

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