

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place
to
Licensing Sub-Committee (A)
on
7 May 2014

Report prepared by: Deborah Bentham

Eastwood Academy, Rayleigh Road, Leigh-on-Sea, SS9 5UU
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 Eastwood Academy Trust for the grant of a Premises Licence at Eastwood Academy, Leigh on Sea, SS9 5UU.

2. Recommendation

- 2.1 That the Sub-Committee determines the application.
- 2.2 Should the Sub-Committee decide to approve the application Appendix 1 sets out the mandatory conditions that must be added to the licence.
- 2.3 Appendix 2 to this report sets out the possible conditions to be added to the Licence which have been drawn from the application, for the Sub-Committee's consideration.
- 2.4 Appendix 3 sets out the conditions agreed between the applicant and Essex Police.
- 2.5 Appendix 4 sets out condition agreed between the applicant an interested parties.

3 Background

- 3.1 The application relates to an established School which is made available for public performances and private hire for theatre groups.
- 3.2 A Premises Licence was granted in respect of Eastwood School in October 2005. The Premises has undergone structural alteration since the grant of the existing premises licence and therefore a new application has been made.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 7 January 2014 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) The supply of alcohol for consumption on the premises as follows:-
- Monday to Saturdays 09.00 to 00.00 Monday to Saturday
Sunday 10.00 to 22.30
on six occasions per annum the licence may be extended to 01.00
On New Year's Eve (including if a Sunday) from 09.00 a.m. to 01.00
- b) Provision of regulated entertainment comprising films, indoor sports, performance of plays, live and recorded music, and performance of dance as follows:-
- Mondays to Saturdays from 09.00 to 00.00
on Sundays from 10.00 to 22.30
on six occasions per annum the licence may be extended to 01.00
On New Year's Eve (including if a Sunday) from 09.00 a.m. to 01.00
- c) To provide late night refreshment as follows:-
Mondays to Sundays from 23.00 to 00.00
on six occasions per annum the licence may be extended to 01.00
On New Year's Eve (including if a Sunday) from 23.00 to 01.00
- d) The premises to remain open during the following hours
Mondays to Sundays from 00.00 to 00.00
- 4.3 Note that the application times have been amended as agreed between the applicant and Essex Police, as detailed in Appendix 3.
- 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 No representations have been made by the Responsible Authorities.
- 5.3 Representations were initially received from two interested parties. However one has since been withdrawn and one representation remains.
- 5.4 Following receipt of these representations a meeting was held on 7 February 2014 between Eastwood School, the applicants representative, ward councillor, the two local residents and a Licensing Authority Officer in an attempt to see whether agreement could be reached between the parties which might lead to withdrawal of the representations. At the meeting the applicant agreed to two additional conditions being

added to the operating schedule (These are detailed in Appendix 4). As a result of these additional conditions one of the representations was withdrawn at the meeting.

- 5.5 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 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 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
- 8.3 Appendix 2 – Conditions drawn from the application, for the Sub-Committee's consideration.
- 8.3 Appendix 3- Conditions agreed between the applicant and Essex Police.

8.4. Appendix 4- Conditions agreed between the applicant and interested parties.

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.

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. 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 or 'PASS' accredited card.
2. The Licensee shall ensure that a refusal book is maintained at the premises to record any refusals of alcohol. The refusals book shall be made available to the Police/Local Authority upon request.
3. The Licensee shall ensure that an incident log is maintained on the premises to record any incidents or occurrences relating to crime or disorder issues. The incident book shall be made available for inspection to Police / Local Authority Officers upon request.
4. The Licensee shall install and maintain a closed circuit television surveillance (CCTV) system to the reasonable satisfaction of Essex Police. Images shall be retained for a minimum of 28 days.
5. Licensable live music shall only be provided indoors.
6. The licence may only be utilised on a maximum of 19 occasions per year.#
7. The Licensee shall ensure that prior notice of events are posted on the schools website
8. A contact telephone number of a responsible person at the school will be made available for use of local residents in the event of complaint during the course of licensed events at the premises

APPENDIX 3

CONDITIONS AGREED BETWEEN THE POLICE AND THE APPLICANT

1. Amend the hours of Licensable Activities on Mondays to Thursdays 09:00 to 23:00, Friday and Saturday from 09:00 – 00:00 and Sundays 10:00 to - 22:30.
2. The six occasions per annum where the licence maybe extended until 01.00 hours the following day this shall be limited to Fridays and Saturdays except in respect to New Year.
3. The Licensee shall install and maintain a closed circuit television surveillance (CCTV) system to the reasonable satisfaction of Essex Police. The system shall record in real time and images shall be retained for a minimum of 31 days and made available to Essex Police on request. A member of staff shall always be on call during opening times that is able to download and burn off images from the CCTV system.
4. The Licensee shall ensure that a suitably worded sign of sufficient size and clarity is displayed at the entrance to the premises and in the area of the alcohol display advising customers that CCTV is operating at the premises.

APPENDIX 4

CONDITIONS AGREED BETWEEN THE APPLICANT AND INTERESTED PARTIES

1. The Licensee shall ensure that prior notice of events are posted on the schools website
2. A contact telephone number of a responsible person at the school will be made available for use of local residents in the event of complaint during the course of licensed events at the premises