

## **Licensing Hearing Panel**

**21 January 2025**

### **Licensing Act 2003 Application for a new Premises Licence at the Royal Supermarket, 56 Balmoral Road, Gillingham, ME7 4PG**

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

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#### **Summary**

To consider a new Premises Licence application for The Royal Supermarket, 56 Balmoral Road, 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.

2.2. The cumulative impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people, and thereby creating exceptional problems of crime, disorder and nuisance over the above the impact from individual premises themselves.

2.3. Due to this concern Medway Council have introduced Cumulative Impact Areas, which require an applicant to show how their premises will not add to the cumulative impact on the licensing objectives already being experienced.

2.4. This application is for a premises within the Gillingham High Street Cumulative Impact Area. The assessment states:

'If an application is submitted for a premises or club within a cumulative impact area, and there are relevant representations, there is a presumption of refusal by the Authority, unless the applicant can

demonstrate the premises will not adversely affect the licensing objectives'

- 2.5. For assistance the relevant appendix of the Cumulative Impact Assessment can be found at Appendix A of this report. An arrow has been added to the map indicating where the premises is located within the Area.

### 3. Background

- 3.1. On the 25<sup>th</sup> November 2024 an application was made by Mr. Benoy Sebastian for a premises licence at 56 Balmoral Road, Gillingham.
- 3.2. The application is for Sale by Retail of Alcohol, Off Sales:  
Monday to Sunday 09:00 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 B.
- 3.5. The application has been 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 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 and the requirements within the Cumulative Impact Assessment, 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 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 has received representations.

7.2. We have received a representation from Public Health on the 12<sup>th</sup> December, 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 C.

7.3. We have received a representation from Kent Police on the 19<sup>th</sup> December, relating to three of the licensing objectives, the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of this can be found at Appendix D.

## 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 – Location of premises in CIA
- Appendix B – Application for Premises Licence
- Appendix C – Representation from Public Health
- Appendix D – Representation from Kent Police

## Background papers

None