

Licensing Hearing Panel

6 February 2025

Consideration of Interim steps following an application for Summary Review of the Premises Licence for Kent Quick Mart, 35 Knights Road, Hoo, Rochester, Kent, ME3 9DT

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Summary

An application has been received from Kent Police for an Expedited Review of the premises licence at Kent Quick Mart, 35 Knights Road, Hoo, Rochester, Kent, ME3 9DT, as the premises have been associated with serious crime and disorder.

Kent Police are asking that the Panel take the interim step of suspending the premises licence until a full review hearing can be carried out.

1. Recommendations

1.1. For Members, 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, to consider and determine the interim steps to be taken in regard to this premises licence.

2. Budget and policy framework

2.1. Medway Council has published its Statement of Licensing Policy, which it considers in all applications relating to the Licensing Act 2003.

3. The Application

3.1. On 4 February 2025 the Council received an application from Superintendent Sparks, on behalf of Kent Police, for an expedited review of the premises licence in respect of Kent Quick Mart, 35 Knights Road, Hoo, Rochester, Kent, ME3 9DT, as they consider it necessary to take interim steps pending determination of a review of the premises licence.

3.2. A copy of the application can be found at **Exempt Appendix A** and a copy of the certificate, which is required to accompany the application, can be found at **Appendix B**.

4. Background

- 4.1. The current premises licence for Kent Quick Mart, 35 Knights Road, Hoo, Rochester, Kent, ME3 9DT is held by Mrs Kavitha Sivothyayan, who is also the Designated Premises Supervisor.
- 4.2. This premises licence permits the sale by retail of alcohol Monday to Sunday from 6am to midnight.
- 4.3. A copy of the current premises licence can be found at **Appendix C**.

5. Options

- 5.1. The Panel must consider what interim steps to impose until the 4 March 2025 when the full review hearing shall take place. The options the Panel must consider taking are:
 - a) The modification of the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - c) The removal of the designated premises supervisor from the licence;
 - d) The suspension of the licence

6. Advice and analysis

- 6.1. The summary review powers under sections 53A to 53C of the Licensing Act 2003 allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and allows the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 6.2. The Act requires expedited review applications to be considered within 48 hours, pending a full review hearing, which must take place within 28 days from the date the application was served.
- 6.3. The Panel must consider the four licensing objectives, which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children and harm

7. Risk management

- 7.1. 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, 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.

8. Consultation

- 8.1. There is a 7 day consultation period in relation to the full review application, however this doesn't affect the decision of the expedited review hearing.

9. Financial implications

- 9.1. 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.

10. Legal implications

- 10.1. This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 10.2. The premises licence holder may make representations against the interim steps taken by the licensing authority. On receipt of such representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.

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Appendices

- Exempt Appendix A –Application for Expedited Review
- Appendix B - Certificate from Superintendent Sparkes
- Appendix C – Current Premises Licence

Background papers

None