

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Director of the Department for Place
to
Licensing Sub-Committee (A)
on
1st April 2014

Report prepared by: Adam Penn

90 Rectory Grove, Leigh-on-Sea. SS9 2HL
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 Mr Jerasteen Ganapragasam, 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 Convenience Store / Supermarket located on the south side Rectory Grove, between the junctions with Leighville Grove and Southsea Avenue, Leigh-on-Sea.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 11th February 2014 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) on Mondays to Sundays from 06.00 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 27 interested parties and from Essex Police in their role as a Responsible Authority. At the time of going to press the police indicated they were in negotiations with the applicant with a view to agreeing conditions.
- 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- 6.1 Formal objections having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider them.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 appropriate 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.

APPENDIX 2

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. The premises licence holder shall ensure that notices are prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
3. The premises licence holder shall ensure that there is no external disposal of refuse after 2100 hours and before 0800 hours daily and, as far as possible, ensure deliveries are within those hours with the exception of newspaper deliveries.
4. The premises licence holder shall ensure that staff routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
5. The premises licence holder shall ensure that reasonable and adequate staff training is carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
6. The premises licence holder shall ensure that all training records are retained for 12 months and made available to police and local authority officers upon reasonable request.
7. The premises licence holder shall ensure that refresher training is satisfactorily completed every six months for all staff and documented as above.
8. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
9. The premises licence holder shall ensure that the CCTV system continually records whilst the premises is open for licensable activities and during all times when customers remain on the premises.
10. The premises licence holder shall ensure that all CCTV recordings are stored for a minimum period of 28 days and include date and time stamping. Recordings shall be made available following the reasonable request of Police or authorised officer throughout the preceding 28 day period.
11. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system is on the premises at all times when the premises are open to the public.
12. The premises licence holder shall ensure in the event of its failure, the CCTV system will be repaired as soon as practicable.

13. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
14. Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
15. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The log is to be perused daily or weekly by all staff and initialled to this effect. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing authority, police or trading standards.
16. The premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.