

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee
Date: 14 September 2020
Reporting officer: Mark Lees, Regulatory Services Manager
Subject: Licensing Panel Hearings

Purpose and summary of report:

1. To update Members on Licensing Panel hearings that have taken place since the last Licensing Committee meeting on 5 November 2019.

Recommendations:

1. Members to note the content of the report.
1. **13 November 2019 - New premises licence application for Club Three, 42 The Grove, Gravesend, Kent DA12 1DP**
 - 1.1 The application, received on 17 September 2019, was for a new club with opening hours, sale of alcohol, late night refreshment and recorded music from 9am until 11pm Monday to Wednesday and from 9am until 3am Thursday to Sunday. Live music was also requested from 9am until 3am Thursday to Sunday
 - 1.2 During the statutory 28-day consultation period, objections were received from:
 - 1.2.1 The public/local residents; including by way of a petition with 20 signatures from residents of Stephenson House
 - 1.2.2 The council's Environmental Protection Team
 - 1.2.3 Kent Police
 - 1.3 The matter was heard by the Licensing Panel on 13 November 2019 and the decision of the Panel was to refuse to grant the licence.
 - 1.4 The full minutes can be viewed on the council's website

<http://gbc-modgov/ieListDocuments.aspx?CId=125&MID=4296#AI29130>

2. 15 July 2020 - Review of Londis, 29 Milton Road, Gravesend, Kent DA12 2RF

- 2.1 The review application from Kent Police, received on 9 June 2020, cited concerns related to all four licensing objectives in relation to such matters as high strength alcohol sales to street drinkers and breaches of licence conditions.
- 2.2 During the subsequent statutory 28-day consultation period, a further supporting representation was received from a local resident/business owner.
- 2.3 The matter was heard by the Licensing Panel on 15 July 2020 and the decision of the Panel was to add conditions requiring:
 - 2.3.1 A refusals register to be kept.
 - 2.3.2 An incident register to be kept.
 - 2.3.3 That no beer, lager, cider, perry or spirit mixer above 7.5% will be sold at the premises.
 - 2.3.4 A clear glazing policy to allow unobstructed viewing.
- 2.4 The full minutes can be viewed on the council's website
<http://gbc-modgov/ieListDocuments.aspx?CId=125&MId=4498&Ver=4>

3. 17 August 2020 - Review of The Old Prince of Orange 1 Old Road East Gravesend Kent

- 3.1 The review application from Kent Police, received on 6 March 2020, cited concerns related to the prevention of crime and disorder, public safety, and the protection of children from harm licensing objectives.
- 3.2 The review was applied for following a disturbance at the premises on 7 February involving both staff and the public; however Kent Police stated that it was not an isolated incident and that they also had other concerns about the management of the premises.
- 3.3 During the subsequent statutory 28-day consultation period, representations were also received from;
 - 3.3.1 A member of the public supporting the licence holder.
 - 3.3.2 The freeholder owner of the premises, largely supporting additional licence conditions requested by the police, which they considered to represent good practice.
- 3.4 The hearing, scheduled for 17 August, was cancelled with consent from all parties as the police and the premises licence holder reached an agreement, which was separately endorsed by the Panel Members.
- 3.5 Further details can be viewed on the council's website:
<http://gbc-modgov/ieListDocuments.aspx?CId=125&MId=4500&Ver=4>

4. Recommendations

4.1 That Members note the content of the report.

5. BACKGROUND PAPERS

5.1 None. Anyone wishing to inspect background papers should be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS		APPENDIX 1
Legal	The Licensing Act 2003 is the relevant primary legislation relating to the matters set out in this report.	
Finance and Value for Money	There are no direct financial implications for Gravesham Borough Council concerning this report, which is for information only. Members should however be aware that anyone aggrieved by a decision made by the Licensing Panel could appeal that decision to the Magistrates' Court which can have cost implications.	
Risk Assessment	Departure from Statutory Guidance or Policy, or any decision that is not based on evidence, proportionate and justifiable, could lead to an increased risk of appeal.	
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>	
	a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No	
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A	
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk . N/A	
Equality Impact Assessment	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No	
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>	
Corporate Plan	Objective 1: People - <i>a proud community; where residents can call a safe, clean and attractive borough their home.</i> Commitment: Enforce high regulatory standards: put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.	
Crime and Disorder	There are obvious links to community safety and the perception of crime and disorder if licensed premises, particularly those that supply alcohol are not managed properly and adequately enforced.	
Digital and website implications	N/A	

Safeguarding children and vulnerable adults	The prevention of children from harm and prevention of crime and disorder are two of the four licensing objectives that fundamentally underpin the Licensing Act 2003.
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