

Classification: Private

Key Decision: No

Gravesham Borough Council

Report to: Licensing Panel

Date: 15 October 2021

Reporting officer: Emily Lane-Blackwell

Subject: The Kings Head, King Street, Gravesend, Kent DA12 2EB

Purpose and summary of report:

Consideration of interim steps following an application for summary review of a premises licence.

Recommendations:

1. Members are requested to determine this review on its merits

1. Introduction

- 1.1 The Licensing Panel is asked to determine an application for an expedited review of Premises Licence granted under the Licensing Act 2003 in respect of the premises known as The Kings Head, King Street, Gravesend, Kent DA12 2EB
- 1.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
 - 1.2.1 The prevention of crime and disorder
 - 1.2.2 The protection of public safety
 - 1.2.3 The prevention of public nuisance
 - 1.2.4 The protection of children from harm
- 1.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council adopted its Statement of Licensing Policy on 20 December 2004. As required by section 5 of the Act this policy has been subject to three yearly revisions with the current policy set to expire on 15 April 2024. The Policy will be available at the meeting for reference purposes.

- 1.4 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for any departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination which gives rise to an appeal or judicial review. The Guidance will be available at the meeting for reference purposes.
- 1.5 A copy of the council's approved procedure for hearings of the Panel in relation to an application, along with a copy of the Hearing regulations has been circulated to all parties prior to the meeting.
- 1.6 The relevant provisions within the Licensing Act 2003 allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or disorder, or both.

The Act requires expedited premises licence review applications to be considered within 48 hours, pending a full hearing of the issues within 28 days of the date that the application was served.

2. Background

- 2.1 The current premises Licence for The Kings Head, King Street, Gravesend, Kent DA12 2EB is held by Mr Ismail Sucu, he is also the designated premises supervisor.
- 2.2 A copy of the current licence can be seen as Appendix 2

3. The Review Application

- 3.1 On 13 October 2021 the council received an application from Kent Police for an expedited review of the premises licence in respect of Kings Head, King Street, Gravesend, Kent DA12 2EB as they consider it necessary to take interim steps pending determination of the review of the premises licence.
- 3.2 A copy of the application can be seen as Appendix 3
- 3.3 A copy of the required certificate can be seen as Appendix 4.

4. Decision

- 4.1 The interim steps that the panel must consider are:
 - 4.1.1 The modification of the conditions of the premises licence;
 - 4.1.2 The exclusion of the sale of alcohol by retail from the scope of the licence ;
 - 4.1.3 The removal of the designated premises supervisor from the licence;
 - 4.1.4 The suspension of the licence
- 4.2 The decision will take immediate effect.

4.3 The premises licence holder can make representations against the interim steps taken at any point before the full hearing.

4.3.1 If this happens then a further hearing would have to be held within 48 hours of their representations being received.

5. BACKGROUND PAPERS

5.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	<p>The Licensing Panel is obliged to determine this application with a view to promoting the four licensing objectives. In making its decision, the licensing panel is also obliged to have regards to the Secretary of State's Guidance and the Council's adopted Licensing Policy.</p> <p>The licensing panel must also have regard to all the representations and evidence it hears. the interim steps that the licensing panel must consider taking are:</p> <p>the modification of the conditions</p> <p>the exclusion of the sale of alcohol by retail from the licence</p> <p>the removal of the designated premises supervisor form the licence, and</p> <p>the suspension of the licence.</p>
Finance and Value for Money	<p>There are no direct financial requirements at this time. There is the possibility of a challenge by way of appeal.</p>
Risk Assessment	<p>Departure from the Guidance and Policy could lead to an increased risk of appeal. Similarly if any decision made is not evidence based and proportionate.</p>
Data Protection Impact Assessment	<p><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></p> <p>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.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p>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, appeal decision will be made in accordance with legislation and licensing objectives.</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><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></p>
Corporate Plan	<p>There are direct links to Corporate objective 1 - Safe Gravesham, there are indirect links to Corporate objectives 2 - Stronger Gravesham and 3 - Sustainable Gravesham.</p>

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	Basic notices will need updating on the website.
Safeguarding children and vulnerable adults	<p>The Licensing Act requires premises licence holders to promote the licensing objective to protect children from harm.</p> <p>Licensing authorities must play their part in taking the required action against those that don't appear to be upholding this objective.</p>