

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place
to
Licensing Sub-Committee (B)
on
7th November 2013

Report prepared by: Adam Penn

M Local, 1663 London Road, Leigh-on-Sea. SS9 2SH
Application for the Grant of Premises Licence

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by W.M Morrison 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.
- 2.4 Appendix 3 sets out possible conditions, drawn from measures agreed between the applicant and The Essex Police.

3 Background

- 3.1 The application relates to a new Morrisons Supermarket located on London Road, on the junction with Gordon Road, Leigh-on-Sea. The premise is currently empty having previously housed a furniture store.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 6th September 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 during those hours outlined at a), above.

This has since been amended by the applicant, in agreement with The Essex Police, as follows:

- 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 during those hours outlined at a), above.
- 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 19 interested parties, 18 against and 1 in favour. A petition has also been submitted against the application.
- 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.

8.3 Appendix 3 - Conditions, drawn from measures agreed between the applicant and Essex Police.

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.

APPENDIX 2

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. All staff shall be trained in accordance with the Licensee's training procedures
2. The Licensee shall ensure that an age verification policy is applied to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol, who appear to be under the age of 25 years to produce identification proving they are 18 years or older, before being sold alcohol. Acceptable identification being a passport or photocard driving licence the Proof of Age Standards Scheme and any other locally or nationally accepted scheme. Suitable refresher training shall also be provided.
3. No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children may be provided.

APPENDIX 3

CONDITIONS, DRAWN FROM MEASURES AGREED BETWEEN THE APPLICANT AND THE ESSEX POLICE.

1. The premises shall install and maintain a comprehensive CCTV system. All licensed areas will be covered with a camera recording frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or Authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
2. The Premises Licence Holder shall ensure that an incident log is maintained on the premises to record any incidents or occurrences relating to crime or disorder issues. The incident book shall be made available for inspection to Police / Local Authority Officers upon request
3. The Premises Licence Holder shall ensure that a refusal log is maintained at the premises to record any refusals of age restricted products. The refusals log shall be made available to the Police/Local Authority upon request.
4. The area outside the premises will be kept clean and tidy and the staff will be required to remove all store associated litter on a regular basis throughout and at the conclusion of the licensing hours.
5. The Premises Licence Holder will use its best endeavours to ensure that persons do not congregate outside the premises.
6. The hours of the supply of alcohol and the opening shall be reduced to 0700 to 2300 hours.