

1 August 2024		ITEM: 4
Licensing Sub-Committee		
Determination of an application for a new premises licence		
Wards and communities affected: Tilbury Riverside	Key Decision: Non-key	
Report of: Elizabeth Cox, Licensing Officer		
Accountable Assistant Director: Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)		
Accountable Director: Daniel Fenwick – Director of Corporate Services		
This report is Public		
Version: Final		

Executive Summary

An application has been received for a new premises licence for 1 Commonwealth House, Montreal Road, Tilbury, RM18 7QH. A Representation has been received from one local resident.

Commissioner Comment:

Reports for Licensing Sub-Committee do not require Commissioner comment.

1. Recommendation(s)

1.1 That the Sub-Committee

a) Considers this report and appendices together with any oral submissions at the hearing and determines the application to grant the premises licence in line with the options open to the committee under the Licensing Act 2003.

2. Introduction and Background

2.1 On 7 June 2024, an application for a new premises licence for 1 Commonwealth House, Montreal Road, Tilbury, RM18 7QX was submitted by Aire Food and Wine Ltd, 3 Aire Drive, South Ockendon, RM15 5AP.

- 2.2 The application is to authorise the supply of Alcohol for consumption off the premises Monday – Sunday 7am – 11pm. A copy of the full application and associated documentation is attached as **Appendix 1**. A location map and photograph are attached as **Appendix 2**.
- 2.3 During the consultation period, a representation was received from one local resident. This is attached at **Appendix 3**.
- 2.4 Simon Barnes on behalf of Essex Police and Thurrock Council's Trading Standards Team both proposed conditions to the applicant which he agreed. The police conditions and acceptance are attached as **Appendix 4** and Trading Standards as **Appendix 5**.
- 2.5 Should the application be granted; the licence would be subject to the following conditions taken from the Police and Trading Standards proposals:
1. The premises shall have and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
 - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - b. CCTV shall cover all entrances, exits and the areas where alcohol sales take place;
 - c. Equipment must 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 term of 30 days;
 - d. Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.
 2. Signs must be displayed at all entrances advising customers that CCTV is operating at the premises and shall be a minimum size of 200mm x 148mm and clearly legible at all times when the premises conducts licensable activities.
 3. 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 (photo, name date of birth and either a holographic mark or ultraviolet feature) and is either a:
 - a. Proof of age card bearing the PASS hologram
 - b. Photocard driving licence;

- c. Passport; or
 - d. Ministry of Defence identity card
4. Where Home Office approved (not yet approved) digital proof of identity 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.
 5. 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. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
 6. A refusals record shall be maintained at the premises that 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 be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
 7. All staff engaged in the sale or supply of alcohol on the premises 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.
 8. Written training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months, or for the duration of a person's employment and at least six months after they leave employment and made immediately available to police, Trading Standards or licensing authority staff upon reasonable request. These should include signed and dated forms from employees that state they have received and understood the training.
 9. No sale of alcohol will be made by any person who has not received training on age restricted products.
 10. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence:
 - a. For a person under the age of 18 to buy or attempt to buy alcohol;
 - b. To buy or attempt to buy alcohol for a person under the age of 18

11. A system will be in operation on all electronic points of sale which prompts staff to verify the age of a purchaser when age restricted products are scanned. The Licence Holder will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.
- 2.6 No representations were received from any other persons or Responsible Authorities.
- 2.7 Under the Licensing Act 2003 the licensing objectives 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.
- 2.8 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.

3. Issues, Options and Analysis of Options

- 3.1 The following options are available to the Licensing Sub-Committee:
- To grant the application as applied for;
 - To grant the application subject to such conditions as are necessary and proportionate to promote the licensing objectives; or
 - To refuse the application.
- 3.2 In determining this application for a new premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 3.3 Section 2 of the statutory guidance relates to the four licensing objectives and may be relevant to this application.
- 3.4 The Sub-Committee are advised that any individual, body or business is entitled to make representations to the licensing authority in relation to an application for the grant of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

- 3.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 3.6 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

4. Reasons for Recommendation

- 4.1 These are the options available to the Sub-Committee

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the submissions made by the applicant and interested parties, the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

7. Implications

7.1 Financial

Implications verified by:

There are no financial implications associated with the report.

7.2 Legal

Implications verified by: **Godwin Mangse**
Interim Principal Lawyer Housing & Litigation
Legal Services

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.

Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

7.3 **Diversity and Equality**

Implications verified by:

Becky Lee

**Team Manager - Community
Development and Equalities - Adults and
Health Directorate**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

7.4 **Risks**

None

7.5 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

8. **Background papers used in preparing the report:**

- The Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

9. **Appendices to the report:**

- Appendix 1 – Application form and accompanying documents
- Appendix 2 – Location map and photographs
- Appendix 3 – Representation from a local resident
- Appendix 4 – Agreed conditions from Essex Police
- Appendix 5 – Agreed conditions from Trading Standards

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