

Licensing Hearing Panel

22 November 2024

Licensing Act 2003 Full Variation Application for a Premises Licence at Strood Mini Mart, 93 Bryant Road, Strood, ME2 3ES

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

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Summary

To consider a full variation application for a Premises Licence at Strood Mini Mart, 93 Bryant Road, Strood, ME2 3ES following the submission of representations, received during the consultation period.

1. Recommendation

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. The current premises licence for 93 Bryant Road, Strood is for the sale by retail of alcohol between 06.00 and 23.00 every day. A copy of the current premises licence can be found at Appendix A.

3.2. On the 11 September 2024 an application was made by Sadishkumar Thangarajah for a full variation of the premises licence at Strood Mini Mart, 93 Bryant Road, Strood.

3.3. The application is to vary the current hours for sale by retail of alcohol to 24 hours and to add late night refreshment between 23:00 and 01:00.

3.4. Between the hours of 01.00 and 05.00 the store will be open for outgoing deliveries only, with no public access permitted.

- 3.5. A copy of the variation application can be found at Appendix B.
- 3.6. On the 9 October 2024 the consultation had to be re-started, due to the applicant failing to advertise in a local newspaper, which is a requirement under the Licensing Act. During the second consultation the application was 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 full variation 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 B.
- 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 the 26 September 2024, we received a representation from Environmental Protection, relating to the prevention of public nuisance licensing objective. On 9 October 2024, at the beginning of the second consultation period, Environmental Health confirmed that they wished to continue with their representation. A copy of this can be found at Appendix C.
- 7.3. On 5 November 2024, we received a representation from Kent Police, relating to the prevention of crime and disorder licensing objective. A copy of this can be found at Appendix D.
- 7.4. On 5 November 2024, we received a representation from Public Health, relating to the prevention of crime and disorder and public nuisance licensing objectives. A copy of this can be found at Appendix E.
- 7.5. We have received several representations from members of public, these can be found at Appendix F.

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.

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Appendices

- Appendix A – Premises Licence
- Appendix B - Application for Premises Licence
- Appendix C – Representation from Environmental Health
- Appendix D – Representation from Kent Police
- Appendix E – Representation from Public Health
- Appendix F – Representations from members of public

Background papers

None