

## LICENSING HEARING PANEL

10 MAY 2022

### LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE, SPAR GILLINGHAM, 124 HIGH STREET, GILLINGHAM, KENT ME7 1AU

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 Spar Gillingham, 124 High Street, Gillingham, Kent ME7 1AU.

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

Representations have been received from Kent Police and Public Health.

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. These premises fall within a Cumulative Impact Policy (CIP) area. When the CIP is applied, and there are relevant representations, there is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances, unless the applicant can demonstrate the premises will not adversely affect the licensing objectives.
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 Spar Gillingham, 124 High Street, Gillingham, Kent ME7 1AU
  - 2.2 The details of the application requirements are as follows:

### Sale by retail of alcohol (off the premises)

Monday to Friday	08:00 – 22:00
Saturday	09:00 – 22:00
Sunday	09:00 – 20:00

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.

### 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 Public Health and Kent Police. Copies of these are attached at Appendices B and C.

### 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 and the Cumulative Impact Policy 2 – Gillingham High Street.

Members may also want to be aware of the information contained in 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 – Representation from Public Health
- Appendix C – Representation from Kent Police

## Background papers

None