

COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

30 November 2020

Report of Karen Townshend, Licensing Manager

Licensed Premises – Licensing Act 2003

(Report prepared by Karen Townshend)

PURPOSE OF THE REPORT

To provide information as requested by the Community Leadership Overview and Scrutiny Committee in respect of premises that are licensed under the Licensing Act 2003.

BACKGROUND

Premises that are licensed under the Licensing Act 2003 must uphold the four licensing objectives which are as follows:

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

Breaches of the above objectives can lead to suspension, further imposed conditions or revocation of the licence permitting licensable activities once deliberated by one of the Licensing sub committees.

Premises standard compliance checks are conducted by the Licensing Section at various timings in addition to any enforcement visits that arise as a result of any incidences; these are investigated by the department and relevant action taken if required. Regular night time economy checks are also conducted alongside Essex Police (these operations have reduced in frequency during the Covid 19 pandemic due to resource factors, alternative taskings and safety considerations). During the pandemic, a shift has meant partnership work with the police has focused on business and premises compliance in line with current Covid 19 regulations.

A good multi agency working relationship has been established with responsible authorities and several joint agency initiatives and premises visits take place, these include with Essex Police, Essex Fire and Rescue Service and Immigration services. These visits will predominantly focus on standard licensing objectives, but may be focus specific due to a particular concern from intelligence or information received. This can include but is not exhaustive of fire breach regulations and illegal workers. The responsible authority will act as the lead agency with support from the other involved agencies.

A virtual relationship exists with Trading Standards who are the lead authority for under age sales and will conduct test purchases at their discretion (test purchases have been temporarily unavailable/reduced due to the Covid 19 pandemic). The results are then fed to the Licensing Authority (Tendring District Council) for appropriate action if required.

The Licensing Authority works alongside internal Responsible Authorities such as Environmental Health and Protection.

DETAILED INFORMATION

This year has seen the review of premises licences for the following licensed premises which were heard by the Premises and Personal Licences Sub Committee:

Great Gurkha – an multi agency operation led by the Immigration service with support from the Licensing Authority and Essex Police. A total of 3 illegal workers were found to be working within the premises. The sub committee decision was that the licence was revoked as this was not a first offence of this nature.

Truth – a review was called by Essex Police due to the licensing objective of crime and disorder not being upheld after the premises operated against the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, that were applicable at the time of offence, in that it operated as a nightclub. The sub committee decision was that the licence was suspended for a period of three months (maximum suspension period) and further conditions imposed; including additional SIA registered security staff, no outside music and CCTV to be held for 31 days.

Kassaba – a review was called by Essex Police, supported by the Licensing Authority and Environmental Protection Team as Responsible Authorities, due to the licensing objectives of crime and disorder and the prevention of public nuisance not being upheld, after numerous police attendances as a result of disturbances. The sub committee decision was that the licence was suspended for a period of three months and further conditions imposed; including third party contracted SIA registered security staff, no outside music, no off sales, CCTV to be held for 31 days and a revision of opening hours (at the time of writing the respondents still have the opportunity to appeal the decision with Magistrates within 21 days of the decision being published).

Several engagements and visits have been conducted at premises across the District throughout the pandemic to ensure that all are complying with the Coronavirus Regulations. Advice and liaison has been available throughout the pandemic with premises and the Licensing Authority, meaning that many potential issues have been addresses and solved in the first instance before any escalation.

RECOMMENDATION

That the Committee determines whether it has any comments or recommendations it wishes to put forward to the relevant Portfolio Holder or Cabinet.