



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Committee:	LICENSING SUB-COMMITTEE
Date and Time:	Tuesday 16th May 2017 at 11.00a.m.
Venue:	Council Chamber
Membership:	Councillors Acott, Bayley and MacLean
Officers attending:	Mel Harris - Head of Licensing & Safer Communities Callum Hall – Corporate Legal Adviser
Committee Enquiries:	Cheryl Salmon, Ext. No. 2454

PART I

(Business to be taken in public)

- 1. Appointment of Chairman**
- 2. Procedure for the Sub-Committee (as attached)**
- 3. Application to vary a Club Premises Certificate under Section 84 of the Licensing Act 2003 made by the Royal British Legion, Denham Road, Canvey Island, Essex.**
Report of the Head of Licensing and Safer Communities is attached.
- 4. Decision**

Agendas and Minutes can be viewed at www.castlepoint.gov.uk
Copies are available in larger print & audio format upon request
If you would like a copy of this agenda in another language or alternative format:
Phone: 0207 520 1431 or email translations@languageline.co.uk



PROCEDURE FOR SUB-COMMITTEE

1. Introductions

- a. Chairman introduces Panel Members to the applicant.
- b. Chairman identifies officers and their roles.
- c. Applicant identifies themselves, any representative and any accompanying persons. They also identify who intends to present the case.
- d. Relevant Responsible Authorities identify themselves.
- e. Interested Parties identify themselves.

2. Case summary by Head of Licensing and Safer Communities

See agenda item No. 3

3. The Relevant Responsible Authority(s) Submission

- a. The Relevant Responsible Authority(s) and any witnesses will submit to the Panel the reasons for the hearing in the case before them.
- b. Opportunity for the applicant or representative to question the relevant responsible authority(s) and witnesses on their submissions (note: this is an opportunity to ask questions arising from the submissions – not to make statements – an opportunity comes later when summing up).
- c. Opportunity for Panel Members to question the Relevant Responsible Authority(s) and witnesses on their submission.

4. Interested Parties Submission (if any)

- a. Any interested parties will submit to the Panel the reasons for the hearing in the case before them.
- b. Opportunity for the applicant and the relevant responsible authority(s) to question the interested parties on their submissions.
- c. Opportunity for Panel Members to question the interested parties and witnesses on their submission.

5. The Applicant's Submission

- a. The applicant or their representative will submit their case (to include consideration of any written representations). Witnesses may be called.

- b. Opportunity for relevant responsible authority, followed by interested parties (if any) to question the applicant and any witnesses on their submission(s).
- c. Opportunity for Panel to question the applicant and any of their witnesses on their submission(s).

6. Questions from Panel

Opportunity for any final questions from Panel to either side.

7. Adjournment

Proceedings will be adjourned while the Panel withdraw to consider its decision. During this time the Clerk will accompany the Panel to record the decision. The Committee may request the presence of the Legal Advisor to give them legal advice.

8. Decision

The Panel will reconvene and the Chairman will announce the decision, and:-

- 1. If approved, give details of any conditions attached to the licence (if any)
- 2. If refused, give the reasons for refusal
- 3. Inform the applicant of their rights of appeal

9. Conclusion

The Chairman will close the proceedings

LICENSING SUB COMMITTEE

16 May 2017

Subject: Application to vary a Club Premises Certificate under Section 84 of the Licensing Act 2003 made by the Royal British Legion, Denham Road, Canvey Island, Essex.

Report of: Head of Licensing and Safer Communities

1. Purpose of Report

To consider an application to vary a Club Premises Certificate made by the Royal British Legion, Denham Road, Canvey Island, Essex.

2. Background

The club is currently licensed between the hours of Sunday to Thursday 08:00hrs to Midnight and Friday and Saturday 08:00hrs and 01:00hrs for:

- Provision of regulated entertainment – plays, films, indoor sporting events, live music, recorded music and dance
- Provision of entertainment facilities – making music and dancing
- The supply of alcohol by or on behalf of a club, or to the order of the club for consumption on and off the premises
- Under Annex 2 Condition 3 – the outside garden area will not be used after 22:00 hours on any day

The Club Premises Certificate was granted to the Canvey Island British Legion on 7th November 2005 with the agreed condition that the outside garden area will not be used after 22:00hrs on any day.

On 6 June 2008 an application was made to extend the garden opening hours in order that the club members could use the smoking area in the garden rather than at the front of the building. No representations were received from the Responsible Authorities however representations were received from 3 local residents based on the grounds of Crime and Disorder and Public Nuisance. On 31 July the Licensing Sub Committee rejected the application to extend the garden opening hours.

On 20 January 2011 an application was received to remove condition 3 – ‘The outside garden area will not be used after 22:00hrs on any day’ and after consultations it was agreed with the Environmental Health Department (before the Hearing) to keep condition 3 within the conditions provided the hours could be extended to 23:00hrs. No representations were received from the Responsible Authorities however representations were received from 3 local residents based on the grounds of Crime and Disorder and Public Nuisance.

On 16 March 2011 the Licensing Sub Committee rejected the application and set the following additional conditions to the Certificate:

- The Club Premises shall take all the appropriate steps to keep the sound levels within reasonable limits in respect of neighbouring properties.
- No patrons shall be allowed to leave the premises whilst in possession of any drinking vessel or open glass bottle whether emptying or containing any beverage.

It was reaffirmed that the garden shall close at 22:00 on each day.

3. Application

An application to vary the Club Premises Certificate was received by the Head of Licensing & Safer Communities on 23 March 2017. The application is for the following:

- To vary the condition Annex 2 (3):

From: The outside garden will not be used after 22:00hrs on any day

To: The outside garden will not be used after 23:00hrs on any day
There will be no sale of alcohol in the garden at any time.

3.1 The application has been submitted to all the Relevant Responsible Authorities:

- Licensing Department
- Essex Police
- Essex County Fire & Rescue Service
- Planning Services
- Environmental Health Service
- The Health & Safety Executive
- Children’ Safeguarding Service (Essex County Council)
- Essex Trading Standards
- Director of Public Health (Essex County Council)

3.2 Details of the application were also advertised on the Council’s website and blue notices were displayed on lampposts near to the premises.

3.3 A copy of the application and premises licence are attached at Appendix 1 of the report

3.4 A copy of the blue notice is attached at Appendix 2 of the report

4. Representations

4.1 No representations were received from the Responsible Authorities (as listed above):

4.2 Representations have been received from 3 interested parties (persons living in the vicinity) within the consultation period:

	3 Denham Road, Canvey Island
	5 Denham Road, Canvey Island
	8 Denham Road, Canvey Island

4.3 Copies of the representations are attached at Appendix 3 of the report.

5. Castle Point Licensing Policy

5.1 The following extracts from the Council's Policy are brought to the general attention of the Sub-Committee.

“1.19 When considering applications, the Council will have regard to:-

- the Licensing Act 2003 and the licensing objectives,
- Government guidance issued under Section 182 of the Licensing Act 2003,
- any supporting regulations
- this statement of licensing policy

1.20 This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

1.21 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of night-time economies that are important for investment, employment and tourism.

1.22 When determining applications before a Licensing Sub-Committee, the authority will seek to balance those factors against their duty to promote the four licensing objectives and the rights of residents to peace and quiet.”

5.2 An extract of the policy is attached at Appendix 4 of the report

6. Licensing Objectives

6.1 Licensing objection potentially breached when determining this application:

Prevention of Crime and Disorder	X
Public Safety	X
Prevention of Public Nuisance	✓
Protection of Children from Harm	X

7. Options

7.1 The Sub-Committee is advised that it has the following options when determining this application.

- (i) Grant the application on the terms and conditions applied for as set out in Appendix 1.
- (ii) Grant the application and modify the conditions of the Operating Schedule.
- (iii) Reject the application

Recommendation

The decision of the Sub Committee is required following proper consideration of the application and any representations made to the Sub Committee.

Background Papers:

Application file held by the Licensing Authority

Licensing Act 2003

Castle Point Borough Council Hackney Carriage & Vehicle Licensing Policy