

Southend-on-Sea Borough Council

Report of Corporate Director for Place
to
Licensing Sub-Committee (B)
on
10th December 2013

Report prepared by: Deborah Bentham

Agenda
Item No.

Shell Sovereign, 96-118 Prince Avenue Southend-on-Sea, Essex SS2 6PL
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 Shell UK Oil Products Limited, 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 Essex Police.

3 Background

- 3.1 The application relates to an existing service station situated on Princes Avenue that has recently undergone re-fitting/refurbishment.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 19 June 2013 and is for the grant of a Premises Licence.
- 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) every day from 00.00 to 24.00

- b) To provide late night refreshment every day from 23.00 to 05.00.
- c) To allow the premises to remain open every day for 24 hours a day.

4.3 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.

4.4 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 nine persons.

5.3 A representation has also been made by the Licensing Authority.

5.4 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 appropriate 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 Operating Schedule.

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.

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images shall be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
2. Staff shall be trained with regard to their responsibilities in retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
3. A Challenge 25 policy shall be operated at the premise. Acceptable forms of identification are a passport, photo card driving licence and PASS accredited identification card.
4. Spirits shall be located behind the counter.

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

1. The premises will operate via window hatch between 23:00 - 05:00 hours - all doors will be locked. (Laminated signs to be placed on gondolas stating the hours of sale as above & refrigerators will be locked).
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of an Essex Police Crime Prevention Adviser. All licensed areas will be covered with a camera recording frontal identification of every person entering in any light condition.
3. 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.
4. The Licensee 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/ Responsible Authority Officers upon request.
5. The Licensee shall ensure that a refusal book is maintained at the premises to record any refusals of age restricted products. The refusals book shall be made available to the Police/Local Authority upon request.
6. The application is amended so that the hours are reduced for the sale of alcohol (for consumption off the premises) on Mondays to Sundays from 07.00 hours to 23.00 hours.