

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Licensing Sub-Committee A

Date: Monday, 4th November, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor D Richardson (Chair)
Councillors M Faulkner-Hatt and S Nadeem

In Attendance: A Brown, T Row, A Penn and T Bahannack

Start/End Time: 10.00 am - 11.15 am

22 Apologies for Absence

There were no apologies for absence.

23 Declarations of Interest

No interests were declared at the meeting.

24 Application for a grant of a premises licence - 6 Plas Newydd, Southend on Sea, SS1 3AG

The sub-committee received a report of the Executive Director (Environment & Place) presenting an application by Nilani Jeyakumar for the grant of a premises licence at 6 Plas Newydd, Southend on Sea, SS1 3AG.

The application was presented by the applicant Ms Nilani Jeyakumar. The applicant's uncle, Mr Yogarajah Kathiravelu, was also in attendance at the hearing but did not give evidence.

The sub-committee noted that no objections had been received from any member of the public in respect of the application. Representations had, however, been received from two Responsible Authorities (namely the Licensing Authority and the Environmental Protection Team) and from two local Ward Councillors, Councillors S Badger and R Woodley. Mr A Penn (Regulatory Services Manager), Mr P Pearce (Regulatory Services Officer) and both Ward Councillors attended the hearing and gave evidence.

The representations essentially related to the licensing objectives of the prevention of public nuisance and the protection of Children from harm. Copies of the representations were included in the written submissions and were presented at the meeting. In summary, these related to the proposed operation at the operating times applied for presented a high risk of causing a public nuisance; the applicant had failed to present a risk assessment and satisfactory mitigation measures that will prevent a public nuisance within these times as required in the licensing objectives under section 4 of the Licensing Act 2003; and that was unlikely that any noise control within the times applied for the will be successful due to the large number of third-parties involved in transactions at the premises

At the outset of the hearing, the sub-committee was informed that the map included in the papers, circulated with the Agenda, illustrating the location of the premises, was incorrect. A revised map illustrating the location of the premises was circulated to all parties at the hearing.

At the hearing, in response to questions, the Applicant offered to reduce the opening hours to 10.00pm. This was noted by the sub-committee.

The sub-committee carefully considered all the evidence submitted in writing and orally at the meeting. It listened to all the evidence and submissions and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea City Council's Statement of Licensing Policy. It considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Each contested application is decided on its merits.

The sub-committee concluded that, on the basis of the evidence presented to it in respect of this application, the concerns raised in the representations could be addressed through the imposition of appropriate conditions.

The sub-committee, therefore, did not consider that the promotion of the licensing objectives would be undermined by the granting of the application, subject to the imposition of appropriate conditions.

Resolved:-

That the application be granted subject to:

(1) The Mandatory Conditions set out in Appendix 1 to the submitted report of the Executive Director (Environment & Place); and

(2) The conditions drawn from the Operating Schedule, agreed with the Licensing Authority, as set out in Appendix 2 to the submitted report of the Executive Director (Environment & Place), subject to amendments to conditions 2, 3, 4, 5, 12, 13, 14, 15, 16 and 17. The wording of all of the conditions drawn from the Operating Schedule including the amendments approved by the sub-committee are attached to these Minutes for clarity.

(3) The following additional conditions:

1. The opening of the premises shall be 06:00 to 22:00 hrs daily.

2. The permitted hours for the sale of alcohol shall be 08:00 to 22:00 hrs daily.

3. All alcohol shall be covered at all times outside of the permitted hours for the sale of alcohol while the premises is open.

4. An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) any faults in a CCTV system mandated as a condition of the licence
- (f) all complaints of noise received and what responses and actions were taken as a result. This section of the incident log shall be retained and made available to local authority and police officers at all times

The incident log shall either be electronic or maintained in a bound document and be retained for at least 12 months from the date of the last entry.

5. No alcohol may be supplied by an individual unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent, which is no more than 12 months old, and contains the signature of both parties and the date of signing shall be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.

6. Alcohol sales for consumption off the premises shall only be supplied in sealed vessels.

7. In relation to delivery of age restricted products from the premises the following shall apply:

(i.) Alcohol shall not be delivered to any person other than at a residential or business address given. It shall not be delivered to persons in the vicinity of the premises or in a park, street or similar location.

(ii.) Where the premises licence holder / designated premises supervisor instructs only third party couriers to deliver any items of alcohol previously ordered, the licensee shall ensure that every such delivery company adopts a 'Challenge 25 policy', so that if on request, acceptable photographic documents cannot be produced to prove the date of birth of the purchaser, then the delivery will be refused outright.

(iii.) Where delivery of alcohol by any third-party courier is refused for any of the reasons given above, or because the purchaser appeared to be drunk, the Licensee / designated premises supervisor will then continue communication with the third-party courier.

8. Children shall not be permitted in the premises between 21:00 and closing time each day unless accompanied by an adult. A sign advising this shall be displayed in the window/door of the premises. Signage shall be displayed at the premises requesting customers to leave quietly.

9. Outdoor artificial lighting including for security shall be operated and positioned, so far as is reasonably practicable, to not cause a nuisance. It shall also be installed in accordance with guidance produced by the Institute of Lighting Professionals.

10. Suitable lockable and vermin-proof containers shall be provided for the storage of waste and recycling, which are constructed and maintained to prevent

the removal of such waste by vandals, thieves, animals, accidental spillage or inclement weather. All waste and recycling containers shall be collected in accordance with a private waste contract and the licence holder shall have regard to Southend-On-Sea City Council's current Waste Management Policy and Guidance.

11. Waste and recycling shall not be disposed of in external areas and waste and recycling deliveries and collections shall not be made between 2100 hrs and 0800 hrs.

12. The applicant will provide a revised plan of the premises to include the location of the waste/refuse storage area within the store within 4 weeks of the date of this notice.

13. Deliveries to and collections from the premises shall not be made between 1900 hours and 0800 hours, with the exception of the delivery of newspapers.

Chair: _____

CONDITIONS OFFERED BY THE APPLICANT, FROM THE OPERATING SCHEDULE – AMENDED BY THE SUB-COMMITTEE

1. The Licensee shall ensure that at all times there are sufficient and competent staff on duty at the premises when the premises is used for any licensable activity for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

2. All staff engaged in the sale or supply of alcohol shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.

Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.”

3. The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system which at all times complies with the below requirements:

(a.) CCTV shall be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;

(b.) CCTV cameras shall cover all entrances and exits and the areas where alcohol sales take place;

(c.) Equipment shall be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 28 days;

(d.) Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.

(e.) Signs shall be displayed at all entrances and exits advising customers that CCTV is operating at the premises at all times when the premises conducts licensable activities.

4. The emergency exits will be kept clear from obstructions at all times. Exit doors are regularly checked to ensure they function satisfactorily.

5. Records of all these checks are kept and can be produced on request. Adequate and appropriate First Aid equipment and materials will be available on the premises.

6. Bins shall be kept and put away from public access. Bins shall be regularly collected and correctly disposed of by respected persons who obtain a waste collection contract.

7. Deliveries made to the premises shall be kept to a limit of 3 times per week and excludes weekends and bank holidays.

8. Guidance shall be given to drivers to switch off engines during deliveries, and to minimise other noise caused by their activities.

9. A suitable notice at the exit of the premises will be displayed to encourage customers to be quiet when leaving the premises and to respect the rights of people living nearby.

10. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:

- Biometric Home Office photo ID
- European National ID Card
- Ministry of Defence Form 90 (Defence Identity Card)
- Passport (UK or International)
- Photo Driving Licence (UK or European)
- Proof of Age Standards Scheme (PASS) card

Where mandatory Home Office approved digital proof of identity or age assurance technology is in use, this condition applies only when confirming that a person is 18 years or older following a failure of that technology to do so.

The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force."

11. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.

The refusals record shall either be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry."

12. All staff working at the premises must be aged 18 years or older, whether paid or otherwise.