

Southend-on-Sea Borough Council

Report of Corporate Director of Enterprise, Tourism and
the Environment

to

Licensing Sub-Committee (A)

on

20 December 2011

Report prepared by: Lee Colby

Agenda
Item No.

Roslin Beach Hotel, 11-12 Thorpe Esplanade, Southend-on-Sea, Essex, SS1 3BG
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 Regis Entertainment Ltd, 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 possible conditions, drawn from the application, for the Sub-Committee's consideration.**
- 2.4 **Appendix 3 sets out additional conditions drawn from measures agreed between by the applicant and Essex Police.**

3 Background

- 3.1 The application relates to an existing hotel, with bar and restaurant facilities, located on Thorpe Esplanade between Cliveden Road and Walton Road.
- 3.2 The establishment benefits from an existing Premises Licence.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 25th November 2011 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 on the premises from 8.00 a.m. to Midnight on Sundays to Thursdays and from 8.00 a.m. to 1.00 a.m. the following morning on Fridays and Saturdays. On New Year's Eve an extension is sought until the start of permitted hours on the following day, and on the following days licensable activities are sought to be extended by one hour:
 - i) On all Bank and Public Holidays; (and the Friday, Saturday and Sunday immediately preceding such holidays):
 - ii) Maundy Thursday;
 - iii) Burns Night;
 - iv) Valentines Day;
 - v) 29th February (Leap Year)
 - vi) St. David's Day;
 - vii) St. Patricks Day
 - viii) St. Georges Day
 - ix) Halloween (31st October)
 - x) St. Andrews Day
 - xi) Christmas Eve;
 - xii) 27th December;
 - xiii) 28th December.
- b) To provide regulated entertainment indoors comprising plays, films, indoor sporting events, live music, recorded music, performances of dance (and similar activities) and also entertainment facilities for making music and dancing (and similar activities), during the times listed at (a).
- c) To supply late night refreshment from 11.00 p.m. to 5:00 a.m. the following day Mondays to Sundays.
- d) To allow the premises to remain open without restriction.

4.3 The details in 4.2 above match the existing Premises License for the premises, with the exception of adding 'On all Bank and Public Holidays', the current licence only states the periods of Easter Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday including the preceding Fridays, Saturdays and Sundays.

4.4 The application effectively seeks to extend the permitted area for licensable activities from the current premises license. Details of which are shown on the plans provided to the sub-committee.

4.5 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 No representations were made by the Responsible Authorities; however, conditions were agreed with Essex Police. Conditions agreed are outlined at **Appendix 3**.
- 5.3 Representations have been received from thirteen interested parties.
- 5.4 Copies of the representations have 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 Existing Licensing Controls

- 7.1 The Premises benefits from an existing Premises Licence, which was granted 4th September 2008. Previously a licence was in force which was granted under 'grandfather rights' at transition.
- 7.2 The existing Premises Licence specifies operating hours:-

- a) The sale of alcohol from 8.00 a.m. to Midnight on Sundays to Thursdays and from 8.00 a.m. to 1.00 a.m. the following morning, Fridays and Saturdays. On New Year's Eve hours are extended until the start of permitted hours on the following day, and on the following days licensable activities are extended by one hour:
- i) Maundy Thursday, Friday, Saturday and Sunday of Easter Holiday;
 - ii) Friday, Saturday and Sunday of Early May Bank Holiday;
 - iii) Friday, Saturday and Sunday of Spring Bank Holiday;
 - iv) Friday, Saturday and Sunday of August Bank Holiday;
 - v) Burns Night;
 - vi) Valentines Day;
 - vii) 29th February (Leap Year)
 - viii) St. David's Day;
 - ix) St. Patricks Day
 - x) St. Georges Day
 - xi) St. Andrews Day
 - xii) Halloween (31st October)
 - xiii) Christmas Eve;
 - xiv) 27th December;
 - xv) 28th December.
- b) The provision of regulated entertainment indoors comprising plays, films, indoor sporting events, live music, recorded music, performances of dance (and similar activities) and entertainment facilities for making music and dancing (and similar activities), during the times listed at (a).
- c) The supply of late night refreshment between 11.00 p.m. and 5.00 a.m. the following morning.
- d) The premises are allowed to remain open without restriction.
- e) Residents and their guests may be supplied with alcohol at any time.

8 Background Papers

- 8.1 Council's Statement of Licensing Policy.

9. Appendices

- 9.1 Appendix 1 - Mandatory conditions.
- 9.2 Appendix 2 - Conditions drawn from the operating schedule.
- 9.3 Appendix 3 - Conditions agreed between the applicant and Essex Police.

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. (1) 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.

(2) 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.

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. The Licensee shall ensure that sufficient competent staff (including door staff where appropriate) are on duty to ensure compliance with the licence obligations.
2. The Licensee shall work with the Police to establish and maintain good management practices at the premises.
3. Regulated entertainment shall only be provided indoors.
4. The Licensee shall install and maintain in operation a suitably comprehensive closed circuit television (CCTV) system at the premises. The system will provide recording for all cameras simultaneously and recordings will be made for the whole of each period of trading.
5. The CCTV system shall include camera coverage of all public entrances and exits of the premises and any other areas agreed with the Police. The applicant will make arrangements for the whole of the car park to be covered by the system.
6. Images recorded on CCTV system shall be stored for at least 31 days, and be provided to the Police upon request.
7. Notices shall be displayed within the premises at the exit/entrance doors to the premises and prominent signs will be displayed to patrons leaving the car park, all such notices reminding patrons they are entering a residential area and they should leave quietly.
8. Suitable signage of sufficient size and clarity shall be displayed advising customers that evidence of age may be required.
9. In the event that entertainment of an adult nature is provided, which may give rise to concern in respect of children, the Licensee shall ensure that suitable steps are taken to promote the licensing objectives and avoid such concern. This shall include limiting such entertainment to times when persons under 18 years of age have no access to the premises.
10. The safe maximum capacity of the premises shall be controlled by management observation and, when employed, by use of door supervisors.
11. The Licensee shall make certain all reasonable steps are taken to ensure that bottles and drinking vessels are not taken from the premises by departing patrons. In this condition the "premises" shall include all external areas under the control of the Licensee.
12. Bottle bins shall not be used between 10.00 p.m. and 9.00 a.m. and collecting of bottles shall be limited to 9.00 a.m. to 5.00 p.m.
13. Non-alcoholic drinks shall be available at all times.
14. Such measures shall be implemented as may be reasonably required by the Licensing Authority to limit noise (being noise arising from regulated entertainment), to that of ambient noise levels at the external boundary of the premises.

CONDITIONS AGREED BETWEEN BY THE APPLICANT AND ESSEX POLICE.

1. The Licensee shall ensure a “Challenge 25” scheme is operated at the premises whereby any person who appears to be under 25 years of age must prove they are 18 years of age or older before they are allowed to be supplied with alcohol. The only acceptable proof shall be a passport, photographic UK driving licence or “PASS” accredited proof of age card.
2. A Refusals/Incident Book shall be maintained on the premises and shall be available for inspection by the Police upon request.
3. The Licensee shall ensure that Risk Assessments are carried out in respect of planned events and that the Police are notified if the licensing objectives are deemed likely to be undermined by such events.