

<b>1 April 2020</b>		<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>		
<b>Application for a Summary Review of a Premises Licence</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Elizabeth Cox – Licensing Officer		
<b>Accountable Assistant Director:</b> Leigh Nicholson – Interim Assistant Director of Planning, Transport and Public Protection		
<b>Accountable Director:</b> Andrew Millard - Corporate Director of Place		
<b>This report is public</b>		

## **Executive Summary**

An application has been received for a summary review of the premises licence in respect of **Civic Hall, Blackshots Lane, Grays, RM16 2JU**. This is the full hearing to review the premises licence and decide whether the interim steps in place should be withdrawn or modified.

### **1. Recommendations:**

- 1.1 The Sub-Committee considers the application for summary review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives, taking into account any change in circumstances since the interim steps were imposed.**
- 1.2 Review the interim steps already taken.**

### **2. Introduction and Background:**

- 2.1** Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review
- 2.2** Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence).

2.3 If the licensing authority decides to take steps at the initial interim stage:

- The decision takes place immediately, or as soon after it as the licensing authority directs; but
- The licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application.

2.4 A hearing was held on 13 March 2020 to determine the interim steps to be taken. A copy of the decision notice for this hearing is attached as **Appendix 1**.

2.5 This hearing is the full review of the premises licence and must take place within 28 days from the date of receipt of the review application. There can be no adjournment of this hearing or delay in reaching a determination beyond the 28 day period, which for this application will be 9 April 2020.

### **3. The Application:**

3.1 On the 12 March 2020 at 10:07hrs, an application for a Summary Review was received from Jackie Cooper (72594) Licensing Officer, on behalf of the chief of police for Essex.

3.2 The application relates to an incident at the Civic Hall during a boxing event on the evening of Saturday 7 March 2020, whereby a disturbance broke out within the crowd requiring 15 police units to attend. Essex Police believe that the venue staff and management were not in control of the premises. Similar incidents also occurred at the premises in August 2016, and September 2017. A full copy of the application is attached as **Appendix 2**.

3.3 A copy of the existing premises licence is attached as **Appendix 3**.

3.4 Following public consultation on the review application, no additional representations have been received.

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

4.1 The following interim steps that the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

4.2 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any steps that it has taken that are in place at the time of this hearing, and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination of this review has been reached.

4.3 The decision of the committee does not take effect for 21 days (unless appealed during that period). Interim steps, modified or not, continue to take effect during this period, unless withdrawn, and in the case of an appeal until that final determination has taken place.

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

5.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003, and any responses have been included in this report.

## **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. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accountant**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Simon Scrowther**  
**Litigation Lawyer**

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

### 7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**  
**Team Manager – Community Development and Equalities**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

### 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

## 8. **Statement of Licensing Policy**

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

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

9.1 Section 12 relates to Summary Reviews

## 10. **Appendices to the report:**

- Appendix 1 - Copy of interim steps decision notice
- Appendix 2 - Application for Summary Review
- Appendix 3 - Copy of Premises Licence for Civic Hall
- Appendix 4 - Essex Police - Premises Licence Summary Review

### **Report Author:**

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