

<b>11 September 2020</b>		<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>		
<b>Determination of an Application to vary a Premises Licence</b>		
<b>Wards and communities affected:</b> Little Thurrock Blackshots	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Elizabeth Cox, Licensing Officer		
<b>Accountable Assistant Director:</b> Leigh Nicolson, Interim Assistant Director Planning, Transport and Public Protection		
<b>Accountable Director:</b> Andrew Millard, Director of Place		
<b>This report is public</b>		

## Executive Summary

An application has been received to vary the premises licence at Bon Bon, 40 King Edward Drive, Grays, RM16 2GG. Two representations have been received from local residents.

### 1. Recommendation(s)

**1.1 That the Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the application to vary the premises licence in line with the options open to the committee under the Licensing Act 2003.**

### 2. Introduction and Background

2.1 On 16 July 2020, an application to vary the premises licence at Bon Bon, 40 King Edward Drive, Grays, RM17 2GG, was submitted by Visakesasarma Kumarasamisarma. A copy of the full application and associated documentation is attached as **Appendix 1**.

2.2 The application is to vary the hours for the supply of alcohol for consumption off the premises to: 06:00 – 23:00 Monday to Sunday, and to submit an updated plan of the premises.

The premises is currently licensed to supply alcohol 07:00 – 21:00 Monday to Sunday. A copy of the existing premises licence including the current conditions is attached as **Appendix 2**.

2.3 During the consultation, two representations have been received from local residents, and these are attached at **Appendix 3**.

2.4 No representations were received from any responsible authorities or any other persons.

2.5 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.

2.6 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 The following options are available to the Licensing Sub-Committee:

- To grant the variation as applied for;
- To grant the application subject to such conditions as are necessary and proportionate to promote the licensing objectives; or
- To refuse the application.

3.2 In determining this application for review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

3.3 Section 2 of the statutory guidance relates to the four licensing objectives and may be relevant to this application.

3.4 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. 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.

3.5 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.

3.6 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: **Rosie Hurst**  
**Interim Senior Management Accounts**

There are no financial implications associated with the report.

##### **7.2 Legal**

Implications verified by: **Simon Scrowther**  
**Litigation Lawyer**

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 to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation. In reaching any decision the Licence Sub-Committee must have regard for the 4 licensing aims, being:-

1. The prevention of crime and disorder
2. Public safety
3. The prevention of nuisance, and
4. The protection of children from harm

### 7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project**  
**Monitoring Officer**

The Licensing Sub-Committee sits as an administrative body 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:**

- 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 variation application
- 2 - Copy of the current premises licence
- 3 - Copies of two representations from local residents

### **Report Author:**

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Licensing Officer