

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)
To
Licensing Sub-Committee A
On
5 June 2017

Report prepared by: Mark Newton

494 London Road, Westcliff-on-Sea, Essex, SS0 9LD
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 Pak Pizza 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 amended/additional conditions agreed with Essex Police.

3 Background

- 3.1 The application relates to a premises located on the south side of London Road, between the junctions of Beedell Avenue and Westcliff park Drive, along a stretch of commercial units with residential properties located above.
- 3.2 The premises currently trades as a takeaway. It was previously licensed under a different licensee. That licence permitted the provision of late night refreshment 23:00 to 00:30 on Sundays to Thursdays and 23:00 to 02:00 on Fridays and Saturdays. That licence lapsed when the company was dissolved on 7th June 2016.

4 Proposals

- 4.1 The application was given to the Licensing Authority on the 10th April 2017.
- 4.2 Details of the application can be briefly summarised as follows:

- a) The provision of Late Night Refreshment on Sundays to Thursdays from 23:00 to 02:00. Fridays & Saturdays from 23:00 to 04:00.
- b) The application was amended by the applicant so as to reduce the terminal hours originally sought after discussions with Essex Police.

4.3 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 Ten representations have been received from interested parties.
- 5.3 No Representations were made by any of the Responsible Authorities. Conditions were agreed with Essex Police during the consultation period which can be found at Appendix 3.
- 5.4 A copies of the representations 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 appropriate 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 - Amended/additional conditions agreed with 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. Any individual who carries out security activities at the premises must be licensed by the Security Industry Authority.

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

- 1) Clear and legible notices shall be displayed regarding potential criminal activity, such as theft that may be targeted at customers.
- 2) Clear and legible notices shall be displayed at the exit requesting customers to respect the need of nearby residents and to leave the premises and area quietly.
- 3) The lighting at the premises (inside and out) shall be positioned so not to disturb the nearby residents.
- 4) The Licence shall ensure that staff leave the premises quietly.
- 5) Deliveries of goods shall be made during the daytime, so not to disturb the nearby residents.
- 6) The Licensee shall ensure that all staff are trained in asking customers to leave in a respectful manner and also to ask customers not to loiter outside the premises.
- 7) No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children may be provided.

AMENDED/ADDITIONAL CONDITIONS AGREED WITH ESSEX POLICE

- 1) The Licensee shall install and maintain a closed circuit television surveillance (CCTV) The system shall cover all of the licensed area and shall include the frontage to the premises. All recordings will be retained for 31 days. There should always be someone available who is able to burn or transfer any recordings upon any reasonable request from the Police or Licensing Authority. All recordings shall be in real time and be of good quality. Should the equipment not be working the Police and Licensing Authority shall be informed as soon as practicable.
- 2) The Licensee shall ensure that there is no external furniture used in front of the premises that could be used in the form of a seat or to lay on.
- 3) Any furniture that is used outside the frontage of the premises shall be taken inside between 23:00.and 11.00
- 4) All reasonable steps shall be taken to prevent homeless, street drinkers and youths from loitering outside the front of the store.
- 5) The Licensee shall ensure an incident book is kept and maintained at the premises. The incident book shall be used to record matters in relation to crime and disorder or public safety concerns. This book shall be readily available to the Police or Licensing Authority upon request.
- 6) All staff shall undertake regular training and shall receive refresher training every six months. The training shall include all the premises licence conditions and any other matter relating to the sale of hot food as deemed relevant. Training records shall be kept and made available to the Police and Licensing Authority upon request.