

## **Licensing Hearing Panel**

**27 February 2024**

### **Licensing Act 2003 Variation of Premises Application for Great Lines Heritage Park, Brompton, Gillingham ME7 5DH**

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

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#### **Summary**

This report is to assist members to determine an application for a variation of the premises licence for Great Lines Heritage Park following receipt of an objection.

#### **1. Recommendations**

1.1. Members are asked to determine the application on its merits, having taken into consideration 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.

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

2.1. There shouldn't be any budgetary effect unless there is an appeal to the panel decision to Magistrates Court which proves to be successful, and which could therefore result in costs being awarded against the Council.

2.2. Medway Council has published its Statement of Licensing Policy, which considers all applications relating to the Licensing Act 2003.

#### **3. Background**

3.1. On 2 January 2024, DV Master Ltd applied for a variation of their premises licence at Great Lines Heritage Park, Gillingham.

3.2. The application is to:

3.2.1. Remove condition 52 in relation to Covid 19 as it is no longer relevant.

3.2.2. Where the licence makes reference to it being time limited to authorise licensable activities for 3 days, amend the number of days to 4.

3.2.3. Amend condition 10 to read 'The premises licence is limited to authorise licensable activities for up to 4 days on 1 event weekend each year between the 1 January 2024 and 30 September 2027 inclusive.'

3.2.4. Vary the hours for licensable activities so they are uniform across the 4 days. i.e. 11am-10.30pm on Friday, Saturday, Sunday and Monday.

3.2.5. Vary the layout in accordance with the plan deposited with the application.

3.3. A copy of the full application and associated documentation can be found at **Appendix A**.

3.4. At **Appendix B** you will find a copy of the premises licence that was issued in June 2023, which includes the current plan for the premises.

3.5. On 29 January 2024 Kent Police submitted an objection to the application, on the grounds that it does not meet the licensing objectives, Prevention of crime and disorder, Public Safety and Prevention of public nuisance.

3.6. The full objection from Kent Police can be found at **Appendix C**.

3.7. On 24 January 2024 a member of public submitted an objection to the application. The objection can be found at **Appendix D**.

## 4. Options

4.1. The options open to members are:

4.1.1. To grant the varied licence as applied for.

4.1.2. To amend the days or hours.

4.1.3. To add or amend conditions.

4.1.4. To refuse the application.

## 5. Advice and analysis

5.1. The applicant is expected to demonstrate that they have considered the four licensing objectives when completing their application and have implemented preventative measures where appropriate. Any objections received must also relate to the Licensing Objectives.

5.2. The four licensing objectives are:

5.2.1. The prevention of crime and disorder.

5.2.2. Public safety.

5.2.3. The prevention of public nuisance.

5.2.4. The protection of children from harm.

5.3. In determining this application, members may wish to consider the information contained within Medway's 'Good Practice Guidance' and 'Suggested Conditions'.

## 6. Risk management

6.1. Departure from the Guidance and Policy could lead to an increased risk of appeal. Ensuring that all decisions are evidence based, justified and proportionate, and that sufficiently details reasons for decision are given, helps to reduce the risk of a successful appeal.

## 7. Financial implications

7.1. There are no direct financial implications to Medway Council concerning this matter at present.

## 8. Legal implications

8.1. There are no direct legal implications to Medway Council concerning this matter at present.

8.2. There is the possibility of a challenge in way of appeal to the Magistrates Court, should either the applicant or objectors have the requisite grounds to do so. Legal advice will be given to members of the panel as appropriate at the hearing. However, whatever the decision of the panel, it must be based on the evidence placed before it.

## Lead officer contact

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## Appendices

Appendix A – Application and associated documents.

Appendix B – Current Premises Licence

Appendix C – Police Representation

Appendix D – Public Representation