

Licensing Hearing Panel

7 January 2025

Licensing Act 2003 Full Variation Application for a Premises Licence at Greedy Banker, 89-93 High Street, Rainham, Gillingham, ME8 7HS

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

Author: Emily Lane-Blackwell, Assistant Licensing Manager

Summary

To consider a full variation application for a Premises Licence at Greedy Banker, 89-93 High Street, Rainham, Gillingham, ME8 7HS 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. The current premises licence for 89-93 High Street, Rainham is for the following:

- On and off sale by Retail of Alcohol – Sunday to Thursday 09:00 to 23:00 and Friday and Saturday 09:00 to 01:00
- Live Music, Recorded Music and Late Night Refreshment - Friday and Saturday 23:00 to 01:00

- 3.2. A copy of the current premises licence can be found at **Appendix A**.

- 3.3. On 8th November 2024 an application was made by Jamie Clark for a full variation of the premises licence at Greedy Banker, 89-93 High Street, Rainham.

3.4. The application is to extend the licensable area and the removal of condition of 11 on the premises licence.

3.5. Condition 11 on the premises licence states:

‘Super-strength lagers, beers and/or ciders, i.e. those with an ABV of 6.5% or higher, shall not be sold at the premises.’

3.6. A copy of the variation application can be found at **Appendix B**.

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 4th December 2024, we received a representation from Neighbourhood Watch. A copy of this can be found at **Appendix C**.

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

Emily Lane-Blackwell, Assistant Licensing Manager
Email: emily.lane-blackwell@gravesham.gov.uk
Telephone: 01474 337434

Appendices

- Appendix A - Premises Licence
- Appendix B - Application for Premises Licence
- Appendix C - Representation from Neighbourhood Watch

Background papers

None