Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **17 January 2023**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Gary Collins, Ben Maney and Shane Ralph

Agenda

Open to Public and Press

Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **9 January 2023**

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Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

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Hand sanitiser will also be available at the entrance for your use.

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee. The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, smartphone or tablet.

- You should connect to TBC-GUEST
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

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How to view this agenda on a tablet device

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To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting?*

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**

↓

Does the business to be transacted at the meeting

- **relate to; or**
- **likely to affect**

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

↓

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay

   - High quality, consistent and accessible public services which are right first time
   - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
   - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future

   - Roads, houses and public spaces that connect people and places
   - Clean environments that everyone has reason to take pride in
   - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations

   - Attractive opportunities for businesses and investors to enhance the local economy
   - Vocational and academic education, skills and job opportunities for all
   - Commercial, entrepreneurial and connected public services

17 January 2023	ITEM: 4
Licensing Sub-Committee	
Determination of an Application for a New Premises Licence	
Wards and communities affected: Ockendon	**Key Decision:** Non-key
Report of: Elizabeth Cox, Licensing Officer	
Accountable Assistant Director: Leigh Nicolson, Assistant Director Planning and Growth	
Accountable Director: Mark Bradbury, Interim Director of Place	
This report is Public	

Executive Summary

An application has been received for a new premises licence for 5 Aire Drive, South Ockendon, RM15 5AP. Representations have been received from Essex Police and three local residents.

1. Recommendation(s)

1.1 That the Sub-Committee 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 14 November 2022, an application for a new premises licence for 5 Aire Drive, South Ockendon, RM15 5AP, was submitted by Paul Richards of 21st Century Licensing on behalf of Tharany Vickinarajah

2.2 The application is to authorise supply of alcohol for consumption off the premises Monday Saturday 8am – 9pm, Sunday 8am – 8pm. A copy of the full application and associated documentation is attached as **Appendix 1.** A location map is attached as **Appendix 2**

2.3 During the consultation, three representations were received from local residents. These are attached at **Appendix 3**.

2.4 Simon Barnes on behalf of Essex Police submitted a representation providing additional information which is attached at **Appendix 4.**

2.5 Thurrock Trading Standards submitted a request for conditions to be added to the licence should the variation be granted, to which the applicant agreed. A copy of the requested conditions is attached at **Appendix 5**.

2.6 Should the application be granted, the licence would also be subject to the following conditions taken from the applicant's operating schedule which forms part of the application form.

- The Licensee shall ensure that a written record is kept on the premises of all persons authorised by the Designated Premises Supervisor or a Personal Licence Holder to sell or supply alcohol in their name. Such records shall be provided to any officer authorised under the Licensing Act 2003.
- The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) The 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 public areas including all entrances and exits;
    - 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 31 days; d) At all times, whilst the premises is open for licensable activities, there shall be members of staff able to immediately provide viewable copies of recordings to the Police or Licensing Authority staff upon reasonable request;
    - e) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
- Signs shall be displayed at all public entrances advising customers that CCTV is operating at the premises
- An incident log shall be kept at the premises and made immediately available to the Police or Licensing Authority staff upon request. The log shall record the following:
    - All crimes reported to the venue
    - All ejections of patrons
    - Any complaints received concerning crime and disorder
    - Any incidents of disorder
    - All seizures of drugs or offensive weapons
    - Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence
    - All complaints of noise nuisance.
- Alcohol in the licensed premises shall be kept separate from and not displayed adjacent to products used primarily by children.

- 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 twelve 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.
- Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

2.7 No representations were received from any other persons or Responsible Authorities.

2.8 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.

2.9 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: **Laura Last**

Senior Management Accountant

There are no financial implications associated with the report

7.2 **Legal**

Implications verified by: **Simon Scrowther**

Litigation Lawyer

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: **Roxanne Scanlon**

Community Engagement and Project Monitoring Officer

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 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- 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
- Appendix 3 – Three representations from local residents
- Appendix 4 – Representation from Essex Police
- Appendix 5 – Conditions agreed by Trading Standards

Report Author:
Elizabeth Cox, Licensing Officer

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Mrs Tharany VICKINARAJAH
(Insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Sivathurka News 5 Aire Drive			
Post town	South Ockendon	Postcode	RM15 5AP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	**£3,850**

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

a)	an individual or individuals *	☒	please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	☐	please complete section (B)
	ii as a partnership (other than limited liability)	☐	please complete section (B)
	iii as an unincorporated association or	☐	please complete section (B)
	iv other (for example a statutory corporation)	☐	please complete section (B)
c)	a recognised club	☐	please complete section (B)
d)	a charity	☐	please complete section (B)
e)	the proprietor of an educational establishment	☐	please complete section (B)

f)	a health service body	☐	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	☐	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	☐	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	☐	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A)INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☒ Miss ☐ Ms ☐		Other Title (for example, Rev)	
Surname **Vickinarajah**		First names **Tharany**	
Date of birth [redacted]	I am 18 years old or over ☒ Please tick yes		
Nationality **British Citizen**			
Current residential address if different from premises address	[redacted]		
Post town	[redacted]	Postcode	[redacted]
Daytime contact telephone number			
E-mail address (optional)	[redacted]		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐				Other Title (for example, Rev)	
Surname			First names		
Date of birth	I am 18 years old or over			☒ Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
A	S	A	P				

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)
.
News Agent & Convenience Store

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	☐
b)	films (if ticking yes, fill in box B)	☐
c)	indoor sporting events (if ticking yes, fill in box C)	☐
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☐
e)	live music (if ticking yes, fill in box E)	☐
f)	recorded music (if ticking yes, fill in box F)	☐
g)	performances of dance (if ticking yes, fill in box G)	☐
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☐

Provision of late night refreshment(if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	☐
				Off the premises	☒
Day	Start	Finish		Both	☐
Mon	08:00	21:00	State any seasonal variations for the supply of alcohol (please read guidance note 5) On New Year's Eve from the start of permitted hours to the start of permitted hours on the following day.		
Tue	08:00	21:00			
Wed	08:00	21:00			
Thur	08:00	21:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	08:00	21:00			
Sat	08:00	21:00			
Sun	08:00	20:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Naresh Patel	
Date of birth	
Address [redacted]	
Postcode	[redacted]
Personal licence number (if known) 08NP-00AQ-RGFE-WGL4	
Issuing licensing authority (if known) London Borough of Harrow	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations(please read guidance note 5)
Day	Start	Finish	On New Year's Eve from 10.00 to the start of permitted hours on the following day.
Mon	08:00	21:00	
Tue	08:00	21:00	
Wed	08:00	21:00	
Thur	08:00	21:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	08:00	21:00	
Sat	08:00	21:00	
Sun	08:00	20:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

1. The Licensee shall ensure that a 'Challenge 25' scheme is operated, whereby any person who appears to be under 25 years of age is required to produce means of identification proving they are over 18 years of age. The only authorised means of identification shall be passport, UK photo driving licence or 'PASS' accredited card.

2. The Licensee and Designated Premise Supervisor shall ensure that signage is displayed advising customers that a 'Challenge 25' policy is in force.

3. The Licensee and shall ensure that a refusal's record is maintained at the premises which detail 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. The record shall be made immediately available to the Police or Licensing Authority staff upon request.

4. The Licensee shall ensure that a written record is kept on the premises of all persons authorised by the Designated Premises Supervisor or a Personal Licence Holder to sell or supply alcohol in their name. Such records shall be provided to any officer authorised under The Licensing Act

5. The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) The 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 public areas including all entrances and exits;
    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 31 days;
    d) At all times, whilst the premises is open for licensable activities, there shall be members of staff able to immediately provide viewable copies of recordings to the Police or Licensing Authority staff upon reasonable request;
    e) The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;

6. Signs shall be displayed at all public entrances advising customers that CCTV is operating at the premises.

7. An incident log shall be kept at the premises and made immediately available to the Police or Licensing Authority staff upon request. The log 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) All seizures of drugs or offensive weapons
    f) Any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.
    g) All complaint of noise nuisance

8. Alcohol in the licensed premises shall be kept separate from and not displayed adjacent to products used predominantly by children.

9. All staff working at the point of sale must receive training in respect of the Licensing Act 2003. This training to include specifically: Challenge 25, underage sales, the nature of ID to be accepted and the serving of alcohol to a person whom appears intoxicated.

    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.

10. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

b) The prevention of crime and disorder

See above Box (M a)

c) Public safety

See above Box (M a)

d) The prevention of public nuisance

See above Box (M a)

e) The protection of children from harm

See above Box (M a)

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Paul R ichards
Date	13th November 2022
Capacity	Licensing Consultant, duly authorised to sign on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

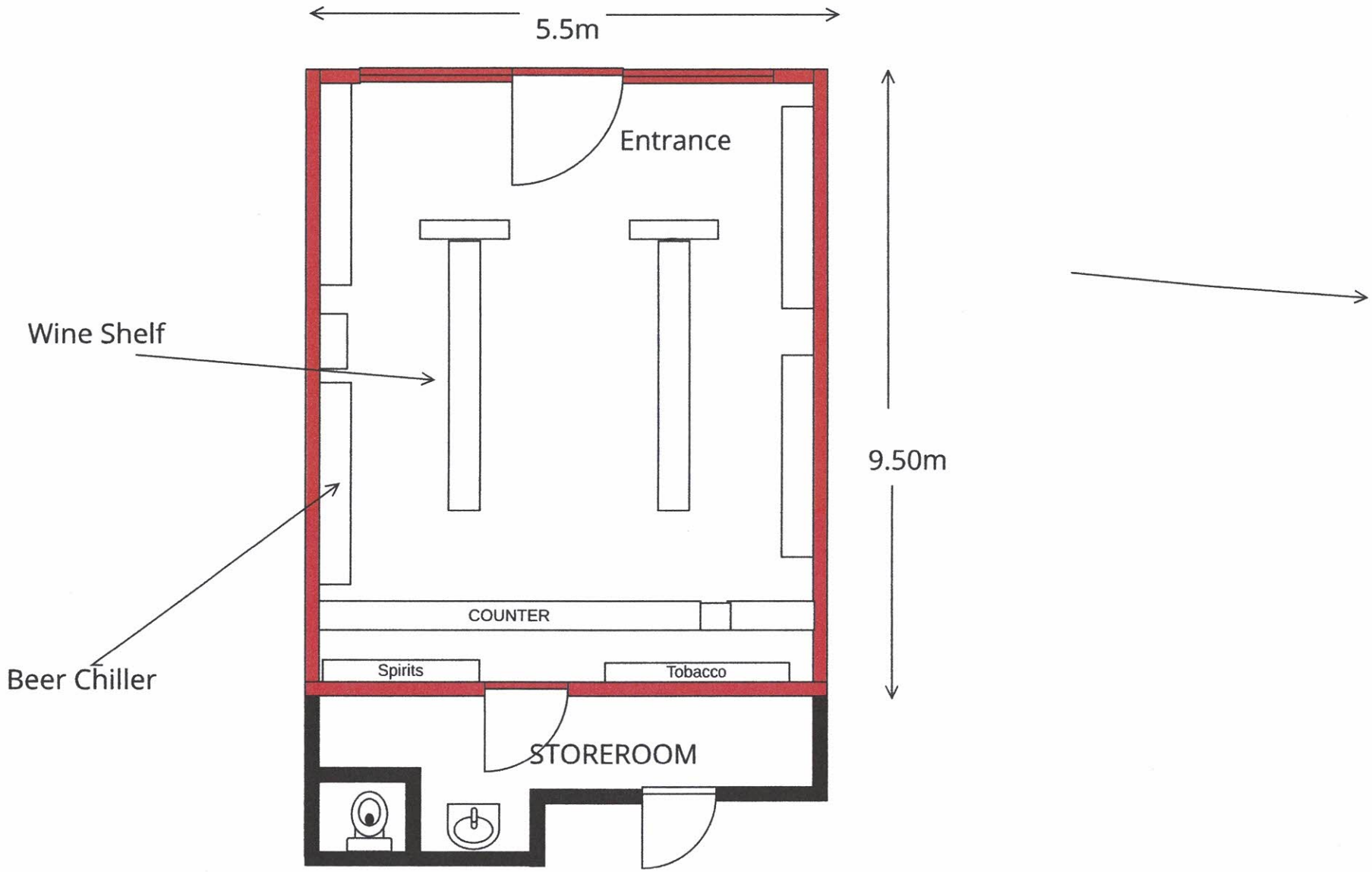
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Mr Paul Richards, Century House, 24 Brunswick Close,			
Post town	Biggleswade	Postcode	SG18 0DA
Telephone number (if any)	07502 121 887		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul@21stcenturylicensing.com			

Please ensure all correspondence and the final licence documents are returned to 21st Century Licensing. No correspondence should go directly to the applicant or application site. This will enable us to check documents on behalf of the applicant.

In the event that you consider the application is defective in any way we respectfully request that you contact 21st Century Licensing to see if matters can be resolved before rejecting it.

[redacted]



Sivathurka News - 5 Aire Drive, South Ockendon, RM15 5AP

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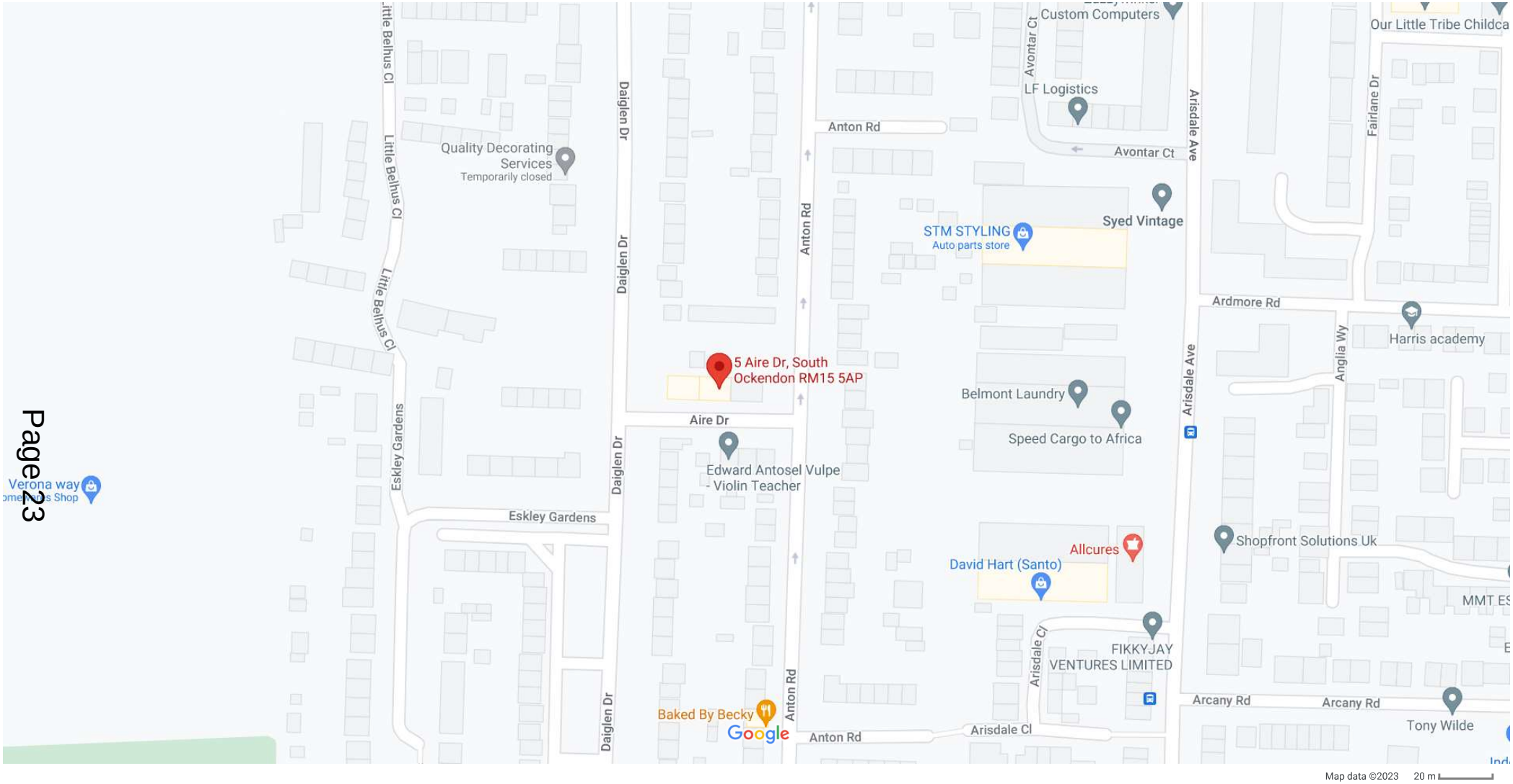
5 Aire Dr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STM STYLING
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Harris academy
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Belmont Laundry
Speed Cargo to Africa
Aire Dr
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The Licencing Authority
Thurrock Council
Civic Offices
New Road
Grays
RM17 6SL

Representation: [redacted] Aire Drive, South Ockendon, [redacted]
Contact number: [redacted]

Making objections to the application for a Premises Alcohol license by Sivathurka News, 05 Aire Drive, South Ockendon, Essex, RM15 5AP.

The basis for this opposition is that granting a licence for this premise will not promote the licencing objectives, particularly the prevention of Crime, disorder and antisocial behaviour.

05, Aire Drive lies within the Thurrock Council cumulative Impact Area and enabling the premise to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption off the premise between Monday to Saturday, 8am to 9pm, and Sunday, 8am to 8pm, 7 days a week.

Granting a licence would provide a further source of alcohol within an area already so heavily populated with licenced premises including 03 Aire Drive, the next door to 05 Aire Drive, which is already permitted to sell alcohol.

Crime, disorder and public nuisances have already reached problematic levels for the local police. Granting a licence to 05 Aire Drive will bring about competition between 03 and 05 Aire Drive, leading to alcohol prices being lowered. This will then bring on the increase in alcohol consumption of customers and will subsequently cause an increase in crimes, such as anti-social behaviour and public nuisances, in the area.

Additionally, 05 Aire Drive is open from 6am, meaning it is open to many local school children, who will go to this shop every day on school mornings. These school children will be able to see the visually pleasing alcohol display, and this will spark curiosity and ignite the desire to try and buy alcohol.

Due to the reasons stated above, I urge the local licencing authority to not grant the licence to sell alcohol to 05 Aire Drive.

Yours sincerely,

[redacted]

27/11/2022

The Licencing Authority
Thurrock Council
Civic Offices
New Road
Grays
RM17 6SL

I wish to object to the alcohol licence application by Sivathurka News, 05 Aire Drive, South Ockendon, Essex, RM15 5AP.

Prevention of Crime and disorder – I live above the shop, and I have noticed on many occasions that 14 to 18 years old are standing in front of the shops, No 3 and No 5, and are displaying acts of anti-social behaviour.

Public safety - the premise, No 5 Aire Drive, does not have enough space to move around inside according to shoppers.

Prevention of public nuisance - The application proposes that alcohol will be sold for consumption off the premise between Monday to Saturday, 8am to 9pm, and Sunday, 8am to 8pm, 7 days a week. This will bring about more problems to the area, mainly to my family and other living above the shops due to the increase of public nuisances.

Protection of children from harm – this shop opens to many local school children, who will go to this shop every day on school mornings. These school children are underage and will attempt to try and buy alcohol after being exposed to it more.

Due to the reasons stated above, I request the local licencing authority to not grant the licence to No 5 Aire Drive.

My contact details are:

Name: [redacted]

Postal address: [redacted]

Yours sincerely, [redacted]

The Licensing Authority
Thurrock Council
Civic Offices
New Road
Grays
RM17 6SL

28/11/2022

Dear Sir/Madam

I wish to object to the alcohol license application by Sivathurka News, 05 Aire Drive, South Ockendon, Essex, RM15 SAP.

I object to the application on the following grounds:

Objection 1:

Alcohol within an area already so heavily populated with licensed premises including 03 Aire Drive next door to the applicant.

Objection 2:

Crime, disorder and public nuisances have already reached high levels in this area and a high number of incidents were reported to local police.

Objection 3:

This shop opens to many local school children every day and gives them the desire to try and buy alcohol.

My contact details are

Name [redacted]

Postal address: [redacted]

Yours sincerely, [redacted]

Licensing Authority
Thurrock Borough Council
Civic Offices
New Road
Grays
RM17 6SL

Essex Police
Licensing Unit
Braintree police station
Essex
CM7 3DJ

Date: 16/12/2022

REPRESENTATION TO APPLICATION FOR A PREMISES LICENCE (LICENSING ACT 2003)

Essex Police have received an application for a Premises Licence for an off-licence premises called Sivathurka News at 5 Aire Drive, South Ockendon, Essex RM15 5AP. This is a new premises licence application seeking off sales from 0800 to 2100 Monday to Saturday and 0800 to 2000 on Sundays.

On behalf of the Chief Officer of Police for the county of Essex, I wish to lodge a representation to this application in relation to the Licensing Objective of Prevention of Crime and Disorder.

During the consultation period Essex Police have recommended the adjustment of condition 9 of the applicant's conditions to read:

"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 twelve 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."

This was requested to ensure consistency with the rest of the county and was agreed on 9th December 2022 by the agent of the applicant, I attach a copy of this acceptance to this letter.

Whilst the consultation period has been progressing an incident was logged at the premises which is of concern to Essex Police. It should be noted at the time of writing no charges have been laid and the incident should be considered in the light that, at present, the suspect has not been charged nor convicted.

It is alleged that, on Saturday 19th November, [redacted] has contacted Essex Police to report a disturbance at the premises resulting in damage to the property and an assault on [redacted]. Police have attended in response to these allegations and have undertaken an investigation on the premises, taking an initial statement from [redacted] and reviewed the CCTV. It is while reviewing the CCTV officers have determined that, in fact, [redacted] has

appeared to approach two youths within the store, pushing one of them causing them to fall into the card rack causing damage, the [redacted] has then fallen on top of the youth who has begun trying to flee the premises, it is possible during this scuffle the youth has hit [redacted] but officers were of the opinion this would be in self-defence. [redacted] was warned regarding [redacted] handling of the situation and both the assault and criminal damage allegations made by [redacted] were dismissed. At present the youth has not been identified and it has therefor not been possible to proceed regarding a prima farcie allegation against [redacted]. [redacted]

It is currently not Essex Police's position to seek refusal of this application and Essex Police has made this representation to add potentially relevant information to the Licensing Authorities consideration of any other representations made. Should a hearing take place, in accordance with paragraph 9.37 of the Statutory Guidance, Essex Police may amplify its representation at the subsequent hearing. Essex Police may also produce further documentary or other information in support of this representation ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours Sincerely

Simon Barnes
Police Licensing Officer
Brentwood and Thurrock

Cox, Elizabeth

From: Leeds, Barbara on behalf of Licensing@thurrock.gov.uk
Sent: 09 December 2022 09:52
To: Wright, Debra
Subject: FW: Sivathurka News, 5 Aire Drive, South Ockendon, RM15 5AP

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Barbara Leeds l Licensing Technical Officer l Public Realm
thurrock.gov.uk l tel: 01375652879 l extension: 64060 l bxleeds@thurrock.gov.uk
Licensing Team 2nd Floor CO2,Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL

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From: Paul Richards <paul@21stcenturylicensing.com>
Sent: 09 December 2022 09:43
To: Licensing@thurrock.gov.uk
Cc: Battershall, Evan <EBattershall@thurrock.gov.uk>
Subject: RE: Sivathurka News, 5 Aire Drive, South Ockendon, RM15 5AP
Importance: High

Dear All

Please accept my apologies for the delay with my response.

I can confirm that I have consulted with my client, and we agree to the Conditions offered, apart from Condition No.8.

My Client has contacted his supplier of his Cash Register, to seek the possibilities of adding an Electronic Prompt System (EPS), unfortunately, the Cash Register does not have that function, nor can it be added to the current unit. The cost to change to a system which has an EPS is very expensive for a small independent business.

I am sure when the time comes for his Cash Register is to be upgraded, replace, the option of having EPS, will be a feature on any new Cash Til, which my client will opt to have

I do hope that the above agreement is acceptable.

Warm Regards

Paul Richards
Licensing Consultant

Tel: 07502 121 887

www.21stcenturylicensing.com

From: Wright, Debra **On Behalf Of** Licensing@thurrock.gov.uk
Sent: 05 December 2022 13:37
To: Paul Richards <paul@21stcenturylicensing.com>
Cc: Battershall, Evan <EBattershall@thurrock.gov.uk>; Licensing@thurrock.gov.uk
Subject: FW: Sivathurka News, 5 Aire Drive, South Ockendon, RM15 5AP

Hi Paul

Please see proposed conditions below from Trading Standards with regard to the premises licence application for Sivathurka News, 5 Aire Drive, South Ockendon, RM15 5AP.

Kind regards

Debra

Debra Wright | Licensing Technical Officer | Public Realm
Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL
www.thurrock.gov.uk | 01375 652 879 | x63044 |

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From: Battershall, Evan <EBattershall@thurrock.gov.uk>
Sent: 01 December 2022 16:56
To: tharanyl@hotmail.com
Cc: Licensing@thurrock.gov.uk
Subject: Sivathurka News, 5 Aire Drive, South Ockendon, RM15 5AP

Good afternoon, Mrs Vickinarajah

I am contacting you on behalf of Thurrock Council's Trading Standards department regarding your recent application for a premises licence at Sivathurka News.

I am pleased to note your references to Challenge 25, PASS approved identification and refusals books. In light of this, I would like to request that the following 7 conditions, which are in line with best practice, are added to the premises licence:

1. *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.*
   All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week.
   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.

2. *A Challenge 25 policy will be adopted at the premise and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.*

3. *The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.*

4. *Written training records will be kept for all staff for the duration of their employment and for at least six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.*

5. *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.*
   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.

6. *No sale of alcohol will be made by any person who has not received training on age restricted products.*

7. *The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence:*

   {for a person under the age of 18 to buy or attempt to buy alcohol}; or {buy, or attempt to buy, alcohol for a person under the age of 18}.

In addition, if your electronic till system has the facility to add 'till prompts' when certain items are scanned, I would also request that the following condition is added:

8. *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 licensee will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.*

In relation to Conditions 1 and 2, I would be happy to provide you with free Refusals Books and Challenge 25 posters if required.

If you are happy to accept the above conditions, please reply to both Trading Standards (trading.standards@thurrock.gov.uk) and Licensing (Licensing@thurrock.gov.uk) and these will be added to the premises licence in due course. Alternatively, if you have any questions or concerns about these requested conditions please feel free to contact me directly.

Kind regards,

Evan Battershall | Trading Standards Officer | Public Protection
Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL
www.thurrock.gov.uk |

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