

LICENSING HEARING PANEL

18 APRIL 2023

LICENSING ACT 2003 APPLICATION FOR A VARIATION OF A PREMISES LICENCE, SUPER PIZZA, 6 BATCHELOR STREET, CHATHAM, KENT, ME4 4BJ

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

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Summary

The applicant has applied for a variation of the Premise Licence in respect of Super Pizza, 6 Batchelor Street, Chatham, Kent, ME4 4BJ.

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

Representations have been received from the Environmental Protection team and the Police. No agreements have been reached.

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, on 16 February 2023 the Council received an application to vary a Premise Licence in respect of Super Pizza, 6 Batchelor Street, Chatham, Kent, ME4 4BJ.

2.2. The existing licence permits late night refreshment Sunday to Thursday 23:00 to 01:00 and Friday to Saturday 23:00 to 02:00. A copy of the existing licence is at Appendix A.

2.3. The details of the application requirements are as follows:

Late Night Refreshment

Monday to Sunday 23:00 to 05:00

- 2.4. A copy of the original application as submitted is at Appendix B.
- 2.5. On the 24th February 2023 the Applicant's Agent confirmed that the operating schedule should have shown that they wanted the consumption of any provided late night refreshment to be both inside and outdoors. The application was amended to match this.
- 2.6. 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 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 and harm

4. Relevant Representations

- 4.1. This matter has been put to the Licensing Hearing Panel because the Council has received representations relating to two of the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance. These have been received from the Environmental Protection team and the Police, copies of these are attached at Appendix C.
- 4.2. A petition has been received in support of the application, signed by five neighbours. A copy of this is 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 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 – Existing Licence
- Appendix B – Application for Variation of the Premise Licence
- Appendix C – Copies of Representations
- Appendix D – Copy of Petition in support

Background papers

None