

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place
To

Licensing Sub-Committee

On

28th April 2016

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8 Queens Road, Southend-on-Sea, Essex, SS1 1LU
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 Revolution Bars limited 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.

3 Background

- 3.1 The application relates to a premises located on Queens Road, in Southend-on-Sea, along a stretch of commercial units with some residential properties located above. The premises comprise a former HMV, home entertainment store. The application is to convert the premises into a bar.

4 Proposals

- 4.1 The application was given to the Licensing Authority on the 1st March 2016.
- 4.2 Details of the application can be briefly summarised as follows:
- a) To provide the sale of Alcohol for both on and off the premises on Sundays to Wednesdays from 11:00 hours to 00:00 hours (midnight) and on Thursdays to Saturdays from 11:00 hours to 02:00 hours
 - b) To provide regulated entertainment consisting of Performance of Live Music, Recorded Music and the Performance of Dance and anything similar on

Sundays to Wednesdays from 11:00 hours to 00:00 hours (midnight) and on Thursdays to Saturdays from 11:00 hours to 02:00 hours

- c) To offer the provision of Late Night Refreshment from 23:00 hours to 00:30 hours Sundays to Wednesday and on Thursdays to Saturdays from 11:00 hours to 02:30 hours
- d) The terminal hour is extended on New Year's Eve until the start time on New Year's Day.
- e) The terminal hour is extended on the day that British Summertime commences, by one additional hour.
- f) To be open to the public from Sundays to Wednesdays from 11:00 hours to 00:30 hours and on Thursdays to Saturdays from 11:00 hours to 02:30 hours

4.3 Through consultation and input from the Police, Environmental Protection and the Licensing Authority the operating schedule was amended. Which can be found at 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 Representations were received from four interested parties, namely 3 local residents and 1 local landlord. One representation was later withdrawn.

5.3 Additional conditions were agreed with the Licensing Authority and the Environmental Protection during the consultation period which can be found at Appendix 3

5.4 Additional conditions were agreed with the Police as a Responsible Authority during the consultation period which can be found at Appendix 3. Also the application was amended so as to reduce the terminal hours for Late Night Refreshment on Sundays to Wednesdays until 00:00 and Thursdays to Saturdays to 02:00 hours with the exception of hot drinks.

5.5 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 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 Conditions agreed with the Responsible Authorities to replace those listed in Appendix 2.
- 8.4 Appendix 4 - Policies, 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) 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)
 - a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - c) 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 either—
 - (i) a holographic mark, or
 - (ii) an ultraviolet feature.
- 5) 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.
- 6) For the purposes of the condition 5—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; .
 - (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.

7) Where the permitted price given by sub-section (b) of condition 6 would (apart from this condition) not be a whole number of pennies, the price given by that sub-section shall be taken to be the price actually given by that sub-section rounded up to the nearest penny.

8) (i) Sub-section (ii) applies where the permitted price given by sub-section (b) of sub-section (ii) 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.

(ii) 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.

APPENDIX 2

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

A) The Prevention of Crime and Disorder

1. A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door supervisors shall be employed at the premises at such times and in such numbers as a risk assessment, to be carried out by the DPS, deems necessary to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. The exterior of the building shall be cleared of litter at regular intervals.
3. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
4. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
5. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
6. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

D) The Protection of Children From Harm

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

APPENDIX 3

AMENDED CONDITIONS AGREED WITH THE RESPONSIBLE AUTHORITIES

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

A) The Prevention of Crime and Disorder

1. 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 **60** days and made available to Essex Police on request. A member of staff who is trained to view/download images from the CCTV shall be on duty at all times when the premises are open. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS must report the failure to the Police Licensing team immediately.
2. The Licensee shall ensure that all employees receive training on preventing sales of alcohol to underage and drunken persons and on the operating schedule/policies adopted by the premises. Training records shall be maintained by the Licensee and shall be available for inspection by the Police or Licensing Authority upon request. The training must be given to a new member of staff before the commence employment and all staff shall receive refresher training every six months.
3. The Licensee shall operate a zero tolerance policy with regard to the use/possession of drugs/psychoactive substances in the venue and shall advertise the same within the premises on posters and similar means.
4. 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. Along with Public Liability Insurance.
5. A minimum of **FOUR** Security Industry Authority registered door staff will be employed from 2000hrs on Thursday nights until 30 minutes after close of business. On Friday and Saturday nights Sundays preceding a Bank Holiday and the Bank Holiday a minimum of **SIX** Security Industry Authority registered door staff will be employed from 2000hrs until 30 minutes after close of business. The DPS will risk assess the number and use of door staff on other days, times and occasions or where the Police have requested door staff are used. A record to be maintained of the door staff duties including name & SIA badge numbers.
6. Two Personal Licence Holders shall be on the premises from 21:00 hours until closing time.
7. No bottles, glasses or drinking vessels are to be taken beyond the boundary of the licensed area as marked on the deposited plans except for bona fide off sales and except for consumption in any delineated external area.

8. No persons under 18 years of age shall be allowed on the premises after 20:00 until opening the following day
9. The emptying of bins into skips and refuse collections will not take place between 23:00 hours and 07:00 hours.
10. No glassware will be disposed of externally after 20:00 hours or before 09:00 hours and outside these hours will be stored internally.
11. Any furniture approved under a Highways Act Licence and placed on the pavement will cease to be used for dining and/or drinking at 19:00 after which the pavement will be used for access, egress and smokers only.
12. There will be no regulated entertainment on the first floor of the premises.
13. The Premises Licence Holder will provide at least 100 covers on the ground floor and 45 on the first floor until 22:00 and thereafter those table and chairs will remain in position.
14. The DPS or a representative holding a Personal License shall actively take part in any local Licensing/ Watch/BOBB scheme and engage and work with the local Police community and Licensing teams.
15. A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe should be installed at the main entrance and only the Police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe. A corresponding book should record details of such seizures or found drugs/weapons. The whole of this procedure will be covered by CCTV.(from seizure to deposit in safe)
16. The following Individual Written Policies are required: Search/Smoking/Drugs.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The Licensee shall ensure that an incident log and public liability insurance 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.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. The exterior of the building shall be cleared of litter at regular intervals.

3. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
4. Doors and windows at the premises are to remain closed after 23:00 hours save for access and egress until opening the following day
5. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
6. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

D) The Protection of Children From Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force

POLICIES

SMOKING & AL FRESCO DINING POLICY REVOLUTION, SOUTHEND ON SEA

1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored regularly by staff or door staff at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

DISPERSAL POLICY
REVOLUTION, SOUTHEND ON SEA

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area.)
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.