



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

AGENDA

DATE:	Monday, 13 November 2023
TIME:	2.00 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Casey
Councillor A Cossens

Councillor Kotz
Councillor Wiggins

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DATE OF PUBLICATION: Friday, 3 November 2023

AGENDA

1 Chairman for the Meeting

The Sub-Committee will elect its Chairman for the meeting.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Tuesday 8 August 2023.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

5 Exclusion of Press and Public

To consider the following:

That under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in part 14 paragraph 2 of the Act:

- 14.—(1) Subject to paragraph (2), the hearing shall take place in public.
(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.”*

6 REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE (Pages 5 - 28)

To provide information in order that the Premises/Personal Licensing Sub Committee can determine the application for the grant of a personal licence following objection received by Essex Police during consultation.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Premises / Personal Licences Sub-Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Friday, 17 November 2023.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON TUESDAY, 8TH AUGUST, 2023 AT 10.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Casey, Kotz, Smith and Wiggins
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer), Chloe Blackwell (Licensing Enforcement Officer), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

1. CHAIRMAN FOR THE MEETING

It was moved by Councillor Smith, seconded by Councillor Kotz and:-

RESOLVED that Councillor Casey be elected as Chairman for the meeting.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions submitted on this occasion.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on Friday, 10 March 2023 were approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest submitted for this meeting on this occasion.

**5. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 -
TEMPORARY EVENT NOTICE - THE ESPLANADE HOTEL, 27 - 29 MARINE
PARADE EAST, CLACTON-ON-SEA: REFERENCE: TENOP/4852/23**

The Council's Licensing Manager (MC) gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Assistant Director (Governance & Legal), a request for the Sub-Committee to determine an objection to a Temporary Event Notification (TEN) which was lodged by Essex Police.

The Sub-Committee heard that a Temporary Event Notification (TEN) had been sent to the Licensing Authority of Tendring District Council in accordance with Section 100 of the Licensing Act 2003 by Mr Paul Cowley.

Members were told that Essex Police, the Responsible Authority within the Tendring District area had submitted an objection notice with reference to the prevention of crime and disorder, public safety and the prevention of public nuisance.

Officers mentioned that the Sub-Committee are asked to determine the matter in accordance with the Licensing Act 2003. Tendring District Council Licensing Police and the Home Office Guidance issued under Section 182 Licensing Act 2003, having due regard to the applicant's submissions and objections by the statutory body.

Members heard that when carrying out the functions the licensing authority gave regards the four licensing objectives. Those objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The Sub-Committee were informed that Temporary Event Notices are intended to allow an individual to use premises for one or more licensable activities on an infrequent basis. There is no application process but the premises user must give at least 10 working days notice to the relevant Licensing Authority, the relevant Chief Officer of Police, and Environmental not including the day of the event or the day of receipt of the Notice.

Mr Cowley (referred to in the Licensing Act as the 'Premises User') had submitted a Temporary Event Notification to cover the sale by retail of alcohol on and off the premises, the provision of regulated entertainment, and the provision of late night refreshment to take place on the 18 August 2023 between the hours of 2100 and 0300 on 19 August 2023.

The Committee were also told that the address of the event was The Esplanade Hotel, 27 – 29 Marine Parade East, Clacton-on-Sea, Essex, CO15 1UU. Within the notification it was requested that the licensable activities for the event would be restricted to the Ground floor Bar & Function Room area of the premises.

The premises held a valid premises licence under the Licensing Act 2003 for the sale of alcohol on and off the premises and performance of recorded music, which would cover Friday 18 August 2023 between the hours of 1000 and 2300 only. The conditions on the premises licence were the standard conditions which had been converted from the old justices licence, none of which could be carried forward onto the Temporary Event Notice.

Officers explained that the notification stated the nature of the event as 'Private function involving the consumption of alcohol and playing of recorded music. (House Music Night)' with a maximum number of people at the event of 170. The premises had held previous Temporary Event Notices.

Members heard that the notification was submitted electronically to the Licensing Authority on 26 July 2023. Essex Police and Environmental Health were informed on the same day. During the 3 full working day objection period, which expired on 31 July 2023, the Licensing Authority received an objection notice from Essex Police objection.

The hearing needed to consider the points raised in the Objection Notice and make a determination on the Temporary Event Notice. The Premises User and Essex Police had been invited to attend the hearing and were given the opportunity to address Members.

Following the Licensing Manager's (MC) introduction of the report the Sub-Committee moved on to questions for Essex Police and the applicant.

Questions from Sub-Committee	Answer
<i>Is there anything Essex Police want to add?</i>	<i>(Essex Police) Essex Police have made their objection based on prevention of crime and disorder, public nuisance, and public safety. On the 22 July 2023 between the hours of 0051 to 0149, Police were called in relation to crime and disorder, fighting and disturbance on the street ranging from 15 to 30 people fighting outside the premises, this coincided with a function being held at the premises. These premises have had previous TENs granted, there have been 4 other events held this year, these events have gone off without any issues at all. In relation to the Ibiza Themed night, it was ill prepared and ill managed – there was no door staff, the DPS was not at the event and as a result it was unrestricted which meant a number of local police officers being dispatched. Unfortunately, the licence conditions that are attached to the premises are old, so even if we were to bring it to hearing, the best we could hope for would be to add conditions that are already on a licence to a Temporary Event Notice. The decision for Essex Police is simple, either the event goes ahead, or it does not. There is no in-between in relation to conditions that could be added, that could keep the public safe, crime and disorder reduced, and public nuisance managed. As a side issue, if this is something the applicant would like to consider going forward then Essex Police would strongly suggest a Premises Licence so we have an opportunity to negotiate, add conditions and have a set of parameters that could be used. We want the premises to be successful, but we also want it to be safe.</i>
<i>Is there anything the applicant wants to add?</i>	<i>(Applicant) We do agree with everything that has been said. We've done other events that haven't had a problem. The crowd that we expected was to be an older crowd and to not be as busy as it was and yes, on our behalf it was ill prepared and in hind sight we should have had more staff and it was towards the end of the night that there was trouble so I do understand Essex Police decision,</i>

	<i>however if we were to go forward with another night we will be prepared and have more staff but there are things that will also need to happen outside of the premises and we are willing to work with the Police for whatever you need to make it a safe night. The hotel has a lot of other elements to it, and we have a contract with the Council that we wouldn't want to jeopardise that.</i>
<i>Is the event that would happen on the 18 August 2023 the same event that happened in July?</i>	<i>(Applicant) It's not the same theme but it is centred around House Music so still the same sort of event, yes.</i>
<i>Is it the same people?</i>	<i>(Applicant) We're not sure it will be the same people but it will not be the exact same but there could be some of the same people as before.</i>
<i>Is this event going to be ticketed?</i>	<i>(Applicant) There is the opportunity to get tickets online, but people can also pay on the door on the night.</i>

The Sub-Committee convened to decide if the Sub-Committee agreed with Essex Police decision to object the Temporary Event Notice or disagreed.

It was **RESOLVED** that the Sub-Committee accepts the objection and issues a Counter Notice.

The Sub-Committee explained the reason for this decision based on concern over public safety, the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee noted that the DPS was not on the premises at the event in July and that there were no door staff or other security to monitor, and control, events. However, in the case before the Sub-Committee, there are concerns for 3 of the 4 objectives which made Members accept the Police objections and to issue a Counter Notice.

The meeting was declared closed at 10.41 am

Chairman

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of the Local Government Act 1972.

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