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SOUTHEND-ON-SEA BOROUGH COUNCIL**

Licensing Sub-Committee A

Date: Thursday, 26th April, 2018

Time: 10.00 am

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Application for the Grant of Premises Licence - 60-62 Milton Road,
Westcliff-on-Sea SS0 7JX**

TO: The Chairman & Members of the Licensing Sub-Committee A:

Councillors R Hadley (Chair), B Ayling and C Mulroney

PLEASE NOTE: Members of the Sub Committee should assemble in the Room at least 15 minutes before the hearing commences. The Clerk to the Sub Committee will inform you when all the parties to the hearing are ready to proceed.

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Southend-on-Sea Borough Council

Report of Deputy Chief Executive (Place)
To
Licensing Sub-Committee
On
26th April 2018

Agenda
Item No.

3

Report prepared by: Mark Newton

60-62 Milton Road, Westcliff-on-Sea SS0 7JX
Application for the Grant of Premises Licence

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Mr Stavros Skaperos for the grant of a Premises Licence.

2. Recommendation

- 2.1 That the Sub-Committee determines the application.
- 2.2 Should the Sub-Committee decide to approve the application, the relevant mandatory licence conditions must be applied. (These are set out in Appendix 1).
- 2.3 Appendix 2 sets out Proposed Amended and Additional Conditions - (following consultation with Essex Police, Environmental Protection Team and the Licensing Authority as a Responsible Authority during the consultation period).

3. Background

- 3.1 The application relates to a premises located on Milton Road close to the junction of London Road along a stretch of commercial units with some residential properties in the vicinity.

4. Proposals

- 4.1 The application was submitted to the Licensing Authority on the 29th January 2018 and is for the grant of a Premises Licence.
- 4.2 Details of the application which are to be determined by the Sub-Committee can be briefly summarised as follows:

- a) To provide the sale of Alcohol on and off the premises and the provision of regulated entertainment comprising films, live music, recorded music, the performances of dance and anything similar on Sundays to Thursdays from 11:00 to 22:30. Fridays and Saturdays from 11:00 to 00:00.

The terminal hour is extended on Christmas Eve to 01.00 and on New Year's Eve to the start of permitted hours the following day.

- b) The Provision of Late Night refreshment on Fridays and Saturdays from 23:00 to 00:00.

The terminal hour is extended on Christmas Eve to 01.00 and on New Year's Eve to the start of permitted hours the following day.

- c) To be open to the public on Sundays to Thursdays from 11:00 to 23:00. Fridays and Saturdays from 11:00 to 00:30.

The opening hours are extended on Christmas Eve to 01.30 and on New Year's Eve to the start of permitted hours the following day.

- 4.3 The proposals are more fully documented in the application form which has been copied to Sub-Committee Members

5. Application Procedures

- 5.1 Applicants for grant of licence are required by law to send copies of their applications to all of the "Responsible Authorities". They are also required to display a notice giving brief details of the application in a prescribed form at the application site, and to publish the same information in a newspaper circulating in the area.

- 5.2 Representations were received from one local resident and one Responsible Authority, namely Environmental Protection Team, this representation was later withdrawn.

- 5.3 A copy of the representation has been provided to the Sub-Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

6. Matters for Consideration

- 6.1 Formal objections having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider them. Further, having regard to such representations, the Authority is required to take steps (if any) as it considers appropriate for the promotion of the Licensing Objectives.

Thus, the Authority may:

- a) Grant the licence, subject to conditions consistent with the operating schedule (modified as considered appropriate for the promotion of the Licensing Objectives) and subject to relevant mandatory conditions;
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates;

c) Refuse the application.

6.2 The Licensing Act 2003 requires that the Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives. These 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.

6.3 In carrying out its licensing functions, the Licensing Authority must also have regard to:

- 1. Its Licensing Statement, and
- 2. The guidance issued by the Secretary of State.

6.4 The Licensing Authority has, in accordance with the requirements of the Act, prepared and published a Statement of Licensing Policy, following formal consultation. Copies of this document, together with the statutory guidance, have been made available to all Licensing Committee Members.

8. Background Papers

8.1 Council's Statement of Licensing Policy.

9. Appendices

9.1 Appendix 1 - Mandatory conditions.

9.2 Appendix 2 - Amended/additional conditions agreed with Essex Police, Environmental Protection Team and the Licensing Authority.

MANDATORY CONDITIONS

The Licensing Act 2003 lays down certain mandatory conditions which must be applied to Premises Licences. These are summarised below:-

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Any individual who carries out security activities at the premises must be licensed by the Security Industry Authority.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
 - (i) The outcome of a race, competition or other event or process, or
 - (ii) The likelihood of anything occurring or not occurring;
 - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (i) a holographic mark, or
 - (ii) an ultraviolet feature.
7. The responsible person shall ensure that:-
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) Customers are made aware of the availability of these measures.
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
9. For the purposes of the condition 10 above —
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
 - b) “permitted price” is the price found by applying the formula— **$P = D + (D \times V)$** , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(2)
10. Where the permitted price given by sub-section (b) of Condition 10 would (apart from this condition) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny
- (i) Sub-section (ii) applies where the permitted price given by sub-section (b) of sub-section (ii) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

APPENDIX 2

AMENDED/ADDITIONAL CONDITIONS AGREED WITH ESSEX POLICE, ENVIRONMENTAL PROTECTION TEAM AND THE LICENSING AUTHORITY

1. Alcohol (on sales) shall only be served to persons who are seated at tables and may only be consumed with food. The only exception to this is on 12 special occasions a year which may be used for celebratory private events. Special Occasions shall be notified by email to The Licensing Authority and Essex Police at least 14 days in advance and a written record shall also be kept on the premises. The written record shall include the date of the event, the name and address of party who made the booking and the anticipated number of persons attending. 'Special Occasions' are defined as one trading day.
2. There shall be a minimum of covers 20 covers on the ground floor and 50 on the first floor laid out at all times save for on 'Special Occasions'
3. Off sales shall be limited to part consumed items purchased with food and be in resealed containers only.
4. The Licensee shall ensure that a 'Challenge 25' scheme is operated, whereby any person who appears to be under 25 years of age is required to produce means of identification proving they are over 18 years of age. The only authorised means of identification shall be passport, UK photo driving licence, UK military ID or 'PASS' accredited card.
5. The Licensee shall ensure that signage is displayed advising customers that a 'Challenge 25' policy is in force.
6. The Licensee shall ensure that all staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to the Police or Licensing Authority staff upon request.
7. The Licensee shall ensure that a refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. The record shall be made immediately available to the Police or Licensing Authority staff upon request.
8. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) The system which at all times complies with the below requirements:
 - a) CCTV shall be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;

- b) CCTV cameras shall cover {all public areas including all entrances and exits};
 - c) Equipment shall be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;
 - d) At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the Police or Licensing Authority staff upon reasonable request;
 - e) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
 - f) An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failings these are to be recorded immediately.
9. Signs shall be displayed at all entrances (and exits) advising customers that CCTV is operating at the premises and shall be minimum size of 200 x 150 mm.
10. An incident log shall be kept at the premises, and made immediately available to the Police or Licensing Authority staff upon request. The log shall record the following:
- a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.
11. The Licensee shall ensure that a written record is kept on the premises of all persons authorised by the Designated Premises Supervisor or a Personal Licence Holder to sell or supply alcohol in their name. Such records shall be made available to the Police or Licensing Authority upon request.
12. All doors and windows to remain closed except for access and egress after 21:00 hours and 10:00 hours the next day to minimise noise breakout.
13. No use shall be made of the outside dining terrace to the front of the building between 21.00 hours and 10.00 hours the next day, with the exception of access and egress. This shall also include the removal of the external furniture from this area.
14. No speakers shall be provided to the outside dining terrace.
15. The emptying of bins into skips or waste receptacles and refuse collections will not take place between 21:00 and 07:00.

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