

LICENSING HEARING PANEL

20 JANUARY 2023

LICENSING ACT 2003 APPLICATION FOR THE GRANT OF A PREMISES LICENCE, GREAT LINES HERITAGE PARK, BROMPTON ROAD, GILLINGHAM, KENT, ME7 5DH

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

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Summary

The applicant Stardust Festivals Ltd, has applied for the grant of a Premises Licence in respect of Great Lines Heritage Park, Brompton Road, Gillingham, Kent. ME7 5DH.

Representations have been received from the Police and the Environmental Protection Team although the latter were subsequently withdrawn following agreement with the applicant on proposed conditions.

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 Premises Licence in respect of Great Lines Heritage Park, Brompton Road, Gillingham, Kent. ME7 5DH
 - 2.2 The details of the application are as follows:

The application is made for a one 4-day event per calendar year

Films and Plays both (Indoors and Outdoors)

Friday	17:00 – 22:00
Saturday	11:00 - 22:30
Sunday	10:30 – 18:30
Monday	10:30 - 18:30

Live and Recorded music both (Indoors and Outdoors)

Friday	17:00 – 22:00
Saturday	11:00 - 22:30
Sunday	10:30 – 18:30
Monday	10:30 - 18:30

Performance of Dance (Indoors and Outdoors)

Friday	17:00 – 22:00
Saturday	11:00 - 22:30
Sunday	10:30 – 18:30
Monday	10:30 - 18:30

Supply of Alcohol (On the premises)

Friday	17:00 – 21:45
Saturday	11:00 - 22:00
Sunday	14:00 – 21:30
Monday	10:30 - 18:30

- 2.3 A copy of the application as submitted is at Appendix A. A location plan for the site is at Appendix B.
- 2.4 Additional documents have been provided and form part of the application. These documents include a full list of volunteered conditions and conditions agreed between the Environmental Protection Team and the applicant at Appendix C, a Noise Management Plan at Appendix D and an Event Safety Management Plan which is attached to item 7, Exclusion of Press and Public, as an exempt Appendix.
- 2.5 The proposed licensable activities for the Monday were not included with the initial application and so are missing from the initial application form at Appendix A. Licensing were made aware that Monday was to be included but due to an oversight this amendment to the application was not passed to the Responsible Authorities until 22 December 2022.
- 2.6 The application has been correctly advertised in the local press and notices displayed on the premises for the required period. A copy of the blue notice placed around the location can be found at Appendix E.
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.
- 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 from the Police and the Environmental Protection Team. These representations relate to three of the four licensing objectives. No representations have been made in relation to the protection of children from harm objective.
- 4.2 A copy of the Police representation is at Appendix F and the applicant's response is at 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

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Appendices

Appendix A – Premises Licence Application
Appendix B – Location Plan
Appendix C - List of volunteered and agreed conditions
Appendix D - Noise Management Plan
Appendix E – Blue notice
Appendix F – Police Representation
Appendix G – Applicant's response to the Police Representation
Exempt Appendix - Event Safety Management Plan (attached to agenda item 7)

Background papers

None