

LICENSING HEARING PANEL

16 MARCH 2021

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

**MS8 LIMITED, DOCKHEAD ROAD, CHATHAM MARITIME
KENT, ME4 3ED**

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 MS8 Limited, Dockhead Road, Chatham Maritime, Chatham, Kent, ME4 3ED.

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

Representations have been received from the Police and members of the public. Agreement has been reached with the Police and Environmental Protection. See Appendices F and G.

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 received an application for a new Premises Licence in respect of MS8 Limited, Dockhead Road, Chatham Maritime, Chatham, Kent ME4 3ED.
- 2.2. The application was considered by the Licensing Hearing Panel on 19 January 2021. The Panel took the decision to adjourn the hearing as set out in paragraphs 2.3 to 2.5.

2.3. Decision

The Panel considered all the written evidence before it and had listened carefully to all the oral evidence presented by the applicant by the objectors, including Kent Police and two local residents and unanimously decided to adjourn the hearing to allow the Applicant time to consider amending his application in the light of the clarifications which emerged during the hearing and to allow for further consultation with Kent Police.

2.4. The Panel requested that the applicant consider amending and resubmitting his application to:

i) Include the additional information, as discussed during the Panel Hearing, provision of which the Panel considered would assist it in determining whether granting of the licence would be likely to result in the licencing objectives being met.

ii) Remove from the proposed Operating Schedule any activities that the applicant does not wish to undertake at the premises and any activities for which a premises licence is not required.

2.5. The Panel further requested that the applicant resubmit his application no later than 14 days before the reconvened hearing, the date of which will be provided in due course.

2.6. The full Decision Notice for the Licensing Hearing Panel held on 19 January 2021 is at [Appendix H](#).

2.7. The applicant subsequently submitted a revised application. The details of the application requirements are as follows:

Films Outdoors

Monday to Sunday 10:00 – 22:00

Supply of Alcohol on and off the premises

Monday to Sunday 10:00 – 22:00

2.8. A copy of the original application as submitted is at [Appendix A](#). The amended application is set out at [Appendix B](#).

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

2.10. 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 original application at Appendix A and the amended application 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 was previously put to the Licensing Hearing Panel because the Council had received representations relating to four of the licensing objectives from the Police and members of the public. Copies of these are attached at Appendix D.

4.2. Following receipt of the amended application, Kent Police and the members of the public who had objected to the original application were invited to comment on the amended application. Copies of these representations are attached at Appendix E. Agreement has been reached with Kent Police. See Appendix G.

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

Lisa Hopson – Licensing Officer Email: lisa.hopson@gravesham.gov.uk

Appendices

Appendix A – Original application for new Premises Licence
Appendix B – Amended application for new Premises Licence
Appendix C – Location Plan
Appendix D – Copies of representations received in response to original application
Appendix E – Copies of representations received in response to amended application
Appendix F – Agreement with Environmental Protection
Appendix G – Agreement with Kent Police
Appendix H – Decision Notice, Licensing Hearing Panel – 19 January 2021

Background papers

None.