

## **Licensing Hearing Panel**

**5 November 2024**

### **Licensing Act 2003 Application for a New Premises Licence at B&M, 132-142 High Street, Gillingham, Kent, ME7 1AS**

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

Author: Katie Honeywood, Licensing Officer

#### **Summary**

To consider a new Premises Licence application for B&M 132-142 High Street, Gillingham 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 12<sup>th</sup> September 2024 an application was made by B & M Retail Limited for a premises licence at 132-142 High Street, Gillingham.
- 3.2. The application is for the off sales of alcohol:  
  
Monday to Sunday 07:00 to 23:00
- 3.3. As part of the application an operating schedule, which details the conditions they are offering to promote the licensing objectives, has been completed.
- 3.4. A copy of the application and a plan of the premises can be found at Appendix A.

- 3.5. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
- 3.6. For information, a copy of the Gillingham High Street Cumulative Impact Area (CIA) can be found at Appendix F of this report. An arrow has been added to the map indicating where the premises is located within the 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 conditions to the premises 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 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.

## 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. On 25<sup>th</sup> September 2024, we received representation from Public Health, relating to two of the licensing objectives the prevention of crime and disorder and the prevention of public nuisance. A copy of this can be found at Appendix B.
- 7.3. On 4<sup>th</sup> October 2024, we received representation from Kent Police, relating to all four licensing objectives. A copy of this can be found at Appendix C.
- 7.4. We received a representation from two members of public, these can be found at Appendix D.
- 7.5. On 15<sup>th</sup> October 2024 the agent submitted further documentation that can be found at Appendix E.

## 8. Financial implications

- 8.1. The Council's licensing activities are met from a budget within the Business Support Department and licence fees contribute to meeting the cost of the service. There are no direct financial implications relating to the decision regarding this application.

## 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 Premises Licence
- Appendix B – Representation from Public Health
- Appendix C – Representation from Kent Police

- Appendix D – Representations from members of public
- Appendix E – Further documentation from agent
- Appendix F – Location of premises in CIA within Gillingham High Street

## Background papers

None