

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place
to

Licensing Sub-Committee (B)

on

7th July 2014

Report prepared by Deborah Bentham

8 Royal Terrace, Southend -on-Sea, Essex
Application for a Premises Licence

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Craig Ian Developments Ltd for the grant of a Premises Licence in respect of 8 Royal Terrace Southend-on-Sea, Essex.

2. Recommendation

- 2.1 That the Sub-Committee determine the applications.
- 2.2 Appendix 1 sets out the mandatory conditions that should be applied to any licence granted.
- 2.3 Appendix 2 sets out the possible conditions drawn from the operating schedule.

3. Background

- 3.1 The premises comprise an established guest house. A new application has been necessary as the proprietors seek to include a bar at the premises and to serve alcohol.
- 3.2 The premises have traded under the name of Terrace Hotel for a number of years and is located amongst a row of similar period properties in Royal Terrace, Southend.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 17 April 2014 and is for a Premises Licence.
- 4.2 The original application advertised in public notices sought regulated entertainment in the form of recorded music. However, following discussions with the area Environmental Health Officer the applicant decided to remove regulated entertainment from the application.

4.3 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 on and off the premises) from 11.00 a.m. to 12 midnight daily and on Christmas Eve and New Year's Eve until 2.00 a.m. on the following morning and on Sundays preceding Bank Holiday Mondays until 1.00 a.m. on the following morning.
- b) The Premises are open 24 hours a day.

5 Application Procedures

- 5.1 Applicants seeking a Premise licence are required by law to send copies of their application 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 have been received from 17 interested parties.
- 5.3 No representations have been made by Responsible Authorities.
- 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 representations 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.

MANDATORY CONDITIONS

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

1. 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.
2. For the purposes of the condition set out in paragraph 1—
 - (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).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

5. 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.

6. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

7. Any individual who carries out security activities at the premises must be licensed by the Security Industry Authority.

8.a) 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.

8.b) 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.

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. No bottles/drinking vessels/alcohol (except bona fide off sales) to be taken beyond the licensed area as marked on the deposited plans.
3. The Licensee shall ensure that a closed circuit television system is installed to cover the areas of the bar and lounge as marked on the deposited plans. CCTV recordings shall be retained for a minimum of 31 days and made available to the Police/Licensing Authority upon request or at least within 24 hours of the request. A member of staff who is trained to view and download images from the CCTV system shall be on duty at all times the premises are open.
4. A refusal log shall be retained on the premises to record any refusals of alcohol and made available to police /Licensing Authority upon request.
5. The Licensee shall join a local pub watch scheme operating in the locality.
6. The Licensee shall ensure that staff are trained regularly in respect of crime and disorder issues.
7. Notices shall be displayed requesting patrons to keep noise to a minimum.
8. The licensee shall install a sound limiter to set the volume of music to a level so as not to cause disturbance and carry out sound proofing to areas affected by music. (to be clarified at hearing)
9. All children under 16 shall be accompanied by a responsible adult whilst on the premises.