



## **PREMISES / PERSONAL LICENCES SUB-COMMITTEE**

# **AGENDA**

<b>DATE:</b>	<b>Tuesday, 2 April 2019</b>
<b>TIME:</b>	<b>10.00 am</b>
<b>VENUE:</b>	<b>Council Chamber, Council Offices, Thorpe Road, Weeley</b>

### **MEMBERSHIP:**

**Councillor V Guglielmi**  
**Councillor Cossens**

**Councillor Winfield**  
**Councillor Watson (Stand-by  
Member)**

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**Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.**

**For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573.**

<b>DATE OF PUBLICATION: Tuesday, 26 March 2019</b>
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## **AGENDA**

### **1     Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2     Minutes of the Last Meeting (Pages 3 - 8)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on 1 February 2019.

### **3     Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4     Questions on Notice pursuant to Council Procedure Rule 37**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District and which falls within the terms of reference of the Committee.

### **5     Report of the Corporate Director (Operational Services) - P-V-S Convenience Store, 139 Old Road, Clacton-on-Sea, Essex CO15 3AT (Pages 9 - 46)**

The Sub-Committee is invited to consider an application for the variation of a Premises Licence in respect of the above premises.

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the Chamber and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON FRIDAY, 1ST FEBRUARY, 2019 AT 10.00 AM  
IN THE COUNCIL CHAMBER, WEELEY**

<b>Present:</b>	Councillors Callender (Chairman), Winfield and Davis
<b>In Attendance:</b>	Karen Townshend (Licensing Manager), Emma King (Licensing Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

**26. CHAIRMAN FOR THE MEETING**

It was moved by Councillor Winfield, seconded by Councillor Davis and

**RESOLVED** - That Councillor Callender be elected Chairman for the meeting.

**27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Watson.

**28. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 14 December 2018 were approved as a correct record and signed by Councillor Winfield who attended the meeting.

**29. DECLARATIONS OF INTEREST**

There were none.

**30. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**31. A.1 REPORT - REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - WINE BOUTIQUE FRINTON LTD, 14 OLD ROAD, FRINTON-ON-SEA, ESSEX**

The Chairman (Councillor Callender) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operational Services), an application for the grant of a Premises Licence for Wine Boutique Frinton Limited, 14 Old Road, Frinton-on-Sea.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:

**Tuesdays to Saturdays 1100 hours to 2130 hours.**

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that three letters of representations/objections had been received from residents in relation to this application.

It was reported that no Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary of the written report. There were no such questions.

The Chairman stated that he wished to give an equal amount of time to both the applicant and the objectors to make their cases. He proposed 10 minutes for each side.

The Applicant's Business Partner, John Greenwold then gave representations to the Sub-Committee.

He stated that he had been a wine importer and wholesaler for a number of years and traded with a large number of wine bars and hotels. He said that High Street habits were changing as large town centres were becoming unattractive. The cost of running restaurants was increasing. This had changed the industry and he had had to look to change his business. The Wine Boutique came out of this. The model he was using was unique in that it was a wine shop with a licence for on-sales. His business based on this model had opened in Felixstowe a year ago and had become very popular. His business traded around the world with farms direct, wines were chosen very carefully

and they were then shipped over by themselves. At first he had thought it would be a niche market but it had now become mainstream.

He further stated that the Felixstowe premises closed at 9.00 p.m. which had proved to be a selling point. Food was not sold at that premises only snacks, that were put out in bowls for customers with the business disposing of the wrappers so there were no waste issues. This was a low overhead model and a successful small business.

Mr Greenwold informed the Sub-Committee that Sue Roberts, the Applicant had been working in the Felixstowe premises, but lived in Frinton. She would be the Manager of the new premises in Frinton.

Mr Greenwold continued by stating that customers were able to walk to the premises, and that there was a small catchment area.

On the issues of smokers, Mr Greenwold stated that there was a small cubby area at the side of the premises which would be designated as the smoking area. The other side of the premises would be a no smoking area.

The Chairman asked if any Members had any questions that they would like to ask Mr Greenwold.

The Chairman said that he was concerned about the till being near to the door in the premises for safety reasons and he was assured that the back door would remain closed during the day, but the till could be moved if needed.

Members asked how long it had taken for Mr Greenwold to realise that the Felixstowe store was working. Mr Greenwold stated that he had had a wine shop in Felixstowe for six years. He had then moved and upgraded to his current model and opened in 2017. He had had a first good Christmas and Christmas 2018 was also very good with good figures.

Members asked about staff being trained to spot underage drinkers and were told that anyone who appeared to be underage would be challenged.

Members asked whether the outside of the premises, in particular cigarette butts would be cleaned and swept up each day and were assured that this would happen.

Members asked about the background music in the shop and Sue Roberts stated that it would be very low background music, which once several people were on the premises talking would be very hard to hear and certainly would not be heard from outside.

The Chairman then asked the objector, Mr Harrington whether he had any questions for the Applicant to which he stated that he had none.

The Chairman invited Mr Harrington to present his representations to the Sub-Committee.

Mr Harrington stated that he felt that the premises were in the wrong place for the type of activity requested. He felt that the best place would be in Connaught Avenue.

He said that he was an insurance broker who had retired to Frinton-on-Sea. He felt that the premises were in the wrong place, in that there was a bus stop directly outside at which passengers queued outside numbers 12 and 14 Old Road. He stated that it could cause an accident, with someone getting pushed in the bus queue by the clientele of the Wine Shop. He stated that if the premises were in Connaught Avenue then they could have outside seating. This could not be done at the premises in Old Road. He was concerned that the smokers would not smoke in the designated area but would smoke in the road around the premises, adjacent to the bus queue.

The Chairman asked if any Members had any questions that they would like to ask Mr Harrington.

Members asked Mr Harrington whether, when the premises had been a hairdressers, there had been smoking outside the premises. Mr Harrington confirmed that there had been smoking and that he had constantly complained about it.

Mr Greenwold stated that he could make the smoking cubby-hole more attractive for the smokers and that he would enforce its use.

The Applicant, Mrs Roberts stated that in respect of Mr Harrington's comment about the bus queue outside the premises, buses only ran there on Mondays to Fridays until 4.00 p.m.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

"Application No: 18/00693/PREMGR – Application for the Grant of a Premises Licence in respect of Wine Boutique, 14 Old Road, Frinton-on-Sea, Essex

1. The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The decision of the Sub-Committee is to Grant this application in full.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates' Court.

The Committee note that the applicants have confirmed that they will sweep up any cigarette butts or similar on a daily basis; and that the outside areas around the property are kept clean and free of rubbish.

This decision was made today, 1 February 2019 and will be confirmed in writing to all parties.”

The meeting was declared closed at 10.55 am

**Chairman**

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## TENDRING DISTRICT COUNCIL

### Procedure for hearings – Premises/Personal Licences Sub-Committee

#### Licensing Act 2003 and Hearing Regulations 2005

#### The Licensing Committee officers and their roles

- The Committee Clerk (Democratic Services Officer) records the proceedings;
- The Legal Advisor provides independent advice to the Committee Members on legal matters; and
- The Licensing Officer introduces the matter, outlines the application or review as set out in the Report, and answers any questions Members may have.

#### Committee Members (Councillors):

Members have a responsibility to declare interests, those who declare **Discloseable Pecuniary Interest (DPI)** as defined by The Relevant Authorities (DPI) Regulations 2012 must not take part in the hearing of the application.

If a Member declares a **Pecuniary or Non-Pecuniary Interests**, as defined by Tendring District Council's Members' Code of Conduct (paragraphs 5 and 6), they must consider the impact of that interest on participation and the public perception;

- Matters for Members to consider would cover, but not exclusively:
  - o they know the applicant or any of the objectors; or
  - o they wish either to support or oppose the granting or continuation of a licence either personally or on behalf of their constituents.
  - o whether they have expressed a view on the application site especially, if situated either in their ward or an adjacent ward;

#### Other Persons or Interested Parties:

This is the term given to an individual, body or business or a representative acting on their behalf-that raises an objection or make a representation to an application for a premises/personal licence. It should be noted that only the Police can make a representation against a Personal Licence application however. These other persons or interested parties are separate to Responsible Authorities, who may also be a party to the hearing.

#### PROCEDURE

**THESE SUB-COMMITTEES MEETINGS & THE HEARING ARE HELD IN PUBLIC, UNLESS THERE IS A LEGAL REASON NOT TO DO SO, HOWEVER THESE ARE IN LIMITED CIRCUMSTANCES.**

**Note:** if the Sub-committee does not have an elected Chairman already, the election of one Member as Chairman will be the first item of business.

### **HEARING**

<b>Step</b>	<b>By whom</b>	
<b>1</b>	<b>Chairman</b>	<p>The Chairman will welcome everyone to the meeting then:</p> <ul style="list-style-type: none"> <li>a. introduce themselves and the other 2 members and explain that the 4<sup>th</sup> member (substitute) will not take any part in the hearing or decision making process unless there is a valid objection to one of the other members sitting, if any interest declared debars a member or a member falls ill;</li> <li>b. announce the item to be considered;</li> <li>c. confirm that this procedure will be followed at the hearing, including any maximum periods of time for each side to put their case or objections (*);</li> <li>d. ask all parties, including any "Responsible Authority", to introduce themselves indicating whether or not they are represented, if they are calling any witnesses and if so to identify the witnesses they will be calling. Where there are a number of objectors they will be asked to confirm who their spokesperson is if it is relevant or appropriate for them to do so.</li> <li>e. if a party or Responsible Authority who has made relevant representations is not present, the Sub-Committee will decide whether they consider it in the public interest to (a) continue with the hearing or (b) defer it to enable the party or authority to attend. In reaching a decision on this point, the Sub-Committee will consider any information received from the party either directly or via the Licensing Officer or any other interested person/party where relevant or appropriate;</li> <li>f. remind all present that the Sub-Committee can only make its decision based on the four licensing objectives, namely: <ul style="list-style-type: none"> <li><b>(1) prevention of crime and disorder,</b></li> <li><b>(2) public safety,</b></li> <li><b>(3) prevention of public nuisance and</b></li> <li><b>(4) protection of children from harm.</b></li> </ul> </li> </ul>

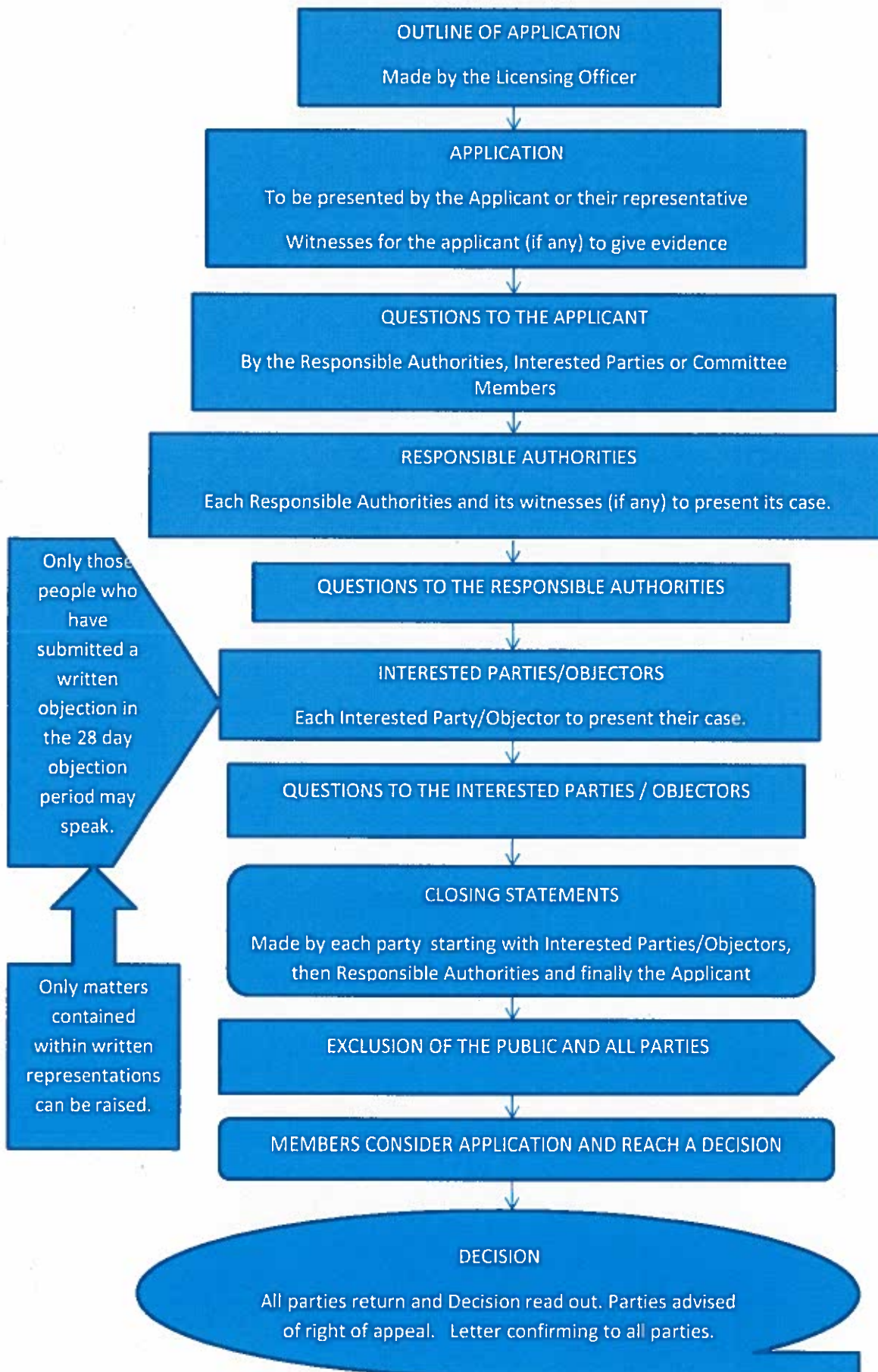
2	<b>Licensing Officer</b>	Will introduce the application or review, highlighting areas of contention or dispute.
3	<b>Committee members</b>	May ask questions of the Licensing Officer.
<p><b>The Applicant's case</b></p> <p>(If a person or party requests a review of an existing licence, they would in effect be the Applicant for the review. In those circumstances they would present their case following the summary given by the Licensing Officer)</p>		
4	<b>Applicant or their representative</b>	Will present their case and call witnesses.
5	<b>Responsible authorities or Interested Parties</b>	Each, in turn, may ask questions of the Applicant by way of clarification.
6	<b>Committee members</b>	In turn, each may ask questions of the Applicant.
7	<b>Applicant</b>	May ask any further questions of any witnesses to clear up any points raised in the earlier questioning.
<p><b>The Responsible Authorities and/or Interested Parties</b></p>		
8	<b>Responsible Authorities</b>	Will make their representations to the Sub-Committee.
9	<b>Applicant or their representative</b>	May ask questions of the Responsible Authorities by way of clarification.
10	<b>Other persons</b>	May ask questions of the Responsible Authorities or Licensing Officer by way of clarification. Note: this is not the time for other persons to put their objections.
11	<b>Committee Members</b>	May ask questions of the Responsible Authorities by way of clarification. Committee can also ask questions of the objectors by way of clarification.
12	<b>Interested Parties</b>	At this point those who have objected to the application will be asked to present their objections and make observations on the application if appropriate.

13	<b>Applicant or their representative</b>	May ask questions of the Interested Parties /objectors by way of clarification.
14	<b>Committee members</b>	May ask questions of the Interested Parties /objectors.
<b>Closing statements or summary</b>		
15	<b>Chairman</b>	<p>Will ask:</p> <ul style="list-style-type: none"> <li>a. both the Responsible Authorities and Interested Parties /objectors to comment, briefly, on the application or review and summarise their position. No new issues can be raised at this point.</li> <li>b. the applicant or their representative to summarise the application or review and briefly comment on the representations or objections made.</li> <li>c. if everyone is satisfied that they have said what they wanted to say, but making clear that no new issues can be raised at this point.</li> </ul>
<b>DECISION MAKING</b>		
16	<b>Sub-Committee</b>	Will retire to consider the application or review and may request the Legal Advisor and/or Committee Clerk to retire with them.
<b>RESUMING THE MEETING AND CONCLUSION</b>		
17	<b>Legal Advisor</b>	If legal advice has been given to the Members whilst in retirement, this advice will be summarised and repeated in the presence of all parties.
18	<b>Chairman</b>	<p>Will:</p> <ul style="list-style-type: none"> <li>a. announce the decision made by the sub-committee and the reasons for that decision;</li> <li>b. advise that the decision, and reasons, will be confirmed in writing to all the parties who made representations; and</li> <li>c. advise all parties of their rights of appeal to the Magistrates' Court.</li> </ul>

**(\*) after receiving copies of this procedure, all parties are requested to give the Council's Licensing Department an indication of the time estimated to present their case. This will be taken into consideration when deciding whether maximum periods of time will be necessary.**

TENDRING DISTRICT COUNCIL

THE LICENSING SUB-COMMITTEE HEARINGS PROCEDURE



## **PREMISES/PERSONAL LICENCES SUB-COMMITTEE**

**02 APRIL 2019**

### **REPORT OF CORPORATE DIRECTOR [OPERATIONAL SERVICES]**

#### **LICENSING ACT 2003**

Members are respectfully reminded that, in determining the matters listed under item A.1, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

#### **Premises Licence Applications**

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm.

The options open to the Sub-Committee when considering this application are:

1. To grant the application for a premises licence subject to such conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions applicable.
2. To grant the application for the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application and which are modified to such an extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions applicable.
3. To grant the licence as above, but to exclude from the scope of the premises licence any of the licensable activities to which the application relates.
4. To reject the application.

When determining the application with a view to promoting the licensing objectives in the overall interests of the local community the Licensing Authority in the form of the Licensing Sub-Committee must have regard and give appropriate weight to the following:

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy.
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.



## **Human Rights Implications**

A Licence is to be regarded as the property of the applicant; however their right to the use of the property must be balanced against all other public interests or representations in this matter that the Premises/Personal Licences Sub-Committee may wish to consider as appropriate, reasonable and proportionate in relation to the application that has been submitted and also the representation/s that has/have been received against it.

In making their decision as to whether to grant this application, Members of the Premises/Personal Licences Sub-Committee should also take into consideration Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property, and also Article 8 that everyone has the right to respect for his private and family life and his correspondence.

## **Crime and Disorder Implications**

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

Members are requested to consider the information shown below where the Licensing Authority has received a representation about an application which is relevant to one or more of the four licensing objectives, and which suggests that the application may have a negative impact on one or more of the licensing objectives.

### **A.1 LICENSING ACT 2003 – APPLICATION NO: 19/00055/PREMVA APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: P-V-S CONVENIENCE STORE, 139 OLD ROAD, CLACTON ON SEA, ESSEX, CO15 3AT**

#### **1.0 APPLICATION DETAILS**

##### **1.1 Applicants**

Mr Suresh Theivendram

##### **1.2 Premises**

P-V-S Convenience Store, 139 Old Road, Clacton on Sea, Essex, CO15 3AT

##### **1.3 Agents**

None

##### **1.4 Ward**

Pier

##### **1.5 Reason for Application**

To change the licence from Monday to Saturday 0700 till 0200 and Sundays 0700 till 0100 to a 24 hours licence, 7 days a week.

#### **2.0 GENERAL DESCRIPTION OF PREMISES**

**2.1** The original application stated the premises is an off licence/convenience store.

##### **2.2 Proposed Opening Hours (Variation Application)**

Every Day

-

0000 to 2359



### **3.0 CURRENT LICENSABLE ACTIVITIES**

#### **3.1 Sale of Alcohol off the premises**

Monday to Saturday	-	0700 to 0200
Sunday	-	0700 to 0100

### **4.0 PROPOSED LICENSABLE ACTIVITIES (VARIATION APPLICATION)**

#### **4.1 Sale of Alcohol off the premises**

Every Day	-	0000 to 2359
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### **5.0 STEPS THAT APPLICANTS PROPOSE TO TAKE TO PROMOTE THE LICENSING OBJECTIVES WITHIN THEIR OPERATING SCHEDULE**

The applicant has stated the following steps in the application to promote the licensing objectives. These measures are reproduced as shown in the application form and are detailed below in italics for ease of reference. These are:

#### **5.1 Crime and Disorder**

CCTV  
Panic Button under the till to the Police

#### **5.2 Public Safety**

Panic Button under the till to the Police  
First Aid Box

#### **5.3 Prevention of Public Nuisance**

Will not serve anyone who appears to be drunk

#### **5.4 Protection of Children from Harm**

ID will be checked. No sale of alcohol or tobacco to children or without valid ID.  
Challenge 25

#### **5.5 General Information in support of the application in relation to all of the licensing objectives.**

None

#### **5.6** Attached as background information under paragraph **12.0** of this report and for the information of the Members of the Licensing Sub Committee and all other relevant and interested parties to this hearing, is a copy of the current conditions of licence attached to the premises licence for 139 Old Road, Clacton on Sea, Essex.

### **6.0 RELEVANT REPRESENTATIONS**

#### **6.1 Interested Parties/Other Persons**

#### **6.2** The Police Reform and Social Responsibility Act 2011 (PRSR Act 2011) removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises.

#### **6.3** There was no guidance or definition of 'vicinity' within the Licensing Act 2003 which effectively had a limiting effect on those that could make relevant representations.

#### **6.4** The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a

business for example in the proximity of the premises to be able to submit a valid and relevant representation.

- 6.5** The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons' in so far as they relate to this particular application and hearing. They are shown in italics for ease of reference.

*8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review 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.*

- 6.6** Representations can be made either against or in support of an application. The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to this point.

*9.3 Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.*

- 6.7** 1 letter of representation/objection has been received from a resident in relation to this application.

## **7.0 RESPONSIBLE AUTHORITIES**

- 7.1** Essex Police has been consulted and no comments have been received.

- 7.2** The Council's Planning Authority has been consulted and no comments have been received.

- 7.3** The Councils Pollution and Environmental Control team has been consulted and no comments have been received.

## **8.0 POLICY CONSIDERATIONS**

The Licensing Authority's Statement of Licensing Policy expects applicants to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance relevant to the individual style and characteristics of their premises.

- 8.1** The relevant extract from the Council's Statement of Licensing Policy in respect of the 'Prevention of Public Nuisance' licensing objective is as follows:

<b>5.0</b>	<b>PREVENTION OF PUBLIC NUISANCE</b>
5.1	Licensed premises, if poorly or irresponsibly managed, can have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
5.2	The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Any such measures should be appropriate and proportionate to the individual nature of the premises and how it intends to operate. E.g. its hours of opening, its alcohol sales and its licensable activities. It may also take into account the location of the premises. For instance, if a shop or supermarket wished to open in a location selling alcohol where there were existing known street drinking problems and alcohol related disorder and anti- social behaviour, the Licensing Authority will welcome the applicant individually and voluntarily working with the Licensing Authority and other Responsible Authorities in taking appropriate measures to reduce the existing problems, or at the very least not to contribute to them further. For example the individual off sale outlet in question may voluntarily offer not to sell very low cost, non- craft, super strength lagers, beers or ciders with an ABV of 6.5% or over, or not sell single cans of very low cost super strength lagers, beers or ciders. Any such partnership working must however fully comply with for example; the Local Government Association guidance to Local Authorities dated December 2014 on 'Reducing the Strength' schemes and the Competition and Market Authority guidance to retailers dated March 2015. Conversely, premises for which it can be demonstrated have effective controls and measures in place, or are proposed to prevent public nuisance, may be suitable for 24-hour opening for example.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder. For instance, if a shop or supermarket wished to open for longer hours in a location selling alcohol where there were existing known street drinking problems and alcohol related disorder and anti- social behaviour, the Licensing Authority will welcome the applicant individually and voluntarily working with the Licensing Authority and other Responsible Authorities in taking appropriate measures to reduce the existing problems, or at the very least not to contribute to them further. For example the off sale outlet in question may voluntarily offer not to sell very low cost, non- craft, super strength lagers, beers or ciders with an ABV of 6.5% or over, or not sell single cans of low cost super strength lagers, beers or ciders. Any such partnership working must however fully comply with for example; the Local Government Association guidance to Local Authorities dated December 2014 on 'Reducing the Strength' schemes and the Competition and Market Authority guidance to retailers dated March 2015.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 5.6 When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-
- (a) The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
  - (b) The hours of operating, particularly between 23.00 and 07.00.
  - (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
  - (d) The design and layout of premises and in particular the presence of noise limiting features.
  - (e) The occupancy capacity of the premises.
  - (f) The availability of public transport.
  - (g) A 'wind down period' between the end of the licensable activities and closure of the premises.

(h) A last admission time.

## **Control Measures**

5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises including for example, sufficient numbers of staff who hold a Personal Licence qualification.
- (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- (c) Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries, collections and clearing up of glasses or bottles.
- (d) Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- (e) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- (f) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- (g) Liaison with public transport providers.
- (h) Sighting of external lighting, including security lighting.
- (i) Management arrangements for collection and disposal of litter including the provision of appropriate receptacles.
- (j) Clearly showing the name of the premises on all disposable packaging used for takeaway food and/or hot drinks.
- (k) Effective ventilation systems to prevent nuisance from odour.

## **9.0 RELEVANT SECTION 182 GUIDANCE – PREVENTION OF PUBLIC NUISANCE**

9.1 The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. These are:

- 2.14 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- 2.15 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

## **10.0 RELEVANT SECTION 182 GUIDANCE- PREVENTION OF CRIME AND DISORDER**

**10.1** The following section shown below in italics is taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and is included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. They do not however form the totality of the guidance in relation to this licensing objective which should also be considered in its entirety. This is:

*2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder.*

## **11.0 RELEVANT SECTION 182 GUIDANCE- HOURS OF TRADING**

**11.1** The following sections shown below in italics are taken from the Home Office Section 182 Guidance that accompanies the Licensing Act 2003 and are included for the assistance of the Licensing Sub Committee, the applicant, responsible authorities, residents and any other interested parties to this hearing. This is:

### ***Hours of trading***

*10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.*

*10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.*

## **12.0 ASSOCIATED PAPERS**

The following papers are attached as part of this agenda for Members of this Sub-Committee only:-

- (i) Application form and any supporting documentation.
- (ii) Location Plan.
- (iii) Copy of current licence conditions attached to premises licence for 139 Old Road
- (iv) Copy of representation [Mrs Deone Baldwin] - Letter dated 22 February 2019

Copies of all documentation concerning this application are also available from Public Experience upon request.

## **13.0 DECISION**

**13.1** The Licensing Sub Committee is asked to determine this application taking into consideration the application in its own right and on its own merits and also all of the relevant information that has been submitted as part of this report and at the hearing itself.

**PAUL PRICE**  
**CORPORATE DIRECTOR [OPERATIONAL SERVICES]**

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Application to vary a premises licence 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 in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/We MR Suresh Theivendram, being the premises  
(Insert name(s) of applicant)

licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

15/00046/PRMVA

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description.

139 Old Road  
P-V-S convenience store

Post town

Clacton-on-Sea ES

Post code

CO16 3AT

Telephone number at premises (if any)

01255 470002

Non-domestic rateable value of premises

£1200

Part 2 – Applicant Details

Daytime contact telephone number

[REDACTED]

E-mail address  
(optional)

[REDACTED]

Current address  
if different from  
premises address

[REDACTED]

Post Town

[REDACTED]

Post Code

[REDACTED]

Part 3 – Variation

Please tick ✓ Yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Day		Month		Year	

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please describe briefly the nature of the proposed variation (please see guidance note 1)

I wish to change my License from Monday  
to Saturday 07:00 till 02:00 and Sundays  
07:00 till 01:00 to a 24 hour License  
7 days a week



#### Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary were successful

Please tick ✓

##### Provision of regulated entertainment

- 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) performance of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that within (e), (f) or (g)  
(if ticking yes, fill in box H) ☐

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K) ☐

##### Provision of late night refreshment (if ticking yes, fill in box L)

☐

##### Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# C

<b>Indoor sporting event</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details here</u></b> (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			
			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the boxing or wrestling entertainment</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# G

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
				Outdoor	
Mon				Both	
			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g).</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**I**

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the facilities for making music be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
				Outdoor	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed					
			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing facilities</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoor	
				Outdoor	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed					
			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling with I or J</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption</b> (please tick [✓] box) (please read guidance note 7)	On the premises	
				Off the premises	✓
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	00:00 <del>00:00</del>	23:59			
Tue	00:00	23:59			
Wed	00:00	23:59			
Thur	00:00	23:59			
Fri	00:00	23:59			
Sat	00:00	23:59			
Sun	00:00	23:59			
			<b><u>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</u></b> (please read guidance note 5)		

# N

<p><b>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</b> (please read guidance note 8)</p>
--



**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal</b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	00:00	23:59	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick ✓ yes

I have enclosed the premises licence ☐

I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it below.

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

~~door to be locked between 2am and 7am~~  
CC TV  
Panic

**c) Public safety**

Panic buttons under the till to the Police  
First Box

**d) The prevention of public nuisance**

Will not serve anyone who appears to be  
too drunk to be served

**e) The protection of children from harm**

IDs will be checked no sale of alcohol  
or tobacco to children or without valid  
ID 25?

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirement my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.**

Signature: \_\_\_\_\_

Date: 4/2/2019

Capacity: MANAGER

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

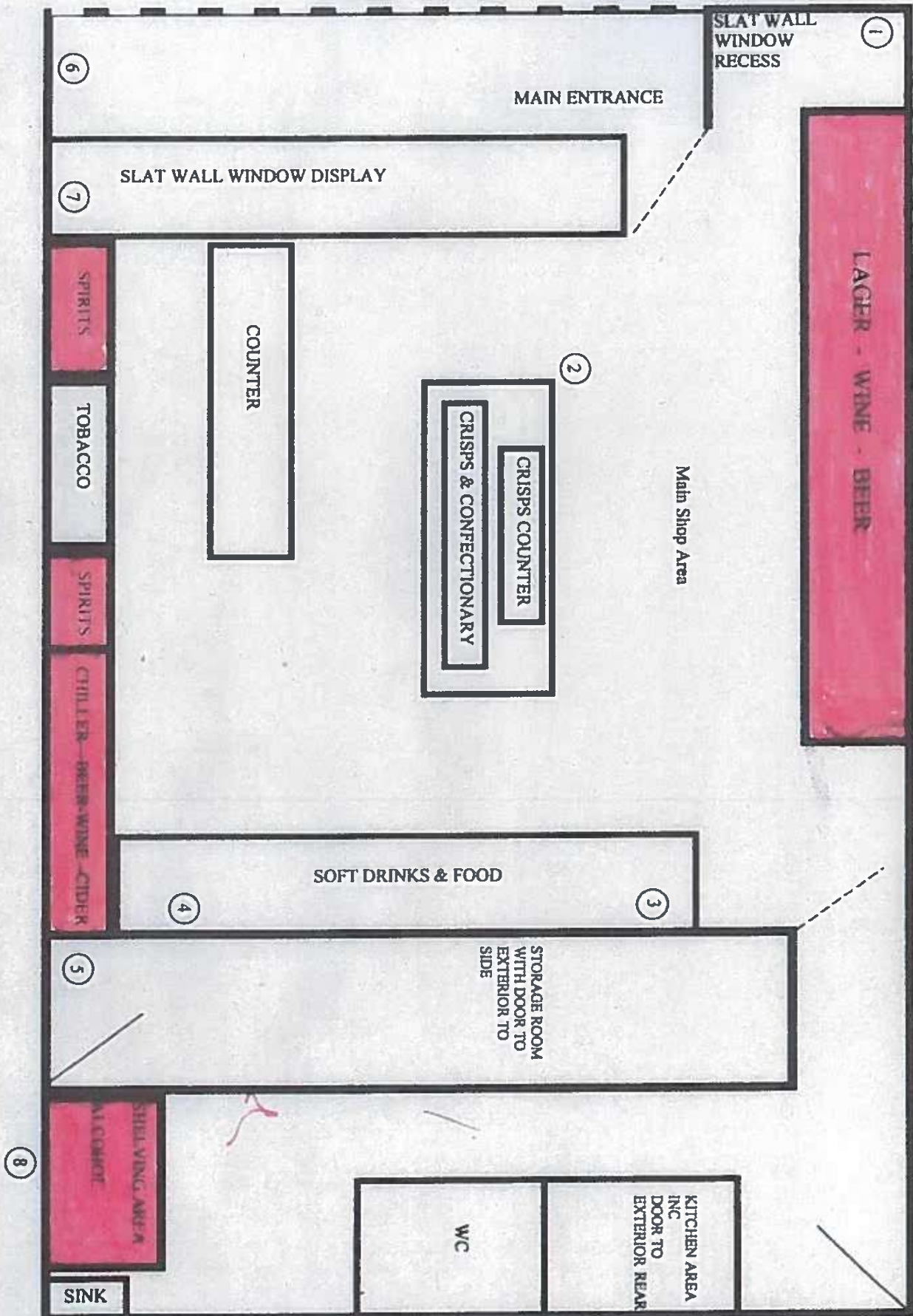
Signature: .....

Date: .....

Capacity: .....

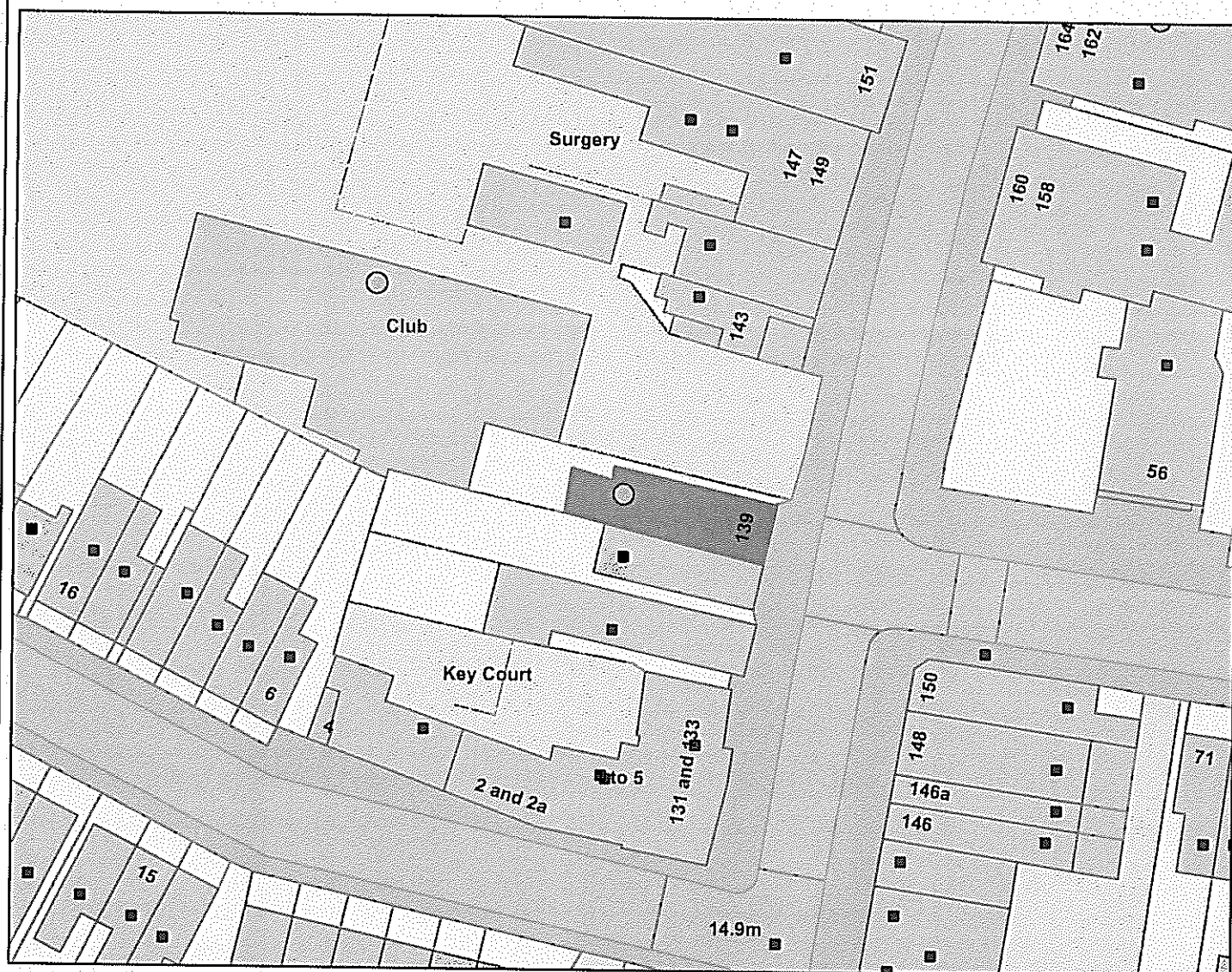
<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>Email address - If you would prefer us to correspond with you by email (optional)</b>	

OLD ROAD



# 138 Old Road, Clacton on Sea

19/00055/PREMVA



## Legend

**Scale:** 0 0.005 0.01 0.02 KM

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Organisation	Tendring District Council
Department	Licensing Section
Comments	Not Set
Date	19/03/2019
MSA Number	100018684

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# Schedule 12

## Part A

Regulation 33,34

### Tendring District Council Premises Licence

Premises Licence Number

15/00046/PREMVVA

#### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

139 Old Road  
Clacton On Sea  
Essex  
CO15 3AT

**Telephone number**

**Where the licence is time limited the dates**

Not Applicable

**Licensable activities authorised by the licence**

Sale of Alcohol off the premises

**Times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol off the premises**

Monday to Saturday 07:00 – 02:00

**Sale of Alcohol off the premises**

Sunday 07:00 – 01:00

**Non Standard Timings**

Not Applicable

**The opening hours of the premises**

Monday	07:00 - 02:00
Tuesday	07:00 - 02:00
Wednesday	07:00 - 02:00
Thursday	07:00 - 02:00
Friday	07:00 - 02:00
Saturday	07:00 - 02:00
Sunday	07:00 - 01:00



**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Sale of Alcohol off the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Suresh Theivendram  
139 Old Road  
Clacton on Sea  
Essex  
CO15 3AT

**Registered number of holder, for example company number, charity number (where applicable)**

Not Applicable

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Suresh Theivendram  
139 Old Road  
Clacton on Sea  
Essex  
CO15 3AT

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal Licence Number**

TDX1149

**Licensing Authority**

Tendring District Council

for and on behalf of the Licensing Authority



**June Clare**

CORPORATE DIRECTOR

**Dated: 13 March 2015**



## Annex 1 – Mandatory conditions

- 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 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 (1) 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.  
(2) 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.
- 4 1. 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.  
2. For the purposes of the condition set out in paragraph 1 -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
  - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D.V)$$

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(a).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) 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.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1 Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
- 2 The Licenceholder shall retain all video tapes/DVD discs for a period of 28 days and shall make them available to the Police or an authorised Officer of the Council on demand.
- 3 The premises will operate a "Challenge 25" scheme, or equivalent, requiring those appearing to be 25 years or under to be asked for accredited identification as to their age.
- 4 In order to positively assist with the promotion of the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing objectives under the Licensing Act 2003, this premises voluntarily supports the Tendring Community Safety Partnership Reducing the Strength scheme to not sell Super Strength Beer, Lager and Cider defined as having an Alcohol By Volume (ABV) content of between 6.5% and 12% at very low prices, e.g. for considerably less than its RRP or at a level which may attract or encourage street drinking and alcohol related anti-social behaviour. This voluntary agreement does not apply in respect of specialist or branded, premium priced products such as craft ales, local or micro - brewery specialist products, boxed gifts or national celebratory/commemorative Beer, Lager or Cider with an ABV content of 6.5% or greater.
- 5 Any conditions consistent with the Operating Schedule not specified above.

### **Annex 3 – Conditions as agreed with Essex Police**

- 6 From 22.00 hours every night until close of business (0100 hours on Monday morning and 0200 hours Tuesday through to Sunday) a Personal Licence holder shall be on duty and in the retail part of the shop premises at all times the premises are open to the public.
- 7 From 2200 hours every night until close of business (01:00 hours on Monday morning and 02:00 hours Tuesday through to Sunday) at least two members of staff will be present in the shop at all times the premises are open to the public.
- 8 No single cans of Super Strength Beer, Larger or Cider, having an Alcohol By Volume (ABV) content of 6.5% or higher, will be sold at any time.
- 9 A formal "Challenge 25" scheme shall be adopted, of which any persons who appears to be under the age of 25 shall have to establish they are over the age of 18 years by an approved ID(Passport, Full Driving Licence, or othe Photo ID, formally approved by Essex Trading Standards.
- 10 The Licence Holder/DPS will keep a Refusal/Incident book to record all refusals, or persons challenged for ID relating to the sale of alcohol. This record will be produced to the Police or Licensing Authority for inspection on request.
- 11 CCTV of a type approved by the Local Authority to be installed, which covers all parts of the shop to which the public have access and to include the are immediately outside the premises entrance. The images to be retained for 28 days minimum, and made available on reasonable demand to the Police and Local Authority. The lighting of the premises will be such that the CCTV operates at the best possible level.
- 12 The DPS/Licence Holder will take all resonable steps to prevent youths gathering outside the immediate front of the premises.
- 13 The premises operators shall join TENBAC and retain membership during the life of the Premises Licence.

### **Annex 4 – Conditions attached after a hearing by the licensing authority**

None

### **Annex 4 – Plans**

Plans are attached to this Licence

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150A Old Road  
Clacton on Sea  
Essex  
CO15 3BA

22 February 2019

Tendring District Council  
Licensing Section  
88 – 90 Pier Avenue  
Clacton on Sea  
CO15 1TN

Dear Sirs

Re: Licensing Act 2003, concerning 139 Old Road, Clacton on Sea CO15 3AT

With reference to the Public Notice printed in the Clacton Gazette dated 21 February 2019, I would like to protest most strongly that this is not granted.

As a local resident who has lived in a flat above what was Blockbusters and is now Tendring Careline shop for over 30 years, this Convenience Store is literally across the road from my home and I am constantly disturbed all night by people and cars going to and coming from the shop. None of the customers I have seen are collecting bread, milk or other essential goods. All come from the store with cans or bottles of alcohol and either walk along Old Road or sit in the shop doorway of Sues Fashions (which is the other side of the Conservative Club entrance). They are always very rowdy.

My neighbours and I are totally disgusted that this shop is now open twenty four hours a day, seven days a week, with very bright lighting and would ask you to think very carefully before legally granting this license please.

I am sorry to sound negative in this regard, but a lot of people are having very disturbed sleep because of the selfishness of this shop owner.

I look forward to hearing from you in due course.

Yours faithfully

  
Deone Baldwin (Mrs)

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