

Licensing Hearing Panel

13 February 2024

Licensing Act 2003 Application for a New Premises Licence, Kaneera Medway Ltd, 120 Maidstone Road, Rochester, ME1 3DT

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

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Summary

The applicant has applied for a new Premise Licence for Kaneera Medway Ltd, 120 Maidstone Road, Rochester, Kent, ME1 3DT.

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

Representations have been received from 12 members of the public. Conditions have been agreed by with the Police.

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 for a 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. In accordance with the Licensing Act 2003, on 23rd November 2023 the Council received an application for a new Premise Licence for Kaneera Medway Ltd, 120 Maidstone Road, Rochester, Kent, ME7 3DT.

3.2. The details of this application requirements are as follows:

Sale by Retail of Alcohol

Monday to Sunday 08:00 to 23:00

- 3.3. A copy of the original application as submitted is at Appendix A.
- 3.4. The consultation was re-started as the application had not been correctly advertised in the local press. I can confirm that it has now been correctly advertised in the local press and notices displayed on the premises for the required period.

4. Options

- 4.1. The Licensing Hearing Panel is asked to consider the information in this report and decide the outcome of the premise licence application, with one of the following options:
 - a) Grant the application as applied for
 - b) Amend the application
 - c) Add conditions to the premise licence
 - d) Refuse the application

5. Advice and analysis

- 5.1. 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.
- 5.2. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.3. 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.
- 5.4. 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. Consultation

- 7.1. This matter has been put to the Licensing Hearing Panel because the Council have received 12 representations from members of the public, these can be found at Appendix B.
- 7.2. The applicant has agreed with the Police for all conditions put forward by them to be included in the operating schedule, this can be found at Appendix C.
- 7.3. We have received a petition of support, this can be found at Appendix D.

8. Financial implications

- 8.1. There are no direct financial implications for Medway Council concerning this matter at present.

9. Legal implications

- 9.1. There are no direct legal implications at this time.
- 9.2. This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 9.3. 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.

Lead officer contact

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Appendices

- Appendix A – Application for Premise Licence
- Appendix B – Copy of representations from members of the public
- Appendix C – Conditions agreed by with the Police
- Appendix D – Petition of Support

Background papers

None