

**Meeting:** Licensing Sub-Committee  
**Date:** 4<sup>th</sup> of November 2024  
**Classification:** Part 1  
**Key Decision:** No  
**Title of Report:** Application for a grant of a premises licence  
6 Plas Newydd, Southend on Sea, SS1 3AG

**Executive Director:** Alan Richards. Neighbourhoods & Environment  
**Report Author:** Theo Bahannack

## **1. Executive Summary**

Members are invited to consider an application by Nilani Jeyakumar for 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 conditions drawn from the operating schedule by the applicant, for the Sub-Committee's consideration. Conditions were proposed by both the Licensing Authority and Environmental Protection, but an agreement has not been reached with the applicant. These proposals have been included in the hearing bundle.**

## **3. Background.**

3.1 The application relates to a premises located on Plas Newydd, situated between Shaftsbury Avenue and Eastern Esplanade, near Southchurch Park and a short walk to the seafront at Eastern Esplanade. Apart from a few commercial premises within Southchurch Park and opposite Southchurch Park on Lifstan Way, the immediate vicinity is predominantly residential.

## **4. Proposals.**

4.1 The application was submitted to the Licensing Authority on the 16<sup>th</sup> of September 2024.

4.2 Details of this application which are to be determined by the Sub-Committee can be briefly summarised as follows:

- a) The sale of alcohol off the premises daily between the hours of 06:00 – 23:00.

b) The opening hours of the premises to be the same as the licensable hours.

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 Copies of applications for a new premises licence are required by law to be sent 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 (4) Four representations from two Responsible Authorities and two local councillors. Copies of the representations have been provided to the Sub-Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

## **6. Legal Implications.**

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 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 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. Existing Licensing Controls**

7.1 There is no licence at this premises currently.

## **8. Background Papers.**

8.1 Council's Statement of Licensing Policy.

## **9. Appendices**

9.1 Appendix 1 - Mandatory conditions.

9.2 Appendix 2 - Conditions drawn from the operating schedule.

# **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. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-

(i) The outcome of a race, competition or other event or process, or

(ii) The likelihood of anything occurring or not occurring;

(e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. 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.

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.

8. The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

(i) beer or cider: ½ pint

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures.

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the above condition —

a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);

b) “permitted price” is the price found by applying the formula—  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(2)

10. Where the permitted price given by sub-section (b) of Condition 9 would (apart from this condition) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny

(i) Sub-section (ii) applies where the permitted price given by sub-section (b) of sub-section (ii) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

11 The admission of children to the exhibition of any film shall be restricted in accordance with the recommendations of the British Board of Film Classification.

## ***APPENDIX 2***

### **CONDITIONS OFFERED BY THE APPLICANT, FROM THE OPERATING SCHEDULE**

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. The licensee shall ensure that all staff take training in their responsibilities in relation to the sale of alcohol which would align with best practice guidance.
3. This training shall also address how to handle individuals who may be drunk (i.e. having the duty to not serve drunk persons), express violent behaviour and the protection of children from harm, including the prohibition of under-age sales of alcohol.
4. Records of the training and refresher training shall be kept at the premises for a minimum of 12 months and will be made immediately available to the Police, Trading standard or licensing authority staff upon reasonable request. The refresher training for staff shall be carried out every six months.
5. Criminal incidents shall be reported to the police immediately. The CCTV system shall be continuously installed, operational, and well-maintained, featuring:
  - \* Cameras monitoring the entrance and exit doors, both inside and outside the premises, and areas where alcohol is sold.
  - \* Cameras at the entrance shall be positioned to capture clear head and shoulder shots of everyone entering, aiding in identification.
  - \* Cameras covering tills shall capture at least 50% of the screen.
  - \* Wide-angle cameras shall be used to provide an overview of the premises' floor area.
  - \* The capability of visually confirming the details and nature of a crime.
  - \* Accurate date, time and location display.
  - \* Footage shall provide good quality images, i.e. it shall be in colour during premises' opening hours.
  - \* Operational under existing light levels.
  - \* The recording device will be stored in a secure area on the premises.
  - \* A monitor shall display live camera footage from inside and outside the premises, allowing staff to detect and respond to potential incidents of crime or disorder, with police contact if needed.

- \* Regular maintenance to ensure image quality and equipment functionality.
  - \* Signage indicating CCTV operation will be displayed at the entrance and exit and shall be legible.
  - \* Digital recordings will be kept for up to a month and maintained in good condition.
  - \* The CCTV system will support exporting footage via a mobile app with intact image quality. Copies can be downloaded and provided to licensing authorities or police within 48 hours upon request. A bound incident log will be maintained for 12 months, recording ejections of patrons, crimes, CCTV issues, disorder, and complaints, with each entry updated within 4 hours. The log will be available to police or licensing authorities upon request. Strict enforcement of a "no proof, no sale" policy to ensure alcohol is not sold to anyone under 18. Alcohol containers cannot be opened or removed from the premises.
6. The emergency exits will be kept clear from obstructions at all times. Exit doors are regularly checked to ensure they function satisfactorily.
  7. 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.
  8. 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.
  9. Deliveries made to the premises shall be kept to a limit of 2/3 times per week and excludes weekends and bank holidays.
  10. Guidance shall be given to drivers to switch off engines during deliveries, and to minimise other noise caused by their activities.
  11. 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.
  12. Staff will ask persons who appear to be under the age of 25 for photographic ID, such as photocard driving license, passport, proof of age card bearing with PASS hologram or a Ministry of Defence Identity Card. If the customer is unable to provide identification then no sale of alcohol shall be made.
  13. There shall be a No proof, no sale, age verification policy.
  14. A Challenge 25 POS will be on display in the store within the customer area.
  15. Any staff member who may be under the age of 18 shall call a senior staff member to take over the sale and complete the transaction. If it is known that customer intends to purchase alcohol to provide to minors then that sale shall be refused.



16. All staff will be trained and reminded for underage sales prevention regularly. Recordings of refused sales will be made as soon as possible, and within a maximum of 4 hours of the refusal. This will be kept and maintained on the premises. Should the police, Trading Standards or a licensing authority staff request it then it will be made immediately available to them.
17. The refusals record will detail all refusals to sell alcohol. All of the entries will record the date and time of refusal and the name of the staff member who had refused the sale of alcohol. The refusals shall be kept within a bound document and kept at the premises for a minimum of 12 months from the date of the last refusal entry.