

**Classification:** Public

**Key Decision:** No

### Gravesham Borough Council

**Report to:** Licensing Panel

**Date:** 26 May 2022

**Reporting officer:** Emily Lane-Blackwell, Senior Licensing Officer

**Subject:** Consideration of an application for a premises licence for Aba Wine, Grill and Dine, 9 Brewhouse Yard, Gravesend, Kent DA12 2EJ

#### **Purpose and summary of report:**

To assist members to determine an application for a premises licence under the Licensing Act 2003 (LA03).

#### **Recommendations:**

1. Members are requested to determine the application on its merits.

#### **Key Implications:**

Item	Implications
<b>Legal</b>	<p>The LA03 requires licensing authorities to publish a Statement of Licensing Policy which sets out the policies they have in place to promote the four licensing objectives. This policy must be considered when making decisions on applications. The current policy is in place until 15 April 2024. It is available for viewing on the website. <a href="https://www.gravesham.gov.uk/data/assets/pdf_file/0011/185726/Licensing-Policy-2019-24.pdf">https://www.gravesham.gov.uk/data/assets/pdf_file/0011/185726/Licensing-Policy-2019-24.pdf</a></p> <p>The licensing authority are required have regard to the Section 182 guidance issued by the Secretary of State. The licensing panel is able to depart from this guidance, but only when they have reason to do so. <a href="https://www.gov.uk/guidance/section-182-guidance">Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)</a></p> <p>The panel are reminded that the Human Rights Act guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.</p> <p>In accordance with the provisions of the Act, if a licensing authority rejects in whole or part an application to vary a premises licence the applicant may appeal against the decision to a Magistrates Court within 21 days of being notified of the decision.</p>

	Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that different or additional conditions should have been imposed on the licence, they may appeal against the decision to a Magistrates court within 21 days of being notified of the decision.
<b>Finance and Value for Money</b>	None unless there is an appeal about the Panel decision to Magistrates Court which proves to be successful and which could therefore result in costs being awarded against the Council.
<b>Corporate Plan</b>	There are direct links to Corporate Objective #1 – People and the associated commitment to enforce high regulatory standards: Put customer and employee safety first by ensuring commercial businesses and licence holders are fully compliant with expected legislative standards.
<b>Climate Change</b>	N/A

## 1. Introduction

- 1.1 The Licensing Panel is asked to determine an application for a premises licence, following receipt of an objection by Environmental Protection and Kent Police. The application is in respect of the premises Aba Wine, Grill and Dine, 9 Brewhouse Yard, Gravesend, Kent DA12 2EJ

## 2. Background

- 2.1 This premises doesn't currently have a premises licence in place. It is in close vicinity with a number of licensed premises. As follows:

2.1.1 Blakes Night Club, 23 Stone Street

2.1.1.1 Closes 03:00

2.1.2 Boys Italian Restaurant, 5 Stone Street

2.1.2.1 Sunday to Thursday closes 22:00

2.1.2.2 Friday and Saturday closes 23:00

2.1.3 Pantheon Italian Restaurant, 16-17 King Street

2.1.3.1 Closes 23:00

2.1.4 The Kings Head, 8 New Road

2.1.4.1 Monday to Thursday closes 00:00

2.1.4.2 Friday and Saturday closes 02:00

2.1.4.3 Sunday closes 01:00

2.1.5 The Goose, 23-25 New Road

2.1.5.1 Sunday to Wednesday closes 00:30

2.1.5.2 Thursday to Saturday closes 02:30

2.1.6 The George, 38 Queen Street

2.1.6.1 Monday to Thursday closes 23:30

2.1.6.2 Friday and Saturday closes 00:00

2.1.6.3 Sunday closes 22:30

2.2 A google location map can be found at Appendix 1, the star indicates the location of the premises.

### **3. The Application**

3.1 On 28 March 2022 an application was received from Fluriches Ventures Limited

3.2 The application is for the following activities:

3.2.1 Sale by retail of alcohol

3.2.1.1 Monday to Sunday 06:00 to 02:00

3.2.2 Late Night Refreshment

3.2.2.1 Monday to Sunday 23:00 to 02:00

3.2.3 Live Music

3.2.3.1 Thursday to Sunday 23:00 to 01:30

3.2.4 Recorded Music

3.2.4.1 Monday to Sunday 23:00 to 02:00

3.3 Section M of the application form asks the applicant to describe the steps they intend to take to promote the four licensing objectives. These steps will be added to the premises licence as clear and enforceable conditions. The panel may choose to amend these conditions.

3.4 A copy of the application can be found at Appendix 2.

### **4. Representations**

4.1 At any stage during the 28 day consultation period a responsible authority, a Councillor or an interested party may make representations provided that the grounds are relevant to the licensing objectives and are not deemed to be vexatious, frivolous or repetitive.

4.2 On 28 April 2022 Environmental Protection submitted an objection.

4.2.1 The email with the objection can be found at Appendix 3a and 3b.

4.3 On 4 May 2022 Kent Police submitted an objection.

4.3.1 The objection can be found at Appendix 4.

## **5. Appendices**

5.1 The following documents are to be published with the report:

5.1.1 Appendix 1 – Location plan

5.1.2 Appendix 2 – Application form

5.1.3 Appendix 3 – Environmental Protection Objection

5.1.4 Appendix 4 – Kent Police Objection

## **6. Background Documents**

6.1 There are no background documents.

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	Departure from the Guidance and Policy could lead to an increased risk of appeal. Ensuring that all decisions are evidence based, justified and proportionate, and that sufficiently detailed reasons for decisions are given, helps to reduce the risk of a successful appeal.
<b>Data Protection Impact Assessment</b>	<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 <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<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</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>
<b>Crime and Disorder</b>	There are obvious links to community safety and the perception of crime and disorder if licensed premises are not run and managed properly or adequately enforced.
<b>Digital and website implications</b>	Basic notices are published on our website for all premises applications during the consultation period.
<b>Safeguarding children and vulnerable adults</b>	The Licensing Act 2003 requires premises licence holders to promote the licensing objective 'Protection of children from harm'. Licensing Authorities must play their part in taking the required action against those that don't appear to be promoting this objective.