

Licensing Sub-Committee	Agenda Item 5
RML	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for the review of a premises licence under the Licensing Act 2003
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1. Application

Applicant and Premises	
Application Type	Review
Applicant	Essex Police
Premises	RML
Premises Licence Holder	Mr Mohibur Rahman
Premises Address	11a Station Road, Tiptree, CO5 0AZ
Ward	Tiptree

Current licensable activities and hours under Premises licence M004785

Supply of alcohol							
On / Off the premises or both			On sales		Off sales		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End	00.00	00.00	00.00	00.00	00.00	00.00	23.30
Seasonal variations							
Non-standard timings		From 10.00 New Year's Eve until 23.00 New Year's Day					

Hours the premises are open to the public							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End	00.30	00.30	00.30	00.30	00.30	00.30	23.30
Seasonal variations							
Non-standard timings							

2. Conditions

Operating Schedule

1. This licence is granted subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

3. Grounds for Review

Licensing Objective

1. Prevention of Crime and Disorder

No right to work checks are being carried out at the premises demonstrating a lack of management control and therefore an undermining of the licensing objective of the prevention of crime and disorder.

The Licensing Authority has accepted the application for a review of the premises licence in respect of RML at 11a Station Road, Tiptree which was made by Essex Police (**Appendix 1**). The application was accepted and duly served and advertised by the Licensing Authority in accordance Section 51 of the Licensing Act 2003 and the regulations that accompany it.

In support of its application for a review of this premises licence, Essex Police has outlined the grounds under which it is applying for the review and has also submitted detailed background information to evidence the reasons why it believes such a review is necessary. This evidence is attached as **Appendix 1** of this report.

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

Reviews

13.9 The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

13.10 When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

The use of the premises for criminal activities such as the supply of drugs or money laundering
Failure to promptly respond to a warning given by a responsible authority
Failure to engage with the responsible authorities in an effective manner
Previous convictions for licensing offences
Previous failure to comply with licence conditions

13.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

13.12 Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

13.13 It should be noted that a review can be called without an early warning where a serious situation has occurred and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

13.14 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

4. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Map

Report Author

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