

1 September 2016		ITEM: 4
Licensing Sub-Committee		
Determination of an application for a review of a premises licence		
Wards and communities affected: Chafford Hundred	Key Decision: Non-key	
Report of: Laura Manning, Licensing Officer		
Accountable Head of Service: Lucy Magill – Head of Residents Services		
Accountable Director: Steve Cox - Corporate Director of Environment and Place		
This report is public		

Executive Summary

An application has been received for a review of the Premises licence at the Lounge Bar, Unit 4, Lakeside Business Village, Fleming Road, Chafford Hundred, Essex RM16 6YA. The review relates to two of the four Licensing Objectives: Prevention of Crime and Disorder and Public Safety. During the consultation a further representation has been received from the Licensing Authority in relation to the four Licensing Objectives.

1. Recommendation(s)

1.1 That the Sub-Committee

a) Considers this report and appendices together with any oral submissions at the hearing and determines the application for the review of the premises licence.

2. Introduction and Background

2.1 On 7th July 2016, an application for a Review was received from Chief Inspector Leigh Norris, of Essex Police, Grays Police Station, Grays, Essex, RM17 5BX. A copy of the application is attached as **Appendix A**

2.2 The application for Review relates to the following licensing objectives-

Prevention of Crime and Disorder

- Recent visits to the premise have disclosed that on two separate occasions a number of conditions of the Premises Licence were not being complied with.
- On 22nd May 2016, CCTV from the premise shows that sales of alcohol were taking place more than one hour after the terminal hour for the sale

Public Safety

- On 22nd May 2016 a very serious incident took place at the premise when three customers were seriously injured following a number of fights. Two of these customers received stab wounds whilst the third suffered various fractures to his face. All three were recorded as GBH

The review application is also accompanied by a report of all incidents and statements from Police Officers who attended the premises.

2.3 There has also been a representation received from the Licensing Authority. This representation is attached as **Appendix B**.

2.4 Under the Licensing Act 2003 the licensing objectives are –

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

2.5 Any representation must relate to a particular premise and must be relevant to the promotion of one or more of the four licensing objectives.

2.6 Since the review application was made, an application to transfer the premises licence and vary the DPS has been made and accepted. A copy of the current licence is attached as **Appendix C**.

3. Issues, Options and Analysis of Options

3.1 The Committee, after considering the review application and all of the relevant representations, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.

3.2 The following options are available to the Licensing Sub-Committee:

- Do nothing with the licence;
- To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;
- To exclude a licensable activity from the scope of the licence e.g. to exclude regulated entertainment after a certain hour,

- To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

3.3 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

3.4 In determining this application for review of the premises licence, 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.

3.5 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. 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.

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

3.7 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

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 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

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

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

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

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

In considering this duty the Sub-Committee should have due regard to the submissions made by the applicant and interested parties, the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

7. Implications

7.1 Financial

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

There are no financial implications associated with the report

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor – Employment & Litigation

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: **Natalie Warren**
Community Development Officer

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. **Background papers used in preparing the report:**

- The Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

9. **Appendices to the report:**

- A - Copy of review application
- B - Copy of representation
- C – Copy of the current premises licence

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