

Licensing and Appeals Panel

23 June 2025

Part 1 - Public

Delegated



Cabinet Member	N/A
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
Report Author	Anthony Garnett and Samantha Kemp, Licensing Officers

Application to vary a premises licence at One Stop, 50 New Road, Ditton, Kent ME20 6AD

1 Summary and Purpose of Report

- 1.1 The Licensing and Appeals Committee sitting as a Panel is asked to consider an application to vary the premises licence after a number of objections were received during the 28-day consultation period.
- 1.2 During the 28-day consultation period, the Licensing Department has received twelve representations from interested parties and no objections from the statutory consultees.
- 1.3 The premises is seeking to vary its current licence to sell alcohol from 06:00 – 23:00 to 24 hours per day with the condition that sales during the extended period of the licence will take place through a hatch or online and the existing Operating Schedule will be replaced by the one which is set out in the application at **Annex 1**.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 That Members determine the application carefully, considering the application along with any representations made and take such steps as the Panel consider appropriate for the promotion of the Licensing Objectives.

4 Introduction and Background

- 4.1 The application was validated on 7th May 2025, with the 28-day consultation running from 1st May until 29th May 2025.
- 4.2 At any stage, during the 28-day public consultation period, a responsible authority, or other person, may make representations in connection with any of the four licensing objectives namely: -
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by other persons are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

- 4.3 The Licensing Act 2003 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's Draft Statement of Licensing Policy is due to be published in 2025 and will remain in force until 2030. The Policy will be available at the hearing, for reference purposes.
- 4.4 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 its departure from it. The Guidance will also be made available at the hearing for reference purposes.

5 Proposal

- 5.1 The applicant is Henley Retail DT Limited, Bridge House, 9-13 Holbrook Lane, Coventry, CV6 4AD
- 5.2 A copy of the application form and operating schedule can be seen at **Annex 1**. The application proposes the extension of the hours for the sale of alcohol to the public for 24 hours per day – with the condition that sales from 23:00 to 06:00 hours takes place through a hatch at the premises or online and to replace the existing Operating Schedule with that set out in the application.
- 5.3 The proposed conditions outlined in the operating schedule are available in **Annex 1**.

5.4 The application is for the following –

Supply of alcohol	Monday to Sunday 00.00 – 23.59
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5.5 During the 28-day consultation period, the Licensing Department has received the following representations –

Interested parties	12 – these can be seen at Annex 3 of this report
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5.6 Representations received from statutory consultees –

Fire Safety	Comments received – No Objection
Trading Standards	No comments received
Social Service	No comments received
Police	Comments received – No Objection
Environmental Health TMBC	Comments received – No Objection
Health & Safety	No comments received
Planning	No comments received

6 The previous licence can be seen at **Annex 4** and a plan of the premises proposed layout can be seen at **Annex 2**.

7 Other Options

7.1 The steps an authority may take are –

1. Grant the licence subject

- i. to such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
- ii. any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).

2. Exclude from the scope of the licence any of the licensable activities to which the application relates.
3. Reject the application.

8 Financial and Value for Money Considerations

- 8.1 None unless there is a successful appeal against the Panel decision to the Magistrates' Court. This could result in costs being awarded against the Council.

9 Risk Assessment

- 9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

10 Legal Implications

- 10.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the following Licensing Objectives -

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Having regard to the relevant representations, the Panel must take such of the steps set out, as it considers appropriate, for the promotion of the licensing objectives.

- 10.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.
- 10.3 An application to vary a premises licence has to be made under s.34 of the Act and is determined in accordance with s.35 of the Act.

The options open to the panel are:

- a. To modify the conditions of the licence;
- b. To reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 10.4 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court.

11 Consultation and Communications

- 11.1 The Licensing Act 2003 requires all new application to undergo a 28-day consultation. During this consultation period, a blue public notice was displayed at the premises and an advert was place in a local newspaper.

12 Implementation

- 12.1 Decision of Licensing Panel will have immediate effect if granted, all parties may challenge the decision in the form of an appeal at the Magistrates Court.

13 Cross Cutting Issues

- 13.1 Climate Change and Biodiversity.

- Adaptation and resilience have not been considered.
- Climate change advice has not been sought in the preparation of the options and recommendations in this report.

- 13.2 Equalities and Diversity.

- The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	Annex 1 – Application and operating schedule Annex 2 – Premises plan Annex 3 – Representations Annex 4 – Previous Licence