

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Corporate Director for Place  
to  
Licensing Sub-Committee (A)  
on  
26th November 2013

Report prepared by: Lee Colby

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**Brewers Fayre/Premier Inn, 63 Eastern Esplanade, Southend-on-Sea. SS1 2YT**  
**Application for the Grant of Premises Licence**

## LICENSING ACT 2003

### *A Part I Public Agenda Item*

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#### **1. Purpose of Report**

- 1.1 This report considers an application by Whitbread Group Plc., 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 license conditions must be applied. (These are set out in Appendix 1).**
- 2.3 **Appendix 2 sets out possible conditions, drawn from the application, for the Sub-Committee's consideration.**
- 2.4 **Appendix 3 sets out possible conditions, drawn from measures agreed between the applicant and The Essex Police.**

#### **3 Background**

- 3.1 The application relates to a new Premier Inn, with a Brewers Fayre restaurant and bar on the ground floor, to be located on Eastern Avenue, Southend-on-Sea. The premise is located next to the former gas works building located on the seafront and the site itself is currently an empty building site with only foundations laid at present.

3.2 There is an existing Premises Licence attached to the site which was issued in December 2007 for the “Ambassador Hotel” development and has never been utilised.

#### 4 Proposals

4.1 The application was given to the Licensing Authority on 2<sup>nd</sup> October 2013 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 permit the sale of alcohol (for consumption both on and off the premises) on Mondays to Sundays from 10.00 hours to 00.30 (midnight) hours the following day.
- b) To provide regulated entertainment comprising of films, indoor sports, live & recorded music and performance of dance on Mondays to Sundays from 10.00 hours to 00.30 hours the following day.
- c) To supply late night refreshment from 23.00 hours to 00:30 the following day Sundays to Mondays.
- d) On New Year’s Eve all activities are extended through to the proposed terminal hour on New Year’s Day.
- e) The premises will remain open to permit the sale of alcohol to hotel residents 24 hours a day.
- f) To allow the premises to remain open during the hours of 06:00 hours to 01:00 hours the following day Mondays to Sundays for non-residents, and 24 hours for hotel residents.

4.3 This has since been amended by the applicant, in agreement with The Essex Police, as follows:

- a) To permit the sale of alcohol (for consumption both on and off the premises) for non-residents of the hotel on Mondays to Thursdays from 10.00 hours to 00.00 (midnight) hours the following day and Fridays and Saturdays extended to 00:30 hours the following day.
- b) To provide regulated entertainment comprising of films, indoor sports, live & recorded music and performance of dance on Mondays to Thursdays from 10.00 hours to 00.00 (midnight) hours the following day and Fridays and Saturdays extended to 00:30 hours the following day for non-residents of the hotel.

- c) Late night refreshment and New Year's Eve extensions are unchanged by this agreement.

4.4 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 two responsible authorities, namely the Police and Trading Standards. The Police have agreed conditions and have withdrawn their representation. These can be found in **Appendix 3**.

5.3 A copy of the remaining 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 necessary 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 necessary 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 to specify a person in the licence as the premises supervisor;
- d) 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.

## **7 Background Papers**

7.1 Council's Statement of Licensing Policy.

## **8. Appendices**

8.1 Appendix 1 - Mandatory conditions.

8.2 Appendix 2 - Conditions, drawn from the application, for the Sub-Committee's consideration.

8.3 Appendix 3 - Conditions, drawn from measures agreed between the applicant and Essex Police.

# APPENDIX 1

## 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 no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

8. 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.
9. The admission of children to the exhibition of any film shall be restricted in accordance with recommendations of the British Board of Film Classification.

## **APPENDIX 2**

### **CONDITIONS DRAWN FROM THE OPERATING SCHEDULE**

1. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in the Hotel bedrooms or in external area provided for this purpose.
2. Staff shall receive training on matters concerning underage sales, drugs policies and operating procedures.
3. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the Police.
4. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
5. The management of the premises will liaise with Police on issues of local concern or disorder.
6. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
7. The premises will have adequate safety equipment and such equipment will be maintained in good operational order.
8. Staff shall be trained on matters of safety, evacuation and use of emergency equipment.
9. Spillages and breakages shall be removed as soon as possible to reduce the risk to patrons and staff.
10. Toughened glasses will be used in the premises where appropriate.
11. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
12. Patrons shall be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member shall monitor patrons leaving at the closing time.

13. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
14. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
15. Children under the age of 16 years of age shall not be permitted to enter the premises between 21:00 hours and the start of permitted hours the following day unless dining with an adult or attending a pre-booked function or resident in the hotel.
16. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years of age.
17. Policies in relation to children shall be adequately communicated to patrons by staff through appropriate signage.



## **APPENDIX 3**

### **CONDITIONS, DRAWN FROM MEASURES AGREED BETWEEN THE APPLICANT AND THE ESSEX POLICE.**

1. The premises licence holder or supervisor shall risk assess in writing the need for door supervisors at the premises and/or employ such door supervisors at such time and in such numbers as deemed necessary by the risk assessment and /or when requested by Police if particular circumstances dictate a requirement.
2. The Licensee shall ensure that an incident record is maintained, whether in manual or electronic form on the premises to record any incidents or occurrences relating to crime or disorder issues. The incident record will be made available to the Police or Local Authority upon reasonable request and within two working days. If in digital form it shall be capable of being printed and provision made at the time of request.
3. The Licensee shall ensure that a refusals record by way of manual or electronic register is maintained at the premises to record all refusals of sales of alcohol. The refusal record shall be made available to the Police or Local Authority within two working days of being requested. If in digital form it shall be capable of being printed and provision made at the time of request.
4. The Licensee shall install and maintain a CCTV system as per the minimum requirements of an Essex Police Crime Prevention Adviser to cover the interior of the licensed areas and the external perimeter of the licensed buildings. All licensed areas shall be covered with a camera recording frontal identification of every person entering the area in any light condition. The CCTV system shall continually record during the hours for licensable activities and during times when members of the public are present within these areas.
5. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or Authorised officer throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
6. The outside terraced area shall be closed for licensable activity and the consumption of alcohol between 23:00 hours and 08:00 hours.
7. Bottle bins shall not be used or emptied between 20:00 hours and 08:00 hours.