

Licensing Hearing Panel

4 February 2025

Licensing Act 2003 Application for a new Premises Licence at Tesco Express, 48 – 52 Napier Road, Gillingham, Kent ME7 4HD

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

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Summary

To consider a new Premises Licence application for Tesco Express, 48 – 52 Napier Road, Gillingham, Kent. ME7 4HD 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 the 10 December 2024 an application was made by Tesco Stores Limited for a premises licence at 48 – 52 Napier Road, Gillingham, Kent. ME7 4HD. The application is for:

Sale by Retail of Alcohol, Off Sales -

Monday to Sunday 06:00 to Midnight

Late Night Refreshment –

Monday to Sunday 23:00 to Midnight

- 3.2. As part of the application an operating schedule, which details the conditions the applicant is offering to promote the licensing objectives, has been completed.
- 3.3. A copy of the application form and a plan of the premises can be found at **Appendix A** and **Appendix B** respectively.
- 3.4. The application has been correctly advertised in the local press, webpage 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. Evidence of measure to promote the licensing objectives shall be contained within the operating schedule in the application.
- 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. We have received representation from 3 members of the public relating to all four of the licensing objectives, the prevention of crime and disorder and the prevention of public nuisance public safety and the protection of children from harm. A copy of these representations can be found at **Appendix C**.
- 7.3. There have been no representations from the Responsible Authorities and the applicant was asked if they wished to make submissions to be included in this report.

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 – Application for Premises Licence
- Appendix B – Plans for the premises
- Appendix C – Representation from members of public

Background papers

None