respect of: -

Late night refreshment

Tuesday & Wednesday from 23:00 to 02:30 hours the following morning and Thursday from 23:00 to 03:00 hours the following morning (hours applied for)

Monday to Thursday 23:00 to 01:00 hours the following morning, Friday and Saturday 23:00 to 03:30 hours the following morning and Sunday 23:00 to 00:00 hours (current hours)

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

Representations have been received from the police, local businesses and members of the public and to date no agreements have 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 the licensable activity of late night refreshment in respect of Dixy Chicken & Pizza, 46 Canterbury Street, Gillingham.

- 1.2 The details of the application requirements are as follows: -

Provision of Late Night Refreshment (both)

To change the hours for the following 3 days

Tuesday & Wednesday	23:00 to 02:30
Thursday	23:00 to 03:00

Hours the premises are open to the public

Monday	11:00 to 01:00
Tuesday & Wednesday	11:00 to 02:30
Thursday	11:00 to 03:00
Friday & Saturday	11:00 to 03:30
Sundays	11:00 to 00:00

A copy of the application as submitted is at Appendix A

A copy of the existing premises licence accompanying this application detailing current licensable activities, hours of operation and conditions is at Appendix B

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 C.

## **2. Background**

- 2.1 As stated at paragraph 1 this is an application to vary a current Premises Licence in respect of the licensable activity – late night refreshment.

## **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 and the conditions as set out on the existing licence at Appendix B.

- 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 the police, local businesses and members of the public. Copies of these representations are 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 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.

**Lead officer contact:**

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**Appendices**

Appendix A – Application to Vary Premises Licence  
Appendix B – Copy of current licence  
Appendix C – Location Map  
Appendix D – Copies of representation received

**Background papers**

None