

<b>11 August 2022</b>		<b>ITEM: 5</b>
<b>Licensing Sub-Committee</b>		
<b>Determination of an application for a new Premises Licence</b>		
<b>Wards and communities affected:</b> Stanford le Hope West	<b>Key Decision:</b> Non-key	
<b>Report of:</b> Elizabeth Cox, Licensing Officer		
<b>Accountable Assistant Director:</b> Leigh Nicolson, Assistant Director Planning and Growth		
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm		
<b>This report is public</b>		

## **Executive Summary**

An application has been received for a new premises licence for Billet Recreation Ground, Billet Lane, Stanford le Hope. Representations have been received from 7 local residents and Cllr Hebb on behalf of 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 grant the premises licence in line with the options open to the committee under the Licensing Act 2003.**

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

- 2.1** On 9 June 2022, an application for a new premises licence for Billet Recreation Ground, Stanford le Hope, was submitted by Lewis Graham on behalf of Red Room Records Ltd. Due to insufficient public notices on display at the location, the consultation period was extended to 22 July 2022.
- 2.2** The application is to authorise live music, recorded music, performances of dance, and supply of alcohol Friday – Sunday 11am – 11pm (alcohol sales to end at 10:30pm) for up to 4,999 persons. A copy of the full application and associated documentation is attached as **Appendix 1**.

- 2.3 During the consultation, 7 representations were received from local residents, and a representation from Cllr Hebb on behalf of residents. These are attached at **Appendix 2**.
- 2.4 Essex Police submitted a representation requesting conditions to be added to the licence if issued, this is attached at **Appendix 3**.
- 2.5 Thurrock Trading Standards and Environmental Protection submitted requests for conditions to be added to the licence should the variation be granted. A copy of the requested conditions are attached at **Appendices 4 & 5**.
- 2.6 Should the application be granted, the licence would also be subject to the following conditions taken from the applicant's operating schedule which forms part of the application form.
- Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises
  - Staff will be trained to be vigilant in illegal drug use at the premises by regularly checking toilets and outside areas.
  - Operation of the site will happen once a year for one day or a weekend
  - Prominent, clear and legible notices will be displayed on the premises requesting the public to respect the area and neighbours
  - Delivery of goods necessary for the operation of the business will be carried out at such a time or in such a manner so as to prevent nuisance and disturbance to any nearby neighbours.
  - The Licence Holder will ensure that staff who arrive early morning or leave late at night leave quietly and in a timely manner.
  - Amplified speakers must be positioned facing away from residential areas
  - Line-arrays must be faced directing down towards key sound absorbers (ground/people)
  - Only those aged 18 years or older may enter the premises.
- 2.7 No representations were received from any other persons or Responsible Authorities.
- 2.8 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.
- 2.9 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 application 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 a new 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 any individual, body or business is entitled to make representations to the licensing authority in relation to an application for the grant of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. 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: **Laura Last**  
**Senior Management Accountant**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Gina Clarke**  
**Corporate Governance Lawyer & Deputy Monitoring Officer**

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.

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.

Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

### **7.3 Diversity and Equality**

Implications verified by: **Becky Lee**  
**Team Manager, Community Development & Equalities**

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 Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children.

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 the application
- 2 - Copy of representations from Cllr Hebb and residents
- 3 – Copy of representation from Essex Police
- 4 – Copy of requested conditions from Trading Standards
- 5 – Copy of requested conditions from Environmental Protection

**Report Author:**

Elizabeth Cox, Licensing Officer