

Licensing Hearing Panel

Tuesday 26 May 2026

Licensing Act 2003 Application for a Full Variation to a Club Premises Certificate at Walderslade Working Men's Club and Institute, 274 Walderslade Road Chatham ME5 0PA

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

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Summary

To consider a full variation to a club premises certificate application for Walderslade Working Men's Club and Institute, 274 Walderslade Road, Chatham ME5 0PA 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 variation application.

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 Licensing Act 2003 makes a distinction between consumption of alcohol off the premises for Premises Licence authorisations and Club Premises Certificate authorisations.

2.3. Alcohol for consumption in beer gardens by patrons is permitted without restriction in venues holding a Premises Licence whether the gardens are included on the plans or not but this is not the case for Club Premises Certificate authorisations.

2.4. Section 73(4) of the Licensing Act 2003 titled 'Certificate authorising the supply of alcohol for consumption off the premises' requires that

“... any supply of alcohol for consumption off the premises must be made in a sealed container”

In cases where beer gardens in clubs are not included on the premises then open drinking vessels containing alcohol cannot be supplied to members to consume outside as this area is off the premises.

3. Background

- 3.1. The original club premises certificate for Walderslade Working Men’s Club and Institute, 274 Walderslade Road, Chatham ME5 0PA is found at **Appendix A**. The plans associated with the original certificate are found at **Appendix B**.
- 3.2. Licensing was contacted by the Club Secretary asking for advice in relation to Pavement Licences to permit the use of tables and chairs for consumption of alcohol outdoors in the car park of the club. The car park is private property and so outside the scope of the pavement licence regime.
- 3.3. Given that tables and chairs in the car park were being used in warmer months by patrons of the club to consume alcohol in open glasses it raised questions of compliance with section 73(4) of the Licensing Act above.
- 3.4. The Club Premises Certificate application for Walderslade Working Men’s Club and Institute submitted in 2005 did not include the car park in the plans and so the car park is deemed off the premises. This meant that patrons are not permitted to take open drinking vessels containing alcohol outside in the car park to consume.
- 3.5. Advice was given that the practice must stop until a variation to the club premises certificate was applied for and granted. Given that the inclusion of the outside area to “on the premises” this would in effect increase the licensable area and so in line with part 8.62 of the section 182 Home Office guidance a full variation was needed.
- 3.6. This guidance is as follows:

Changes to structure/layout

8.62 Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;

- 3.7. The club was also advised that with a full variation application, it could be an opportunity to request changing other matters arising at the same time.

- 3.8. On the 6 March 2026 an application was received for a Full Variation for Walderslade Working Men's Club and Institute,
- 3.9. The application is to increase the permitted hours for the supply of alcohol on Friday Saturday and Sunday (where the rest of the week is to remain the same) and the outside car park area has been added to the footprint of the premises in order make the car park "on the premises" and therefore permit customers to consume their alcoholic drinks outdoors within the confines of the new perimeter.

The amendment for the supply of alcohol is for it to change from

12:00hrs to 00:00hrs on Friday Saturday and Sunday

To

10:30am until 01:00 on Friday Saturday and Sunday

- 3.10. A copy of the application can be found at **Appendix C** and new plans at **Appendix D**.
- 3.11. The Consultation for this application was re-started due to an oversight on displaying the blue notice correctly at the venue.
- 3.12. 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 the operating schedule in Section M of Appendix C.
- 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. During the consultation period licensing received a representations from members of the public relating to all four of the licensing objectives. These representations can be found at **Appendix E**.

7.3. **Appendix F** contains conditions agreed with by Trading Standards and no other Responsible Authorities made representations to this variation application.

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 – 2005 plan of premises
- Appendix C – CPC Variation Application
- Appendix D – New Plans including Car Park
- Appendix E – Representation from MOP
- Appendix F – Conditions agreed with by Trading Standards

Background papers

None