

**Classification:** Public

**Key Decision:** No

### Gravesham Borough Council

**Report to:** Licensing Panel  
**Date:** 3 April 2024  
**Reporting officer:** Mandy Francis, Licensing Manager  
**Subject:** Consideration of an application for a new premises licence for Dizz Hub, Ebbsfleet Rainbow Centre, Rose Street, Northfleet, Gravesend, Kent DA11 9EQ

**Purpose and summary of report:**

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

**Recommendations:**

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

<b>Key Implications:</b>	
<b>Item</b>	<b>Implications</b>
<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 new premises licence, following receipt of objections from Environmental Protection and Licensing. The application is in respect of the premises Dizz Hub, Ebbsfleet Rainbow Centre, Rose Street, Northfleet, Gravesend, Kent DA11 9EQ.

## 2. Background

- 2.1 Attached at Appendix A is a picture showing the location of the premises.
- 2.2 The premises is located in a dense residential area adjacent to the Rose Street/Station Road junction, with parking facilities for approximately 10 cars. Nearby is a local public house.

## 3. Application

- 3.1 Dizz Foods Ltd submitted an application for a new premises licence on 26 October 2023. A copy of the application and plan of the premises is attached at Appendix B.
- 3.2 The application is for the sale by retail of alcohol for consumption off the premises only, with the licensable hours as follows:

### Sale by retail of alcohol

Convenience Store: Monday to Sunday 0800: to 00:00 – Off sales only

Community Hall: Monday to Sunday 08:00 to 02:00 – On sales only

### Regulated Entertainment:

Performance of dance, Recorded Music, Live Music, Indoor sporting events, Films, Plays, anything of a similar description: Monday to Sunday 23:00 – 02:30

### Late Night Refreshment – Indoor only:

Monday to Sunday 23:00 – 02:30

- 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.

#### **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 We received confirmation from Kent Fire and Rescue and Commercial (food and safety team) that they had no objections or amendments for the application.
- 4.3 Kent Police submitted a representation on 12 March 2024 and, following agreement from the applicant to amend the operating schedule contained within their application to include their proposed conditions, the Police withdrew their representation on 16 March 2024. A copy of the agreed conditions are attached at Appendix C.
- 4.4 On 15 February 2024 we received a representation from Environmental Protection objecting to the granting of the licence as it would have a negative impact on the Prevention of Public Nuisance licensing objective. A copy of the representation, response from the applicant and clarification response from Environmental Protection, which includes the planning status of the premises, is attached at Appendix D.
- 4.5 For Members information only, whilst Planning and Licensing regimes are separate, each must be considered independently. However, Licensing contacted the agent for the applicant on 21 March 2024 advising him of the current planning status and that should a Premises Licence be granted, it would not supersede any current or future planning permission.
- 4.6 On 13 March 2024, Licensing, as a responsible authority, submitted a representation. The applicant responded agreeing to the additional conditions however, no agreement to reduce the hours for the Community Hall has been received. A copy of the representation and agreement is attached at Appendix E.

#### **5. Appendices**

- 5.1 Appendix A – Location of the premises
- 5.2 Appendix B - Application and plan of premises
- 5.3 Appendix C – Conditions agreed with Kent Police
- 5.4 Appendix D – Representation from Environmental Protection, response from agent and clarification regarding planning status
- 5.5 Appendix E – Representation from Licensing and agreement from applicant

#### **6. Background Documents**

- 6.1 There are no background documents.

**Lead Officer:** Mandy Francis, Licensing Manager

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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.