

LICENSING HEARING PANEL

4 JANUARY 2022

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE, GABRIELA'S CAFÉ BAR RESTAURANT, 48-50 NAPIER ROAD, GILLINGHAM, KENT, ME7 4HD

Report from: Bhupinder Gill, Assistant Director – Legal and Governance

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Summary

The applicant has applied for a new Premises Licence in respect of Gabriela's Café Bar Restaurant, 48-50 Napier Road, Gillingham, Kent ME7 4HD.

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

Representations have been received from the Police, Public Health, a School, a Ward Councillor and members of the public together with a petition. An agreement has been reached with Environmental Protection.

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 Gabriela's Café Bar Restaurant, 48-50 Napier Road, Gillingham, Kent.
 - 2.2 The details of the application requirements are as follows:
Supply of Alcohol (on and off the premises)

Monday to Sunday	10:00 – 22:30
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 - 2.3 A copy of the original application as submitted is at Appendix A.

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

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

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 all four of the licensing objectives from the Police, Public Health, a School, a Ward Councillor and members of the public together with a petition. Copies of these are attached at Appendix C. Agreement has been reached with Environmental Protection, 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 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 – Location Plan

Appendix C - Copies of representations received

Appendix D – Agreement with Environmental Protection

Background papers

None