

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Director of the Department for Place  
to  
Licensing Sub-Committee (A)  
on  
1 May 2013

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Sainsbury's Supermarkets Ltd, New Garrison Road, Shoeburyness, Essex SS3 9BF  
Application for the Grant of 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 Sainsbury's Supermarkets Ltd, for the grant of a Premises Licence.

## 2. Recommendation

- 2.1 That the Sub-Committee determines the application.
- 2.2 Should the Sub-Committee decide to approve the application, the relevant mandatory licence conditions must be applied. (These are set out in Appendix 1).
- 2.3 Appendix 2 sets out possible conditions, drawn from the application, for the Sub-Committee's consideration.

## 3 Background

- 3.1 The application relates to a new Sainsbury's Supermarket located on New Garrison Road, close to the junction with Campfield Road, Shoeburyness. The premise is currently an empty new built unit in a parade of similar built units. The units are on the edge of the 'Garrison Estate' in Shoeburyness opposite the newly built Hinguar School.

## 4 Proposals

- 4.1 The application was given to the Licensing Authority on 12 March 2013 and is for the grant of a Premises Licence. The hearing was delayed at the request of the applicant.
- 4.2 Details of the application which are to be determined by the Sub-Committee can be briefly summarised as follows:

- a) To permit the sale of alcohol (for consumption off the premises) on Mondays to Sundays from 06.00 hours to 00.00 (midnight) hours.
- b) To allow the premises to remain open to the public for 24 hours every day.

This has since been amended by the applicant to:

- a) To permit the sale of alcohol (for consumption off the premises) on Mondays to Sundays from 07.00 hours to 23.00 hours.
- b) To allow the premises to remain open to the public for 24 hours every day.

4.3 The proposals are more fully documented in the application form which has been copied to Sub-Committee Members

## **5 Application Procedures**

5.1 Applicants for grant of licence are required by law to send copies of their applications 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 Representations have been received from two interested parties.

5.3 A copy of the representations has 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 objections 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 necessary for the promotion of the Licensing Objectives.

Thus, the Authority may:

- a) Grant the licence, subject to conditions consistent with the operating schedule (modified as considered necessary for the promotion of the Licensing Objectives) and subject to relevant mandatory conditions;
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) Refuse to specify a person in the licence as the premises supervisor;
- d) Refuse 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 Background Papers**

7.1 Council's Statement of Licensing Policy.

## **8. Appendices**

8.1 Appendix 1 - Mandatory conditions.

8.2 Appendix 2 - Conditions, drawn from the application, for the Sub-Committee's consideration

# APPENDIX 1

## MANDATORY CONDITIONS

The Licensing Act 2003 lays down certain mandatory conditions which must be applied to Premises Licences. These are summarised below:-

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Any individual who carries out security activities at the premises must be licensed by the Security Industry Authority.
4.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### **CONDITIONS DRAWN FROM THE OPERATING SCHEDULE**

1. The Licence holder shall ensure that the premises benefit from a Closed Circuit Television (CCTV) system that operates at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.
3. The system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system, shall be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.
7. The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the Licensing Authority and Police.
8. Signage shall be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
9. The licence holder shall ensure that an age verification policy is applied to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customers photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.