

## **Licensing Hearing Panel**

**16 January 2024**

### **Licensing Act 2003 Application for Review of a Premises Licence The Ship Inn, Court Lodge Road, Gillingham, Medway, ME7 2QX**

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

Author: Katie Honeywood, Licensing Officer

#### **Summary**

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Kent Police, as a responsible authority, for a review of the existing premises licence in respect of The Ship Inn, Court Lodge Road, Gillingham, Medway, ME7 2QX.

All responsible authorities have been consulted in line with the Licensing Act 2003.

A representation regarding the review application has also been received from a member of the public against the review application.

#### **1. Recommendations**

1.1. 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 to review the premises licence.

#### **2. Budget and policy framework**

2.1. Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

#### **3. Background**

3.1. An application for review was received from PC Dan Hunt on behalf of Kent Police on 27<sup>th</sup> November 2023 as a responsible authority, in respect of The Ship Inn, Court Lodge Road, Gillingham, Medway, ME7 2QX.

3.2. The review relates to all four licensing objectives:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

- 3.3. A copy of the application from the Kent Police can be found at Appendix A (redacted) and **exempt Appendix B (non-redacted)**.
- 3.4. The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which can be found at Appendix C.
- 3.5. I can confirm that the application has been correctly advertised in accordance with the regulations.

#### 4. Options

- 4.1. The Licensing Hearing Panel is asked to consider the information in this report and take any of the following steps considered necessary to promote the licensing objectives of the Act:
  - a) Modify the conditions on the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example by reducing the operating hours or by requiring door supervisors at particular times.
  - b) Exclude a licensable activity from the scope of the licence, for example to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
  - c) Remove the current designated premises supervisor.
  - d) Suspend the licence for a sufficient period.
  - e) Revoke the licence.
  - f) Dismiss the review application.

#### 5. Advice and analysis

- 5.1. Paragraph 11.16 – 11.18 of the revised guidance issued by the Home Office in March 2015 under Section 182 of the Licensing Act 2003 states “The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to

recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.”

5.2. The licensee is expected to demonstrate that they deal with and understand the promotion of the four licensing objectives.

5.3. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children and harm

## 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, 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. Consultation

7.1. The application has been correctly advertised by way of the display of notices at the premises and the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities. Before determining the review application, the Council, as licensing authority, must hold a hearing to consider it and any relevant representations received.

7.2. As a consequence of the consultation, we have received one other representation which is from a member of the public and is anonymous. The objector has concerns regarding personal safety and criminal damage as a consequence of being identified. Therefore, it has been accepted and included as a valid representation as it meets the guidance set out in the S.182. A copy of this can be found at Appendix D.

## 8. Financial implications

8.1. There are no direct financial requirements at this time.

## 9. Legal implications

9.1. This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).

9.2. There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to members as appropriate at the hearing. However, whatever the decision of the panel members, this must be based on the evidence placed before it and the panel must decide what weight to attribute to this information.

## Lead officer contact

Katie Honeywood – Licensing Officer

Email: [katie.honeywood@gravesham.gov.uk](mailto:katie.honeywood@gravesham.gov.uk)

Telephone: 01474 337434

## Appendices

- Appendix A – Kent Police Application for Review (redacted)
- **Exempt Appendix B** – Kent Police Application for Review (non-redacted)  
**Annex 1** – CCTV Footage
- Appendix C – Copy of Premises Licence
- Appendix D – Anonymous public representation

## Background papers

None