

# Southend-on-Sea Borough Council

Report of Corporate Director for Place  
to  
Licensing Sub-Committee (A)  
on  
6<sup>th</sup> May 2014

Report prepared by: Deborah Bentham

Agenda  
Item No.

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Londis, 232-240 London Road, Westcliff-on-Sea, SS0 1NG  
Application for a variation to Premises Licence

## LICENSING ACT 2003

### *A Part I Public Agenda Item*

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#### **1. Purpose of Report**

- 1.1 This report considers an application by Mr Kukanagarajah Pirashannah for variation of the Premises Licence at 232-240 London Road, Westcliff-on-Sea, Essex.

#### **2. Recommendation**

- 2.1 **That the Sub-Committee determine the applications.**

#### **3. Background**

- 3.1 The premises comprise an established convenience store and off licence with unrestricted opening hours. The premises (formerly known as Mac Mart) is located on London Road, Westcliff-on-Sea between Milton Road and Burdett Road.
- 3.2 The Premises Licence was granted on 23 November 2005 under transitional provisions. At the same time the licence was varied to permit a terminal hour for licensable activities of midnight on Mondays to Thursdays and 1am on Fridays to Sundays.
- 3.3 On 6 June 2007 the premises licence was varied to allow licensable activities 24 hours per day. At the same time 15 new conditions were added to the licence following consultation with Essex Police.
- 3.4 In May 2009 a request to review the licence was submitted by Essex Police. This was subsequently cancelled when the licence was transferred to Mr I. K on 25 June 2009.

- 3.5 On 12 October 2010 Essex Police submitted a further application for a review of the licence. Following two adjournments the application was heard on 12 January 2011 and the sub-committee decided to revoke the premises licence. An appeal against this decision was determined in June 2011 and the magistrates ordered that the sub-committee's decision be replaced with one which restricted the sale of alcohol to 10.00 to 23.00 daily and removed the designated premises supervisor (DPS).
- 3.6 In June 2011 the premises licence was transferred and the DPS specified as Mr D.
- 3.7 A further application by Essex Police for a review of the premises licence was received in August 2011. The Licensing Sub Committee decided to amend/ add conditions to the licence as follows:-
- All staff shall be adequately trained on the Licensing Legislation. Written training records shall be kept for all staff engaged in the sale of alcohol or other licensable activity. These records shall be countersigned by the individual members of staff to confirm they have received the training. Refresher training shall take place at least every 6 months. The records must be produced to the Police and/or the Licensing Officer on request.
  - A lockable, metal shutter prohibiting access to all alcohol on display shall be installed. The shutter shall be closed and locked at the terminal hour for the sale of alcohol at these premises and shall not be re-opened until the commencement of the licensing hours the following day.
- 3.8 The Premises licence was again transferred in December 2011 to Mr N. K and the trading name was changed to LONDIS.
- 3.9 Application was made by Mr N.K in May 2012 for a variation to extend the premises licence on Sundays to Thursdays from 07.00 to 03.00 the following day and on Fridays and Saturdays from 07.00 to 03.00 on the following mornings and to amend the proof of age conditions from a challenge 21 to a challenge 25. Following representations from Responsible Authorities (The Licensing Authority and Essex Police ) the application and opposition to it was considered by the Licensing Sub Committee on 2 August 2012. The decision was to refuse the application to extend the licence hours but to allow the amendment of the proof of age condition to "Challenge 25".
- 3.10 On the 8 March 2014 the Premises licence was transferred to the current holder and on 13 March 2014 the application under consideration, detailed below in 4.1, was received.

## **4 Proposals**

- 4.1 The application under consideration was given to the Licensing Authority on 13 March 2014 and is for a variation of the Premises Licence.
- 4.2 Details of the application which are to be determined by the Sub-Committee can be briefly summarised as follows:
- To extend the current permitted hours for the sale of alcohol for consumption off the premises from 10.00hrs to 23.00hrs Mondays to Sundays to the applied times of Monday to Saturday 10:00hrs to 01:00hrs the following day and Sunday 10.00 to 00.00.

## **5 Application Procedures**

- 5.1 Applicants for variation of licence are required by law to send copies of their application to all of the "Responsible Authorities". They are also required to display a notice giving brief details of the application in a prescribed form at the application site, and to publish the same information in a newspaper circulating in the area.
- 5.2 As a result of these procedures one representation has been received from an interested party.
- 5.3 No representations have been received from the Responsible Authorities.
- 5.4 Copies of the representations have been provided to the Sub-Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

## **6 Matters for Consideration**

- 6.1 Formal representations having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider them. Further, having regard to such representations, the Authority is required to take steps (if any) as it considers appropriate for the promotion of the Licensing Objectives.

Thus, the Authority may:

- a) Approve the application as made, or
  - b) modify the conditions put forward, or
  - c) reject the whole or part of the application.
- 6.2 The Licensing Act 2003 requires that the Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives. These are:
    - a) The prevention of crime and disorder;
    - b) Public safety;
    - c) The prevention of public nuisance; and
    - d) The protection of children from harm.
  - 6.3 In carrying out its licensing functions, the Licensing Authority must also have regard to:
    - 1. Its Licensing Statement, and
    - 2. The guidance issued by the Secretary of State.
  - 6.4 The Licensing Authority has, in accordance with the requirements of the Act, prepared and published a Statement of Licensing Policy, following formal consultation. Copies of this document, together with the statutory guidance, have been made available to all Licensing Committee Members.

## **7. Existing Licensing Controls**

- 7.1 The venue has the benefit of a Premises Licence, held by Mr Pirashannah which permits the following licensable activities:
- a) The sale by retail of alcohol for consumption off the premises as follows:-  
Monday to Sunday 10:00 hours until 23:00 hours.
- 7.2 The premises opening hours are :-  
Monday to Sunday 00.00 to 00.00
- 7.3 A full copy of the existing Premises Licence has been supplied to Sub-Committee Members.

## **8 Background Papers**

- 8.1 Council's Statement of Licensing Policy.