

## **Licensing Hearing Panel**

**25 February 2025**

### **Licensing Act 2003 Application for Review of the Premises Licence for Kent Quick Mart, 35 Knights Road, Hoo, Rochester, Kent, ME3 9DT**

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

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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.

The Interim steps were agreed at a hearing held on 6 February 2025 where it was determined that the premises licence would be immediately suspended, pending the full review hearing, which is the matter before the Panel.

All responsible authorities have been consulted in line with the Licensing Act 2003.

#### **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.

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**.

4.4. A hearing was held on 6 February 2025 where it was determined that the premises licence would be immediately suspended, a copy of this decision notice can be found at **Appendix D**.

## 5. Options

5.1. The Licensing Hearing Panel is asked to consider the information in this report and take any of the following steps considered necessary to promote the licensing objectives of the Act:

- a) Modify the conditions on the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example by reducing the operating hours or by requiring door supervisors at particular times.
- b) Exclude a licensable activity from the scope of the licence, for example to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- c) Remove the current designated premises supervisor.
- d) Suspend the licence for a sufficient period.
- e) Revoke the licence.
- f) Dismiss the review application.

## 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. The application has been correctly advertised by way of the display of notices at the premises and the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities. Before determining the review application, the Council, as licensing authority, must hold a hearing to consider it and any relevant representations received.

## 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.

## Lead officer contact

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## Appendices

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

## Background papers

None