

7 June 2016	ITEM: 4
Licensing Sub-Committee	
Determination of an application for a new premises licence	
Wards and communities affected: Aveley & Uplands	Key Decision: Non-key
Report of: Elizabeth Cox – Licensing Officer	
Accountable Head of Service: Lucy Magill – Head of Residents Services	
Accountable Director: Steve Cox – Corporate Director of Environment and Place	
This report is public	

Executive Summary

An application has been received for a new time limited premises licence for Soundon Music Event, Essex Sports Village, Purfleet Road, Aveley, RM15 4DT three relevant representations have been received from responsible authorities in relation to one of the licensing objectives.

1. RECOMMENDATIONS:

1.1 The Sub-Committee agrees:

- (a) To grant the licence as applied for; or**
- (b) To grant the licence subject to such conditions as are necessary and proportionate to promote the licensing objectives; or**
- (c) Refuse the application**

2. Introduction and Background

2.1 On 19th April 2016, an application was received from Matthew Woodward, 30 Hodges Close, Chafford Hundred, RM16 6EN for a time limited premises licence for Soundon Music Event, Essex Sports Village, Purfleet Road, Aveley, RM15 4DT. A copy of the application is attached as **Appendix A**. A copy of the most recent site plan and a map of the area are attached as **Appendix B**. The most up to date Event Management Plan (EMP) Version 1. dated 4th May 2016 is attached as **Appendix C**.

2.2 The application is to authorise the following licensable activities –

Live music: Saturday – Sunday 11:00 – 22:30
Recorded music: Saturday – Sunday 11:00 – 22:30
Performances of dance: Saturday – Sunday 11:00 – 22:30
Supply of alcohol for consumption on the premises:
Saturday – Sunday 11:00 – 22:30

The premises will be open to the public 09:00 – 00:00 on each day

If granted, the licence will be valid from Saturday 13th August – Sunday 14th August 2016. After these dates, any future events will need to apply for a new licence.

- 2.3 The application was for 7,999 people in attendance but the applicant reduced this to 4,999 during the consultation period.
- 2.4 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives under the Licensing Act 2003
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.

3. Issues, Options and Analysis of Options

- 3.1 During the consultation period, representations were received from Essex Police attached as **Appendix D** and the Licensing Authority attached as **Appendix E**.
- 3.2 No representation has been received from any other responsible authority.
- 3.3 During the consultation period, representations were received from other persons in form of a petition. This was signed by 33 residents of Purfleet Road and Aveley and is attached as **Appendix F** and raises issues around:
- Traffic congestion and unlawful parking
 - Risk to Public Safety from increased traffic in areas
 - Noise Pollution to local residents
 - Criminal activity, ASB and Public Disorder in the local area outside the premises
- 3.4 In determining this application for a Premises Licence, this 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.

- 3.5 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.
- 3.6 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.
 - d) To refuse to specify a person in the licence application as the designated premises supervisor.
 - e) To refuse the application.
- 3.7 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.
- 3.8 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.
- 3.9 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: **Carl Tomlinson**
Finance Manager

The report concerns determining an application for a new license – the report does not have any direct financial implications.

7.2 Legal

Implications verified by: **Adam Rulewski**
Barrister – Employment & 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.

Any decision must relate to the 4 licensing objectives

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) Prevention of public nuisance
- 4) The protection of children from harm

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development 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 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

- A - Copy of application
- B - Plan of the site and map of the area
- C - Event Management Plan (EMP) Version 1. dated 4th May 2016
- D - Copy of representations from Essex Police
- E – Copy of representations from other persons
- F – Petition

Report Author:

Elizabeth Cox
Licensing Officer