

Licensing Hearing Panel

15 October 2024

Licensing Act 2003 Application for a new Premises Licence at 382-386 High Street, Rochester, Kent ME1 1DJ

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

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Summary

To consider a new Premises Licence application for 382-386 High Street, Rochester following the submission of representations, received during the consultation period.

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. On 22 August 2024 an application was made by TD Cluster Ltd for a premises licence at 382-386 High Street, Rochester.

- 3.2. The application is for the off sales of alcohol:

Monday to Sunday 08:00 to 23:00.

All bank holidays, Christmas Eve and New Year's Eve 08:00 to 00:00.

- 3.3. As part of the application the applicant must complete an operating schedule which details the conditions they are offering to promote the licensing objectives, and provide a plan of the premises.

- 3.4. A copy of the application and plan can be found at Appendix A.

- 3.5. The premises is located within the Chatham Stress Area. This area has been identified by Medway Council as having alcohol related crime associated with a density of licensed premises, although not to a level where a cumulative impact area can be justified.
- 3.6. Within their operating schedule the applicant states that he is aware the premises is located in an identified 'stress area' and has provided a 'detailed and robust operating schedule proposed to promote the licensing objectives.'
- 3.7. For information, a copy of the Chatham High Street and New Road Stress Area can be found at Appendix B of the report. An arrow has been added to the map indicating where the premises is located within the Stress Area.

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 or amend conditions.
 - 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.
- 5.2. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children and harm
- 5.3. It is an expectation that, where a premises is within a cumulative impact area or stress area, the applicant will have carried out a risk assessment and considered the addition of recommended measures to prevent a negative effect on the objectives.
- 5.4. Medway Council has published its Statement of Licensing Policy and Cumulative Impact Assessment, which it will consider alongside the amended Guidance issued by the Home Office under 182 of the Licensing Act 2003 in all applications.

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 representations.
- 7.2. We have a representation from a member of public, relating to three of the licensing objectives, public safety, the prevention of crime and disorder and the prevention of public nuisance. A copy of which can be found at Appendix C.
- 7.3. We have a representation from a Charity based in the area, Pathways to Independence. Their representation relates to three of the licensing objectives, public safety, the prevention of crime and disorder and the prevention of public nuisance. A copy of this can be found at Appendix D.
- 7.4. We have a representation from The City of Rochester Society. Their representation relates to all four of the licensing objectives. A copy of this can be found at Appendix E.
- 7.5. We have a representation from Intra Community Trust. Their representation relates to all four of the licensing objectives. A copy of this can be found at Appendix F.
- 7.6. Trading Standards requested the addition of a condition in relation to the protection of children from harm. The applicant has agreed to the addition of this condition. A copy of the emails including the wording of the condition can be found at Appendix G.
- 7.7. Kent Police requested the addition of conditions in relation to the prevention of crime and disorder. The applicant has agreed to the addition of these conditions. A copy of the emails including the wording of the conditions can be found at Appendix H.

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.

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Appendices

- Appendix A – Application and supporting documents for Premises Licence.
- Appendix B – Chatham High Street and New Road Stress Area.
- Appendix C - Copy of representation from a member of public.
- Appendix D – Copy of representation from the Pathways to Independence.
- Appendix E – Copy of representation from The City of Rochester Society.
- Appendix F – Copy of representation from Intra Community Trust.
- Appendix G – Agreement to Trading Standards condition.
- Appendix H – Agreement to Kent Police conditions.

Background papers

None