

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Licensing Sub-Committee

The meeting will be held at **3.00 pm** on **27 November 2023**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Qaisar Abbas, Aaron Green and Steve Liddiard

### Agenda

Open to Public and Press

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<b>1. Apologies for Absence</b>	
<b>2. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>3. Declarations of Interests</b>	
<b>4. Determination of Objection to a Temporary Event Notice</b>	<b>5 - 20</b>

### Queries regarding this Agenda or notification of apologies:

Please contact Luke Tucker, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **17 November 2023**

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## Information for members of the public and councillors

### Access to Information and Meetings

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1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
3. Hand sanitiser will also be available at the entrance for your use.

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

**Unless you have received dispensation upon previous application from the Monitoring Officer, you must:**

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

**If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps**

### Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



**You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.**

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>27 November 2023</b>	<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>	
<b>Determination of Objection to a Temporary Event Notice</b>	
<b>Wards and communities affected:</b> Grays Riverside	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox – Licensing Officer	
<b>Accountable Head of Service:</b> Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)	
<b>Accountable Director:</b> Claire Demmel – Interim Director of Public Realm	
This report is public	

## Executive Summary

An objection has been received from Essex Police with regards to a Temporary Event notice submitted in relation to a Christmas carol concert at Grays Town Park Cafe. The objection relates to the licensing objective of the Prevention of Crime and Disorder.

### 1. RECOMMENDATIONS:

**1.1 The Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the objection of a Temporary Event Notice**

### 2. Introduction and Background:

2.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

2.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 2.3 The Licensing Department received a Temporary Event Notice (TEN) on 16 November 2023 from Tina Holland for an event on 13 December 2023. A copy of the TEN is attached at **Appendix A**.
- 2.4 The TEN relates to a Christmas carol concert with the sale of mulled wine to customers between 6:30pm – 8:30pm for up to 40 people.
- 2.5 A letter of acknowledgement of the TEN was sent electronically on 16 November 2023 and a copy is attached at **Appendix B**.
- 2.6 On 21 November 2023 the Licensing Department received an Objection Notice from Simon Barnes, Licensing Officer with Essex Police, outlining his objection that the Police are satisfied that allowing the premises to be used in accordance with the notice would undermine the prevention of crime and disorder licensing objective.

The reasons for being so satisfied are that the area to be used falls within the boundary of the Grays Public Spaces Protection Order (PSPO).

A copy of the objection notice is attached at **Appendix C**. A copy of the PSPO is attached at **Appendix D**.

- 2.7 No objection was received from Environmental Health.

### **3. Issues, Options and Analysis of Options:**

- 3.1 The committee, after considering the objection notice, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.
- 3.2 The power to impose the conditions from the premises licence on a TEN is conferred by s106 Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.
- 3.3 The following options are available to the Licensing Sub-Committee:
  - Allow the Temporary Event Notice being determined as applied for;
  - To reject the Temporary Event Notice being determined as applied for and issue a Counter Notice, which will prevent the event from going ahead.
- 3.4 The decision made by the Committee will take immediate effect. There is a right of appeal for both the person who has given the TEN and for the relevant person that had submitted the objection notice. However, no appeal may be brought later than 5 working days before the day on which the event period specified in the TEN



3.5 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

3.6 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

3.7 The Sub-Committee are advised that the final decision should be based on the individual merits of the application & findings of fact made at the hearing

#### **4. Reasons for Recommendation:**

4.1 These are the options available to the Sub-Committee

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 A copy of the objection notice has been served on the premises user.

#### **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

(a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

(b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

#### **7. Statement of Licensing Policy**

7.1 There are no specific parts of the policy that is relevant to this hearing.

#### **8. Relevant Section of the Secretary of State's Guidance**

8.1 Section 7 relates to Temporary Events Notices

8.2 Section 14.49 relates to Public Spaces Protection Orders

**9. Appendices to the report:**

- Appendix A - Temporary Event Notice
- Appendix B – Letter of Acknowledgement
- Appendix C – Notice of Objection from Essex Police
- Appendix D – Copy of Grays Public Spaces Protection Order

**Report Author Contact Details:**

**Report Author:** Elizabeth Cox  
Licensing Officer

# Licensing - Temporary Event Notice

Date submitted: 16 November 2023 12:10 PM

Case reference: TEN-562524422

## Application type

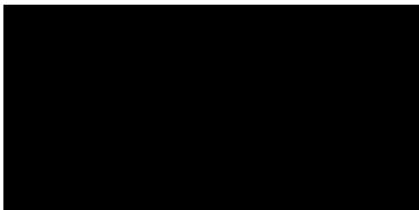
Is the applicant an individual, a business or an organisation?: Business or organisation

Business or organisation name: Friends of Grays Town Park

Are you submitting this form as the applicant or as an agent representing the applicant? I am the applicant

## Premises user details

Tina Holland



Know by any other names? No, I haven't been known by another name

Other name(s):

Date of birth: [Redacted]

Place of birth: [Redacted]

National Insurance number: [Redacted]

Do you currently hold a valid personal licence? No, I don't currently hold a valid personal licence

Authority that issued your personal licence:

Personal licence number:

Date of Issue:

## Premises

Does the premises have a postal address? No, the premises does not have a postal address

Describe the location where the event will take place: Grays Town Park Cafe

Nearest address to location: ■ Bedford Road, Grays, RM17 6PZ

Does this premises, or any part of premises, have a current valid premises licence or club premises certificate? Neither a premises licence nor a club premises certificate

Premises licence number:

Club premises certificate number:

Do you intend to use only part of the premises at this address, or to restrict the area to which this notice applies? I intend to use the whole of the premises

Provide details of the part of the premises or the restricted area to which this notice will apply:

Describe the nature of the premises: A small community coffee shop

I, the proposed premises user, hereby give notice under Section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described above. I, the proposed premises user, hereby give notice under Section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described above.

## Event

Describe the nature of the event: A Christmas Carol Concert with music and customers attending will be able to purchase mulled wine for consumption on the premises only

Which licensable activities do you intend to carry out at the premises? Sale by retail of alcohol

Where will the alcohol be consumed? On the premises

Maximum number of people at any one time: 40

Event start date and time: 13/12/2023 18:30

Event end date and time: 13/12/2023 20:30

For each proposed licensable activity at the premises, please list the individual days, together with the start times and end times each day, during which you intend to carry on the activity: The event will take place on Wednesday 13th December from 6:30pm until 8:30pm.

Will the event include any live performance or live display of nudity that, aside from financial gain, must reasonably be assumed to be mainly for the sexual stimulation of any audience member by any means? No

State the times during the event period that you propose to provide this kind of relevant entertainment:

## Previous notices

### Your notices

Have you (the premises user) previously given a temporary event notice for any premises or event in the same calendar year as the event proposed in this notice? Yes

Number of temporary event notices: 1

Have you already given a temporary event notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after, the event proposed in this notice? No

## Associates' notices

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event proposed in this notice? No

Number of temporary event notices:

Has any associate of yours already given a temporary event notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after, the event proposed in this notice? No

## Business notices

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event proposed in this notice? No

Number of temporary event notices:

Has any person with whom you are in business carrying on licensable activities, already given a temporary event notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after, the event proposed in this notice? No

## Declaration

I have read and understood the condition above

I have read and agree to the declaration above

## Payment

Payment amount: £21.00

Payment reference: STHES00401030

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Civic Offices, New Road, Grays  
Essex, RM17 6SL

Licensing Department

Tina Holland

**Our Ref:** 23/01047/LATEMP  
**Phone:** 01375 652879

**E-Mail:** [licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk)

**Date:** 22 November 2023

Dear Tina Holland,

**Licensing Act 2003 - Temporary Event Notice:** [REDACTED] **Bedford Road Grays Essex RM17  
6PZ**

**EVENT on the 13th December 2023**

**EVENT to the 13th December 2023**

**ACTIVITIES: Sale by Retail of Alcohol**

**TIMES: 18:30 - 20:30**

**LOCATION: Grays Town Park Cafe**

**COMMENTS: A Christmas Carol Concert with music and customers attending will  
be able to purchase mulled  
wine**

**CAPACITY: 40**

I am writing to acknowledge the receipt of the Temporary Event Notice for the above  
premise received in this department on 16th November 2023

The fee of £21 has been receipted and paid with thanks.

Please do not hesitate to contact me if I can be of further assistance

Yours sincerely

*Emma Beadle*

Emma Beadle  
Licensing Technical Officer

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Ms Tina Holland

20 November 2023



**POLICE OBJECTION NOTICE To a Temporary Event Notice (TEN)  
Section 104 Licensing Act 2003**

Name of Premises User: Tina Holland

Address of Premises: Grays Town Park, Bedford Road, Grays EM17 6PZ

Date(s) required for TEN(s) 13<sup>th</sup> December 2023

On 16<sup>th</sup> November 2023 Essex Police received the above Notice(s).

The Police are satisfied that the allowing the premises to be used in accordance with the notice(s) would undermine one or more of the licensing objectives.

The licensing objective(s) of relevance to this objection notice are:

- Prevention of Crime and Disorder

The reasons for being so satisfied are that the location for the notice is currently covered by a Public Space Protection Order (PSPO) issued by Thurrock Council under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014. This order restricts the consumption of alcohol in a defined area which include Grays Town Park and was issued to run from 1 April 2023 for a period of three years.

A Temporary Event Notice would enable the consumption of alcohol despite the presence of the PSPO allowing it the be undermined, the order was put in place due to the evidence from local resident and business of the misuse of public space and the disregard for the community and well-being of those in the area.



It is the opinion of Essex Police that the granting of the TEN for the area proposed would undermine the PSPO and give rise to the risk of crime and disorder, we therefore object to the granting of this Temporary Event Notice.

A copy of this objection notice has been served upon the premises user (or agent making application), the local Environmental Health Department and the relevant licensing authority.

On receipt of this notice the licensing authority will issue a 'Counter Notice' and provide further information on related procedures.

Yours faithfully

Simon Barnes

Essex Police Licensing Officer  
Brentwood & Thurrock

# Thurrock Council

## Anti-social Behaviour, Crime and Policing Act 2014

### THE THURROCK COUNCIL, Grays Riverside and Grays Thurrock wards

## PUBLIC SPACES PROTECTION ORDER 2023

THE Thurrock Council (herein "the Council") makes this Order under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, having consulted as required by Section 72 of the Act.

The Order takes effect on 1 April 2023 and lasts for 3 years, until 31 March 2026.

1. It applies to the area within the following roads: Sheffield Road, from junction with Argent Street to crossing with Crown Road; Crown Road to Stanley Road; Stanley Road to Orsett Road; Orsett Road into London Road, into Hogg Lane, to Eastern Way; Eastern Way to Seally Road; Seally Road to London Road; London Road to Maidstone Road; Maidstone Road to Bruces Wharf Road; Bruces Wharf Road to Argent Street; Argent Street to Sheffield Road incorporating the Derby Road Bridge, Hampden Road including the alleyway parallel to Orsett Road and Bridge Road from Orsett Road to Argent Street.

This will be known as "The Restricted Area" and is outlined on the map attached to this document.

The Council is satisfied that activities have been carried out in this Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is, or is likely to be, of a persistent or continuing nature and is, or is likely to be, such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order as the following activities have been taking place:

- i. people have been gathering in The Restricted Area and acting in a manner causing annoyance, harassment, alarm and distress to those in the locality
- ii. the consumption of alcohol and other noxious substances, by those acting in a manner which is causing the annoyance, harassment, alarm and distress, is a prevailing factor

The activities have caused those living, working and visiting The Restricted Area to make complaints both to the Council and Police.

The Council and Police have also collated evidence from local residents and those who work in business situated in the designated area who state:

- public space is being misused
- there is disregard for community and personal well-being

These activities have given rise to nuisance and complaint to both the Council and the Police from local residents and businesses.

## Prohibitions

**This Order creates the following prohibitions, pursuant to s59(4)(a) of the 2014 Act, in relation to The Restricted Area:**

1. all drinking of alcohol and consumption of intoxicating substances including nitrous oxide for recreational use within the designated area
2. being verbally abusive to any person or behaving in a way which causes or is likely to cause harassment, alarm or distress to another person
3. no urination in a public place other than within designated public toilets
4. no spitting in a Public Place

**This Order creates the following requirements, pursuant to s59(4)(b) of the 2014 Act, in relation to The Restricted Area.**

In The Restricted Area, a person commits an offence if without reasonable excuse he or she fails to comply with any action they are required to undertake at the request of an authorised officer, namely:

- a) leave The Restricted Area when required to do so by an authorised officer and not return within 48 hours, save for the exceptions set out below, or
- b) surrender any alcohol or intoxicating substances, including nitrous oxide in his or her possession when required to do so by an authorised officer

An "authorised officer" is any Police Officer, Police Community Support Officer, or an officer designated by the Council.

## Exceptions

A person may return within 48 hours for the purpose of attending the following locations:

- a. their residence, if it is within The Restricted Area
- b. appointments with the Probation Service
- c. appointments with Drug and Alcohol Services
- d. appointments at Thurrock Council Offices
- e. attendance at South Essex College
- f. directed to attend Grays Police Station, Brooke Road, Grays by an "authorised officer"

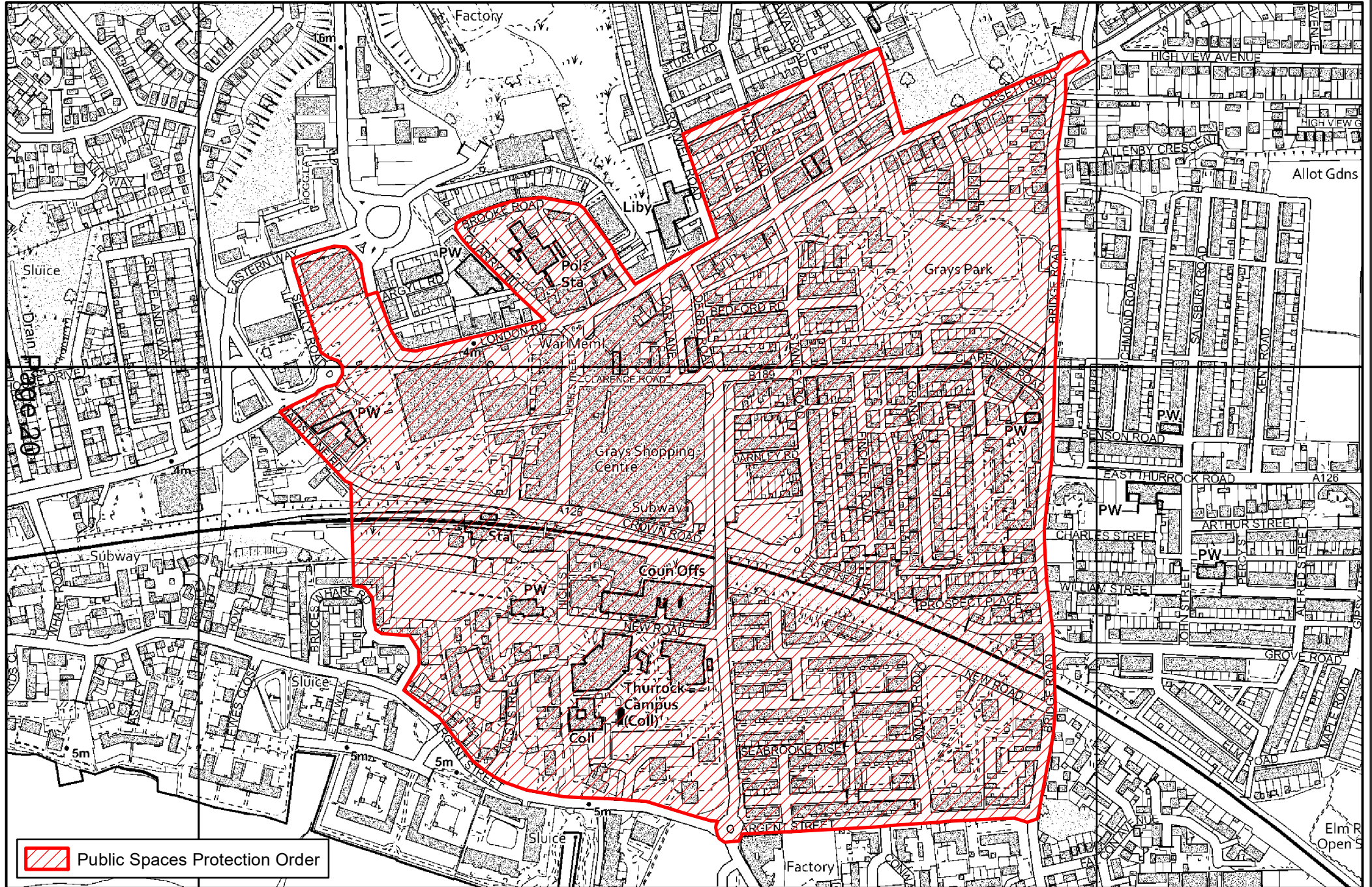
Failure, without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Anti-social Behaviour, Crime and Policing Act, 2014. A person guilty of an offence under Section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A constable or an authorised person may, under Section 68 of the Act, issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.


Signed .....

Dated .....

By authority of Thurrock Council under Section 101 of the Local Government Act 1972.

Civic Offices, New Road, Grays.



 Public Spaces Protection Order