

# Southend-on-Sea City Council

Report of Executive Director  
(Neighbourhoods and Environment)

To

Licensing Sub-Committee B

On

11<sup>th</sup> August 2022

Report prepared by: Anthony Byrne

Agenda  
Item No.

---

East Beach, Shoeburyness, SS3 9SG

Application for a Premises Licence

LICENSING ACT 2003

*A Part I Public Agenda Item*

---

## 1. Purpose of Report

This report considers an application by Mr. Lee Sturgeon on behalf of Southend City Council for 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 condition must be applied. (This is set out in Appendix 1).

2.3 Appendix 2 sets out conditions drawn from the operation schedule for the Sub-Committee's consideration.

## 3. Background

3.1 This application is for a new premises licence. The application describes the premises as being a grassed area of public open space. The area is located on the east side of Shoeburyness bounded by George Street, Rampart Terrace, High Street and Blackgate Road. The majority of neighbouring properties are residential although there are some commercial including a residential park and a defence research establishment.

## 4. Proposals

4.1 The application was submitted to the Licensing Authority on the 10<sup>th</sup> of June 2022.

4.2 Details of this application which are to be determined by the Sub-Committee can be briefly summarised as follows:

On one weekend per year, comprising 2 consecutive days the following activities may be provided:

- a) The performance of live music outdoors:  
From 10:00 to 22:00
- b) The playing of recorded music outdoors:  
From 10:00 to 22:00
- c) The performance of dance outdoors:  
From 10:00 to 22:00
- d) Activities forming part of music and other cultural / community festivals:  
From 10:00 to 22:00
- e) The supply of alcohol on the premises:  
From 10:00 to 22:00
- f) Hours the premises are open to the Public:  
On one weekend per year, comprising 2 consecutive days:  
From 10:00 to 22:00

4.3 The sub-committee will be aware that under The Deregulation Act 2015, where a premises licence is operating for the consumption of alcohol on the premises, there is no licence required for regulated entertainment between 08.00 and 23.00. Further any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00

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 Copies of applications for a new premises licence are required by law to be sent 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 To date there have been twenty three (23) valid representations received from local residents objecting to the application. One resident has subsequently withdrawn their objection.

5.3 Conditions were agreed with The Licensing Authority and Essex Police, both acting as Responsible Authorities during the consultation period. These are set out at **Appendix 2** to this report.

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 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 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. Existing Licensing Controls**

7.1 The premises are not currently licensed.

## **8. Background Papers**

8.1 Council's Statement of Licensing Policy.

## **9. Appendices**

9.1 Appendix 1 - Mandatory conditions.

9.2 Appendix 2 -

Conditions drawn from the the operation schedule, together with amended and additional conditions (following consultation with The Licensing Authority and Essex Police during the consultation period).

## 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. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
    - (i) The outcome of a race, competition or other event or process, or
    - (ii) The likelihood of anything occurring or not occurring;
  - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. 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.

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.

8. The responsible person shall ensure that:-
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) Customers are made aware of the availability of these measures.

9. 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.

For the purposes of the above condition —

- 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)
10. Where the permitted price given by sub-section (b) of Condition 9 would (apart from this condition) 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
- (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.
11. The admission of children to the exhibition of any film shall be restricted in accordance with the recommendations of The British Board of Film Classification.





## CONDITIONS DRAWN FROM THE OPERATING SCHEDULE,

1. The licence shall only be used for one weekend event per year, comprising 2 consecutive days. The date for the proposed event shall be notified to the Licensing Authority at least 3 months prior to the event, other than the 2022 event.
2. The Licensee shall ensure that an event management plan is prepared for each year's event, setting out how all aspects of the event shall be managed.
3. The Event Management Plan and supporting documents shall contain full details of how the event shall be managed, operated, controlled and delivered in order to promote the Licensing Act 2003 objectives, shall specifically (but not exclusively) cover the following subjects and shall be agreed with the Police, Environmental Health Team and Licensing Authority no later than 3 months (*with exception of the 2022 event*) before the date of the event;
  - i. General Event Safety including SIA Management
  - ii. A Noise Management Plan
  - iii. A Child Protection Policy
  - iv. A Searching Policy
  - v. A Drugs Policy
  - vi. A Duty of Care Policy (for ejected/intoxicated persons)
  - vii. Venue plan (identifying all site services i.e. medical location(s), toilets, missing persons and access points, location of event and areas that sell alcohol).
  - viii. Management Structure (A contact sheet, including emergency contacts, on-duty staff etc.). The management structure shall include roles and responsibilities of each named individual and specific communications details during the entire event.
  - ix. Nature and styles of the event (including crowd profile, capacity and expected attendance)
  - x. Event program
  - xi. Risk Assessments
  - xii. Risk Assessment to assess the need for lifeguards
  - xiii. Adverse Weather Plan
  - xiv. Crowd Management Plan (including and ingress/egress plan)
    1. Information for all Stages and Structures, including contractors, insurance, health and safety policy and method statement .
  - xv. Medical Management Plan
  - xvi. Counter Terrorism Plan

The agreed Event Management Plan shall not be amended after this date without written agreement from the relevant bodies indicated in the Event Management Planning Schedule. If the licence holder and the appropriate authorities are unable to reach a mutual agreement on the final documentation, the licence holder shall take responsibility for the final decision on its contents and evidence their rationale why they have not taken the appropriate advice.

Note: The 'agreement' of the Event Management plan should not be taken as approval of any safety measures therein. Safety remains the ultimate responsibility of the Licensee.

4. The premises shall have in place and operate a zero-tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy may form part of the event management plan.

This policy shall specifically include but not be limited to:

- i. Searching practices upon entry;
  - ii. Dealing with patrons suspected of using drugs on the premises.
  - iii. Scrutiny of spaces including toilets or outside areas;
  - iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
  - v. Staff training regarding identification of suspicious activity and what action to take;
  - vi. The handling of items suspected to be illegal drugs or psychoactive substances
  - vii. Steps taken to discourage and disrupt drug use on the premises
  - viii. Steps to be taken to inform patrons of the premises drug policy/practices
  - viii. Patrol of perimeter (Haras) fencing to deter drug supply
5. The Licensee shall liaise with Southend Council's Environmental Health Team to agree a Noise Management Scheme as detailed in the Event Management Plan. The Noise Management Plan shall include all noise related details, information and management controls including but not limited to the details of a letter drop, contact details for the event, noise monitoring locations, frequency and duration. The Final Noise Management Scheme shall be made available to Environmental Health six weeks prior to the event.
  6. Officers and staff of Essex Police, Southend City Council, Essex Fire and Rescue, East of England Ambulance Service and other Responsible Authorities carrying out official duties in regards any event shall have free access to all parts of the licensed site at all reasonable times for the purpose of supervision and enforcing the observance of the Licence Conditions and other relevant legislation.
  7. A contact number shall be made available for all events to enable the public to report any concerns. This number shall be provided to all Responsible Authorities and be kept up to date at all times.
  8. Licensed security staff shall be employed to ensure public safety and children safety. Security staff shall liaise with the head of site operations on any issues and they shall be briefed on the evacuation process. There shall be a site meeting before the start of the event to run through security checks and emergency procedures. There shall be radio contact between security staff and the head of site operations.
  9. SIA licensed security staff shall be used in accordance with a site security plan which will form part of the event management plan and a record shall be maintained (on the premises) which is legible and details:
    - a) The day and date when door supervisors are deployed;
    - b) The name and SIA registration number of each door supervisor on duty at the premises; and
    - c) The duty start and end time for each door supervisor.

This record shall be retained for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

10. All drinks will be dispensed in either plastic/polycarbonate bottles or collapsible cups or containers, save that glass vessels shall only be used for Champagne, sparkling or premium wines and only in a dedicated security-controlled area which shall be detailed in the Event Management Plan/Alcohol Management Plan and on the Site Plan each year.
11. There shall be a dedicated Lost/Found Vulnerable Persons area and security staff shall ensure children do not leave the event alone.
12. Local residents shall be advised of each event in advance by the means of a letter drop. The letter shall include details of a contact number for residents to raise concerns during the event. The Licensee shall ensure the number is manned at all times during the event. The Licensee shall provide a copy of the letter to the licensing authority at least 1 month prior to each event.
13. All staff engaged in the sale or supply of alcohol on the premises shall be trained on the following subjects as a minimum:-
  - Protection of children from harm (including under-age sales)
  - How to recognise drunkenness and the duty not to serve drunk persons
  - Challenge 25, including appropriate recording of refusals and challenges
  - Proxy sales of age restricted products
  - The licensing objectives of The Licensing Act 2003
  - Dealing with patrons anti-social behaviour
  - How to spot 'drink spiking' and what actions to take when it is identified.
14. Staff training shall take place no more than two weeks prior to each event. Training records, signed by both the trainer and trainee, shall be kept on the site during the events and made immediately available upon request to the Police, Trading Standards or Licensing Authority Officers.
15. An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent shall be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the Police or Licensing Authority.
16. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
  - Proof of age card bearing the PASS Hologram;
  - Photocard driving licence;
  - Passport; or
  - Ministry of Defence Identity Card.
17. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

18. A refusals record shall be maintained at each point of sale for alcohol on the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries shall be made as soon as possible and in any event within 30 minutes of the refusal and the record shall be made immediately available to the Police, Trading Standards or Licensing Authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
  
19. An incident log shall be kept at the premises and made immediately available to the Police or Licensing Authority staff upon reasonable request. The log shall be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be made available immediately upon reasonable request of the Police or Licensing Authority.

20. Customers shall not be permitted to remove from the premises any drinks supplied by the premises in open containers.