

## **Licensing Hearing Panel**

**14 March 2024**

### **Licensing Act 2003 New Premises Application for Medway Rugby Football Club, Priestfields, Rochester**

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 new premises licence for Medway Rugby Football Club 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 20 December 2023, Medway Rugby Football Club Ltd applied for a new premises licence at their venue on Priestfields, Rochester, Kent ME1 3AD.

3.2. The application is for recorded music, late night refreshment and sale by retail of alcohol.

3.2.1. Recorded music and late night refreshment – Sunday to Thursday  
23:00 to 00:00.

3.2.2. Recorded music and late night refreshment – Friday and Saturday  
23:00 to 00:30.

3.2.3. Sale by retail of alcohol (on the premises only) – Sunday to Thursday  
11:00 to 00:00

- 3.2.4. Sale by retail of alcohol (on the premises only) – Friday and Saturday  
11:00 to 00:30
- 3.3. A copy of the full application and associated documentation can be found at Appendix A.
- 3.4. Within the associated documents you will find the conditions the applicant is offering to have included on their licence, should it be granted.
- 3.5. On 9 January 2024 the Planning Service of Medway Council submitted a representation against this application.
- 3.6. The licensing hours requested do not match the opening hours allowed under the terms of the planning permission.
- 3.7. In 2019 a planning application was made to increase the opening hours of the premises. This was refused for the following reason:
- 3.7.1. The proposal to extend the opening hours results in a harm to the amenities of the surrounding residents in terms of noise and disturbance from both the clubhouse itself and from people and vehicles leaving the premises particularly during the early hours of the morning. The proposal is contrary to the Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the National Planning Policy Framework 2019.
- 3.8. The Planning Service have offered alternative hours, which have been sent to the agent for the applicant with no response.
- 3.9. The full objection from the Planning Service can be found at Appendix B.
- 3.10. On 18 January 2024, Trading Standards submitted an email that confirmed agreement between the applicant and themselves, requesting amendments to offered conditions and additional conditions to be added to the operating schedule.
- 3.10.1. The amendments are to conditions 11 and 12 found in the associated documents and there are two additional conditions.
- 3.11. On 18 January 2024, the Agent of the applicant confirmed, by email, that the applicant had amended their operating schedule accordingly.
- 3.11.1. The proposed conditions and the agreement to them can be found in Appendix C.
- 3.12. On 15, 16 and 17 January 2024 we received representations of support for the application from three members of the public. They can all be found in Appendix D.

## 4. Options

- 4.1. The options open to members are:
  - 4.1.1. To grant the licence as applied for.
  - 4.1.2. To amend the hours.
  - 4.1.3. To add conditions to the licence.
  - 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.
- 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 – Objection from Planning Service.

Appendix C – Trading Standards conditions and agreement

Appendix D – Public representations of support