

Licensing Hearing Panel

28 April 2026

Licensing Act 2003 Application for a Full Variation at Smiles Kitchen Lounge 356-358 High Street Chatham ME4 4NP

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

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Summary

To consider a full variation Licence application for Smiles Kitchen Lounge 356-358 High Street Chatham ME4 4NP 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 Smiles Kitchen, 356-258 High Street Chatham is for:

Sale by retail of Alcohol, Late Night Refreshment

Monday to Saturday 10:00 to 00:00 and Sunday 12:00 to 23:30.
Non-Standard Times: Good Friday and Christmas Day 12:00 to 23:30.

Monday to Saturday 23:00 to 00:30 and Sunday 23:00 to 23:30.
Non-Standard Times: Good Friday and Christmas Day 23:00 to 23:30.

- 3.2. A copy of the current premises licence can be found at Appendix A.
- 3.3. On the 30 October 2025 an application was received for a Full Variation for Smiles Kitchen 356-358 High Street Chatham ME4 4NP. The application was to amend the hours for Late Night Refreshment and to add live and recorded music to the licence.
- 3.4. The hours applied for are:
- Late Night Refreshment
- Monday to Saturday 23:00 to 03:00
- Sunday 23:00 to 02:00
- Live and Recorded Music
- Monday to Saturday 23:00 to 02:00
- Sunday 23:00 to 01:00
- 3.5. A copy of the application and a plan of the premises can be found at Appendix B.
- 3.6. The Consultation for this application was re-started on several occasions due to failure to display the notice within the correct time frame, the consultation re-started for the final time on the 09 March 2026.
- 3.7. 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, 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 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 have received representations.

7.2. On the 30 December 2025 we received representation from a Ward Councillor for Chatham Central and Brompton relating to one of the licensing objectives, the prevention of public nuisance. A copy of this can be found at Appendix C.

7.3. On the 26 January we received a representation from a member of the public. 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.

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Appendices

- Appendix A – Current Premises Licence
- Appendix B – Application and plan of premises
- Appendix C – Representation from Ward Councillor for Chatham Central and Brompton
- Appendix D – Representation from Member of public

Background papers

None