

7 November 2024		ITEM: 4
Licensing Sub-Committee		
Determination of an application for a new premises licence		
Wards and communities affected: South Chafford	Key Decision: Non-key	
Report of: Elizabeth Cox, Licensing Officer		
Accountable Assistant Director: Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)		
Accountable Director: Daniel Fenwick – Executive Director of Corporate Services		
This report is Public		
Version: Final		

Executive Summary

An application has been received for a new premises licence for Kara Lounge and Grill, Fleming Road, Chafford Hundred, RM16 6HH. Representations have been received from seven local residents, four councillors and the Planning Department.

Commissioner Comment:

Reports for Licensing Sub-Committee do not require Commissioner comment.

1. Recommendation(s)

1.1 That the Sub-Committee

- (a) **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 12 September 2024, an application for a new premises licence for Kara Lounge and Grill, Fleming Road, Chafford Hundred, RM16 6HH was submitted on behalf of 27 Fleming Ltd.

- 2.2 The application is to authorise performances of dance, live music, recorded music, late night refreshment and the supply of alcohol for consumption on and off the premises Sunday – Thursday 11am- midnight and Friday – Saturday 11am – 1am. Additional hours have also been requested for all activities until 2am on Christmas Eve, Boxing Day and any day immediately preceding a bank holiday. Activities would be authorised from the end of permitted hours New Year’s Eve until the start of permitted hours the following day. A copy of the full application and associated documentation is attached as **Appendix 1**. A location map and photograph are attached as **Appendix 2**
- 2.3 During the consultation period, representations were received from seven local residents and four councillors. They are attached at **Appendix 3**.
- 2.4 A representation was also received from Thurrock Council’s Planning Department as a responsible authority. A copy of this is attached at **Appendix 4**
- 2.5 Should the application be granted, the licence would be subject to the following conditions taken from the applicant’s operating schedule:
1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use/leave the area quietly.
 2. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to: dealing with incidents and prevention of crime and disorder, sale of alcohol (to underage persons; persons over 18 purchasing for underage; drunks etc) prior to being allowed to sell alcohol.
 3. The premises license holder shall ensure that the premises shall install, operate and maintain a Closed-Circuit Television (CCTV) system to the satisfaction of Police and Licensing officers.
 4. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and signage to this effect is to be displayed.
 5. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum of 31 days. Recordings shall be made available following the reasonable request of police or authorised officer throughout the preceding 31-day period on production of the appropriate Data Protection request form.
 6. The premises licence holder shall operate a ‘Challenge 25’, or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over

18. Proof of age shall only comprise of a passport a photo - card driving licence or an industry approved proof of age identity card.

7. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' or similar scheme operates in the premises.
8. The premises licence holder shall ensure that any refusals of sale of age - related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product (s) sought; the gender and approximate age of the customer together with a description of the customer. The refusals log shall be made available for inspection by the licensing team, police or trading standards and kept at the premises for six months.
9. Alcohol shall not be sold or supplied on the premises other than to persons taking table meals and for consumption by that person as ancillary to the meal save as a maximum of 20 persons at any one time.
10. Alcohol shall not be sold or supplied unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as ancillary to meals served at the premises.

2.6 No representations were received from any other Responsible Authorities.

2.7 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.

2.8 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: **Jo Freeman**
Head of Financial Management
Corporate & Place
17 October 2024

There are no financial implications associated with the report.

7.2 Legal

Implications verified by: **Godwin Mangse**
Interim Principal Lawyer – Housing and
Litigation

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: **Roxanne Scanlan**
Community Engagement and Project
Monitoring Officer

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 Risks

None

7.5 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:

- Appendix 1 – Application form and accompanying documents
- Appendix 2 – Location map and photographs
- Appendix 3 – Representations from Local residents and Councillors
- Appendix 4 – Representation from Planning Department and Accompanying Document

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