

Southend-on-Sea Borough Council

Report of Corporate Director Enterprise Tourism and the
Environment

to

Licensing Sub Committee (A)

on

4th July 2012

Report prepared by: Lee Colby

Agenda
Item No.

The Borough Hotel, 10-12 Marine Parade, Southend on Sea, Essex, SS1 2EJ
Application for Review of Premises Licence
Licensing Act 2003

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Essex Police for the review an existing Premises licence.

2. Recommendation

- 2.1 That the Sub Committee determines the application.

3. Background

- 3.1 The premises comprise an established licensed premises located in Marine Parade opposite Adventure Island theme park, with a second entrance to the rear of the premises, on Lucy Road. Additionally there is a late night take-away at the rear of the premises which forms part of the licence.

4. The Review Application

- 4.1 The application for review was made by Essex Police, and was received on 4th April 2012. The hearing was delayed at the request of all parties to allow a negotiation period.
- 4.2 The grounds for the application are as follows:-

“On 18th March 2012 an allegation has been made about a member of staff who was subsequently arrested. The member of staff was allegedly extremely intoxicated.

The CCTV footage requested by the Police was eventually provided and it was discovered that the last recordings on the system were 2nd January 2012, which is a breach of the premises licence conditions.

There have been concerns about under aged drinking at the premises in addition to intelligence relating to drug use.

There have been several incidents of crime and disorder and drunkenness.

The Police have serious concerns about the management of the premises and the ability to promote the licensing objectives.”

Full details are provided within the application form, copies of which have been supplied to the Sub-Committee.

- 4.3 Additional conditions have now been agreed between the applicant and Essex Police. The conditions are outlined in **Appendix 2**. Both parties have also agreed to replace the existing Designated Premises Supervisor (see section 7.3) and to add a number of management policies for the premises, copies of which have been supplied to the sub committee.

5. Application Procedure

- 5.1 Applicants for review of licences are required by law to send copies of their applications to all of the responsible authorities and to the premises licence holder.
- 5.2 The Licensing Authority is required to advertise the review by displaying prominently a notice at, on or near the site of the premises to which the application relates, for a period of 28 days. Such a notice is also required to be displayed at the offices, or main offices, of the Licensing Authority, in a central and conspicuous place. These notices have been displayed, and have been checked frequently. Following these procedures, no further representations were received.
- 5.3 Copies of the initial application, and supporting evidence, have been provided to the Sub Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

6. Matter for Consideration

- 6.1 A valid application for review having been made, the Licensing Authority is obliged to hold a hearing to consider it and any relevant representations.
- 6.2 The Authority must, having regard to the application and relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.
- 6.3 The steps are:-
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding 3 months;
 - e) to revoke the licence.

- 6.4 For this purpose, the conditions of the licence are modified under paragraph a) above if any of them is altered or omitted, or any new condition is added.
- 6.5 Where the Licensing Authority modifies the conditions of the licence, or excludes a licensable activity, it may provide that the modification or exclusion is to have effect only for such period (not exceeding 3 months) as it may specify.
- 6.6 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;
 - d) the protection of children from harm.
- 6.7 In carrying out its licensing functions, the Licensing Authority must also have regard to
- i) Licensing Statement, and
 - ii) The guidance issued by the Secretary of State.
- 6.8 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 has been made available to all Licensing Committee Members.
- 6.9 Where the Licensing Authority makes a determination in respect of a review, the determination does not have effect:-
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of.

7. Existing Licensing Controls

- 7.1 The premises benefits from an existing Premises Licence, which was granted in 2005 under transitional provisions.
- 7.2 A copy of the licence has been provided to the sub committee.
- 7.3 During the review period, the licence was varied to specify Mr. Mark David BETTS as designated premises supervisor. This change took effect from 16th May 2012.

8. Background

- 8.1 The Council's Statement of Licensing Policy

9. Appendices

9.1 Appendix 1 – Extract from statutory guidance.

9.2 Appendix 2 – Conditions agreed between the applicant and Essex Police

EXTRACT FROM STATUTORY GUIDANCE.

(NB Numbers within Appendix 1 only and are references from the guidance)

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via Business Link or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at a premises and wants to intervene early without waiting for representations from other parties. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of

interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 Any application for a review received by the licensing authority from responsible authorities and any other persons should be given due consideration and treated by the authority in precisely the same way, regardless of the body or individual which made it. This includes an application made by the local authority acting in a separate capacity (for example, environmental health or child protection).
- 11.8 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.9 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.10 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.11 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond

to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.12 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

- 11.13 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.14 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.15 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.16 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.17 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.18 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.19 However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.20 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.21 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.22 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.23 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises

supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is

to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

- 11.32 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review - the determination must be made before the expiry of the 28th day after the day on which the notice is received;
 - the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
 - notice of the hearing must be given no later than 5 working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

- 11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

ADDITIONAL CONDITIONS AGREED BETWEEN THE APPLICANT AND ESSEX POLICE

Proposed Conditions for Borough Hotel – All existing conditions are removed and replaced

Revised Original set of conditions

A) Conditions in respect of the Borough Hotel

1. All staff shall be adequately trained on the requirements of the Licensing Act 2003 and drugs awareness on recruitment and induction. Written training records shall be maintained and be available for inspection upon request from a Police or Licensing Authority officer. Retraining shall occur at least every six months.
2. A personal licence holder or the designated premises supervisor shall be present on the premises whenever they are trading.
3. Live music shall be limited to a maximum of 6 performers at any one time.
4. Regulated entertainment (other than recorded music) shall be confined to inside the building only. Recorded Music shall be limited to a small speaker in the rear garden the volume of which will be kept at a reasonable level at all times
5. The front two entrances shall be protected by acoustic lobbies to reduce sound transmission.
6. No adult entertainment or services, activities, other entertainments or matters ancillary to the use of the premises that may give rise to concern in respect of children shall be provided.
7. The maximum number of persons permitted within the Public House licensed area shall be limited to 240 at any one time. Management procedures shall be maintained to control capacity by way of management observation of the licensed area.
8. Full numbers of door staff shall remain on the premises until the end of opening hours to prevent crime and disorder.
9. Signage shall be provided at the exits and at strategic points within the premises requesting the patrons to leave the premises quietly. Staff shall advise patrons to leave the premises quietly to prevent public nuisance.
10. An efficient closed circuit television surveillance system (CCTV) shall be maintained to the satisfaction of the Police. The system shall be recording at all times when the premises is operating. Recordings shall be in real time and retained for at least 30 days. The lighting in the premises shall be such that the CCTV operates at the best possible level.
11. A Manager or Supervisor who is trained to download and transfer images from the CCTV recording when requested to do so by the Police, shall be on duty during operating hours.
12. Suitably worded signs of sufficient size and clarity shall be displayed at the points of entry to the premises, in the area of the alcohol display, and in a suitable location

at the point of sale advising customers that closed circuit television (CCTV) is operating in the premises.

13. Employees shall receive training on preventing sales of alcohol to underage and drunken persons and the operating schedule/policies adopted at the premises. Such training records shall be maintained by the Designated Premises Supervisor and shall be available for inspection upon request from a Police or Licensing Authority officer. All staff employed on 11th July 2012 shall be trained to the BIIAB Level 1 certificate in responsible alcohol retailing by 11th January 2013.
14. Staff shall be required to check the toilets at least hourly during operating hours, to monitor/prevent unlawful activities including the taking of illegal substances. A written record of such checks shall be kept in a separate folder and shall be available for inspection upon request from a Police or Licensing Authority officer.
15. All staff and management shall be required to use the Challenge–25 Scheme, whereby any persons who appear to be under 25 years of age and are seeking to purchase alcohol or other age restricted products shall be asked to produce means of identification proving that they are over 18 years of age. The only authorised identification shall be full passport, UK photo card driving licence or 'PASS' accredited card.
16. Ancillary items shall be of such design and material as to present minimal risk of harm/use in an assault. A written assessment of the risk to persons arising from the use of ancillary equipment in the premises as potential weapons shall be undertaken. The written assessment shall be available for inspection upon request from a Police or Licensing Authority officer.
17. The Licencees and Designated Premises Supervisor shall ensure the provision of adequate first aid materials for the safety of staff and patrons
18. The Licencees and Designated Premises Supervisor shall assist any Responsible Authority under the Act, where reasonable, with the display of public education material related to the promotion of one or more of the licensing objectives.
19. The Licencees and Designated Premises Supervisor shall take a proactive participation in any Behave or be Banned Scheme (BOBB) and the Club Watch operating within the town. The Licencees and Designated Premises Supervisor shall also become proactively involved, so far as reasonably practical, with any Police or Licensing Authority led initiative for the reduction of Crime and disorder. (amended as CDRP are not a Responsible Authority under the Act)
20. The Licencees and Designated Premises Supervisor shall determine the level of security staff to be employed which is considered to be reasonable in the circumstances. They shall undertake a written risk assessment as to the number of door supervisors who will be required for each particular event, ensuring sufficient numbers of male/female security staff are employed. It shall be ensured that there is a minimum ratio of 1 door supervisor to 100 patrons. The risk assessment shall be available for inspection upon request from a Police or Licensing Authority officer.
21. The Licencees and Designated Premises Supervisor shall actively participate in any –Town Link Radio scheme, or similar, operated in Southend on Sea, as long as this remains in operation.
22. A zero tolerance policy shall be operated with regard to the use/possession of drugs in the venue and this shall be advertised within the premises on posters and similar means. If security staff are being used, they shall be instructed as to the

percentage of patrons to be searched on entry, to eliminate drugs. A assessment shall be carried out prior to trading to ensure sufficient door staff are available to search patrons.

23. Staff shall be required to maintain a refusal register with regard to the sale of alcohol within the premises.
24. Staff shall be required to maintain an efficient incident log recording any incident and how these were managed. Such logs shall be made available for inspection upon request from the Police.
25. Sound levels (style/volume) shall be reduced by way of a wind down period at the end of the trading session to assist with dispersal. In addition, other steps that are considered by the Designated Premises Supervisor to reasonably assist with this shall be undertaken.
26. A written policy on managing drunkenness and underage drinkers shall be maintained.
27. The outside drinking/seating areas shall be fully covered by CCTV and be subject of the standard conditions for quality and retention. (This condition shall be in force after 1 month has elapsed from the date of grant of this variation of licence)
28. Only suitable plastic/polycarbonate drinking vessels shall be permitted to be used on specific public events. Such events shall include the air show and carnival, and any event/football match notified by the Police where intelligence exists.
29. Suitable ashtrays or fixed metal boxes or stands that cannot be easily removed shall be provided for the outside areas.
30. Drinking vessels and bottles within the premises shall be collected on a regular basis so as to minimise their use as weapons or as a cause of accidents.
31. Door Supervisor staff shall be trained in the principle of being pro active in advising patrons of appropriate behaviour within the premises and at the time customers are leaving.
32. The Licencees and Designated Premises Supervisor shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and condition of the licence and for preventing crime and disorder.
33. Suitably worded signs of sufficient size and clarity shall be displayed at the points of entry to the premises and in a suitable location at the point of sale, advertising customers of the 'Challenge 25' scheme and that they may be asked to produce evidence of their age.
34. The Licencees and Designated Premises Supervisor shall set out in writing (and from time to time review) the procedures which are in place in respect of door supervisors and ensure that when door supervisors are engaged for duty at the premises, their details (name and full licence numbers and contact numbers) are recorded in an appropriate book kept at the premises.
35. The Licencees and Designated Premises Supervisor shall adopt the Essex Police search and seizure policy.
36. A lockable cabinet shall be provided for the temporary storage of items seized. The construction and siting of the cabinet shall be agreed with the Police, and the location shall be covered by suitable CCTV. The cabinet shall allow the secure storage of items without the need for a key. Items must be accessible for removal

by the Police at all times the premises are open to the public. The key(s) for the cabinet shall be retained by the Police. All items seized shall be recorded in an incident log provided by the Licencees for that purpose.

37. The Licencees and Designated Premises Supervisor shall provide the details of entertainment promoters and the content of promotions involving the licensed premises in the following circumstances:

- a. At the request of the Licensing Authority
- b. If the Licencees and Designated Premises Supervisor become aware of information to indicate a potential risk of disorder or nuisance.

When required to do so, the Licencees and Designated Premises Supervisor shall provide the foregoing information at least 14 days before the proposed promotion.

38. Reasonable steps shall be taken to recognise the needs of local residents and to encourage departing customers to leave quietly.

Additional Conditions offered which are not on the existing licence:

1. A written or electronic refusals book shall be kept on the premises and used to record all refusals of sales of alcohol. The refusals book shall be available for inspection upon request from a Police or Licensing Authority officer.
2. A written or electronic incident book shall be kept on the premises and used to record all incidents relating to crime and disorder. The incident book shall be available for inspection upon request from a Police or Licensing Authority officer.

Measures offered in addition to the above:

1. The DPS shall be varied to a person who has day to day control of the premises.
2. The DPS shall be a member of the day to day management and play an active role in running the premises.

B) Conditions in respect of the “Hole in the Wall” take-away food unit

(these remain unchanged)

1. Two fire extinguishers (one water and one foam) shall be maintained.
2. A First Aid kit shall be maintained.
3. The immediate area outside shall be swept clean after every period of trading.
4. No adult entertainment or services, activities, other entertainments or matters ancillary to the use of the premises that may give rise to concern in respect of children shall be provided.
5. The only licensable activity authorised for this area is the provision of late night refreshment.