

**30 August 2017**

**ITEM: 4**

## **Licensing Sub-Committee**

### **Determination of an Application to vary a Premises Licence**

**Wards and communities affected:**

Little Thurrock Rectory

**Key Decision:**

Non-key

**Report of:** Elizabeth Cox, Licensing Officer

**Assistant Director of Service:** Andrew Millard, Assistant Director of Planning and Growth

**Accountable Director:** Steve Cox, Corporate Director of Environment and Place

**This report is public**

#### **Executive Summary**

An application has been received to vary the Premises Licence at Bull Public House, 98 Dock Road, Grays, RM17 6EY. Representations have been received from four other persons in relation to the prevention of public nuisance.

#### **1. Recommendation(s)**

##### **1.1 That the Sub-Committee:**

- a. Grants the application as applied for subject to the conditions arising out of the operating schedule and the mandatory conditions.**
- b. Grants the application with amendments to the licensable activities and/or the licensable hours applied for or to the parts of the premises which they relate to.**
- c. Adds any condition necessary for the promotion of one or more of the licensing objectives.**
- d. Refuses the application**

#### **2. Introduction and Background**

- 2.1** On 11 July 2017, an application was received from Chi Johnson to vary the premises licence for Bull Public House, 98 Dock Road, Grays, RM17 6EY by adding an outside bar to the premises plans. A copy of the application is

attached as **Appendix 1** and a plan of the premises and location map as **Appendix 2**.

2.2 The application is to bring the plans up to date by including an additional outside seating area and an additional outside bar and kitchen, which has already been constructed. There is no change to the times on the existing Premises Licence. A copy of the premises licence is attached as **Appendix 3**.

2.3 The current conditions from the Premises Licence are to remain (see **Appendix 3**). In addition, the following conditions would be added to the licence based on the applicant's operating schedule:

- The outside bar area and kitchen must only be used when the outside seating area is being used;
- No external speakers to be used;
- The use of the outside area is to cease at 23:00 hours. All customers must relocate inside the premises (the pub) if they wish to continue drinking at 23:00 hours.

2.4 Under the Licensing Act 2003 the licensing objectives 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.

2.5 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.

### **3. Issues, Options and Analysis of Options**

3.1 During the consultation period, four representations from local residents were received. These representations relate the licensing objective of the prevention of public nuisance, particularly the impact the increased use of the outdoor areas has already had. A copy of the representations is attached as **Appendix 4**.

3.2 No representation has been received from any other person.

3.3 No representations were received from any of the responsible authorities.

3.4 After the consultation period had ended, a routine visit by Thurrock Council Licensing Officers and Essex Police found that the outside bar was already set up with alcohol prominently displayed (photographs attached as **Appendix 5**). A member of staff informed officers that the bar had been in use but he had been instructed to close it at 21:30 (visit was at approximately 21:40).

- 3.5 In determining this application for the variation of a Premises Licence, this Sub-Committee should have regard to the Council's Statement of Licensing Policy (particularly section 5.0) and to the Guidance issued by the Secretary of State under S182 of the Licensing Act 2003.
- 3.6 Where relevant representations are made, the authority must, having regard to the representations, take such of the steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives.
- 3.7 The steps an authority may take are –
- a) Grant the application as applied for subject to the conditions arising out of the operating schedule and the mandatory conditions.
  - b) To grant the application with amendments to the licensable activities and/or the licensable hours applied for or to the parts of the premises which they relate to.
  - c) To add any condition necessary for the promotion of one or more of the licensing objectives.
  - e) To refuse the application.
- 3.8 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 3.9 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 3.10 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

#### **4. Reasons for Recommendation**

- 4.1 These are the options available to the Sub-Committee

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the submissions made by the applicant and interested parties, the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accountant**

There are no direct financial implications for the Council.

### **7.2 Legal**

Implications verified by: **Adam Rulewski**  
**Litigation and Prosecutions Barrister**

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature, Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal, which can be instigated by either the applicant or the person who made the representation. In reaching its decisions the Sub-Committee must have regard to the Licensing Act 2003, guidance issued under s182 of the Act, and its own licensing policy.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Community Development & Equalities Manager**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the

granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

**9. Appendices to the report**

- 1 - Copy of application
- 2 - Plan of the premises & location Map
- 3 - Copy of existing premises licence
- 4 - Copy of representations
- 5 – Photographs of outside bar

**Report Author:**

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Public Protection