

LICENSING HEARING PANEL

2 MARCH 2021

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

THE HOP AND RYE, 1 HOLLYWOOD LANE, WAINSCOTT, ROCHESTER, KENT, ME3 8AG

Report from: Perry Homes, Chief Legal Officer
Author: Lisa Hopson, Licensing Officer

Summary

The applicant has applied for a new Premises Licence in respect of The Hop and Rye, 1 Hollywood Lane, Wainscott, Rochester, Kent, ME3 8AG

All responsible authorities have been consulted in line with the Licensing Act 2003.

Representations have been received from members of the public. Agreement has been reached with the Applicant and the Police, see Appendix E.

1. Budget and policy framework

- 1.1. Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

2. The Application

- 2.1. In accordance with the Licensing Act 2003, the Council has received an application for a new Premises Licence in respect of The Hop and Rye, 1 Hollywood Lane, Wainscott, Rochester, Kent, ME3 8EG

- 2.2. The details of the application requirements are as follows:

Recorded and Live Music and Sale of Alcohol

Monday to Sunday

12:00 –22:00

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

- 2.4. Medway Environmental Health team raised concerns that the operating schedule did not offer any prevention of public nuisance conditions with regards to the proposed live and recorded music. Following this, the applicant submitted an amendment to his operating schedule to include conditions in relation to the music - see Appendix B.
- 2.5. The Live Music Act 2012 and the Deregulation Act 2015 mean that the hours requested for live and recorded music are not licensable. It therefore is not possible for the licensing department or a responsible authority to impose conditions relating to this.
- 2.6. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
- 2.7. A copy of a map showing the location of the premises is at Appendix C.

3. Promotion of the 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.
- 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 representations relating to the prevention of public nuisance and public safety, copies of these are attached at Appendix D. Agreement has been reached with the Applicant and the Police.

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 7 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.

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, the 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 Licensing Hearing Panel, having regard to the Licensing Act 2003, the statutory guidance issued under S182, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines this application for a premises licence.

Lead officer contact

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Appendices

Appendix A - Application for new Premises Licence
Appendix B - Amendment to Application
Appendix C - Location Plan
Appendix D - Copies of representations received
Appendix E - Agreement with Kent Police.

Background papers

None.