

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Executive Director  
(Neighbourhoods and Environment)

To

Licensing Sub-Committee

On

14<sup>th</sup> September 2020

Report prepared by: Adam Penn

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**Yak & Yeti, 1030 London Road, Leigh-on-Sea, Southend-on-Sea, Essex, SS9 3ND**  
**Application for the Transfer of a Premises Licence**

**LICENSING ACT 2003**

*A Part I Public Agenda Item*

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## **1. Purpose of Report**

- 1.1 This report considers an application by Masala Kitchen UK Ltd to transfer the Premises Licence.

## **2. Recommendation**

- 2.1 That the Sub-Committee determines the application.**

## **3. Background**

- 3.1 The premises comprise an established restaurant located in London Road between Dawlish Drive and Leigh Hall Road.

## **4. The Review Application**

- 4.1 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 The Police who are the only party permitted to object.
- 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.

## 6. Matter 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6.1 Formal objections having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider them.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 necessary for the promotion of the Licensing Objectives.

Thus, in the case of the transfer, the Authority may:

- a) Grant the transfer of the licence, subject to the existing conditions;
- 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 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.

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 following licensable activities:

- a) The sale by retail of alcohol for consumption on the premises.
- b) The provision of late night refreshment.
- c) The provision of regulated entertainment comprising recorded music.

7.3 The permitted hours for licensable activities are shown on the Premises Licence, which are:

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

Mondays to Saturdays	10:00 - 00:00
Sunday	12:00 - 23:30

*Non Standard Timings*

On Good Friday, from 12:00 to 23:30

On Christmas Day, from 12:00 to 23:30

On New Year's Eve, except on a Sunday, from 10:00 to 00:00

On New Year's Eve on a Sunday, from 12:00 to 23:30

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The provision of Regulated Entertainment comprising Recorded Music

Mondays to Saturdays 10:00 - 00:00

Sunday 12:00 - 23:30

On Good Friday, from 12:00 to 23:30

On Christmas Day, from 12:00 to 23:30

On New Year's Eve, except on a Sunday, from 10:00 to 00:00

On New Year's Eve on a Sunday, from 12:00 to 23:30

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The provision of late night refreshment

Mondays to Saturdays 23:00 - 00:30

Sunday 23:00 - 00:00

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

**8. Background Papers**

8.1 Council's Statement of Licensing Policy.

**9. Appendices**

None.