

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)
To

Licensing Sub-Committee

On

8th December 2017

Report prepared by: Mark Newton

SFC, 26 Southchurch Road, Southend-on-Sea, SS1 2ND
Application to transfer premises Licence

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Mr Kazi Hasan to transfer the existing Premises Licence.

2. Recommendation

- 2.1 That the Sub-Committee determines the application.

3. Background

- 3.1 The premises comprise an established fast food outlet located on Southchurch Road near the junction of Chichester Road along a stretch of commercial units.

4. Proposals

- 4.1 The application was given to the Licensing Authority on 30th October 2017 and is for the transfer of the 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 transfer the Premises Licence

5. Application Procedure

- 5.1 Applicants for this type of application are required by law to send a copy of their application to the Police and the Home Office Immigration Enforcement department.
- 5.2 A representation has been made by Essex Police,
- 5.3 A copy of the representation has been provided to the Sub-Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

5.4 Copies of the initial application, supporting evidence and any subsequent representation, 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6.1 Formal objection having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider it. 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 transfer;
- b) 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 Objective. 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.

However in the case of a contested transfer application the Licensing Authority may only consider representations in respect of the Crime Prevention objective.

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 have the benefit of a Premises Licence, which permits the licensable activity, the provision of late night refreshment.

7.2 The permitted hours for licensable activity are 23:00 to 05:00 daily.

7.3 The permitted opening hours are 08:00 to 05:00. daily

7.4 A copy of the current licence has been provided to the sub-committee

7.5 An application to transfer the Premises Licence was received on the 30th October 2017 by Mr Kazi Hasan.

8. Background Papers

8.1 Council's Statement of Licensing Policy.

9. Appendices

9.1 none