

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 17TH MARCH, 2025 AT 10.00 AM
IN THE ESSEX HALL - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Davidson, J Henderson and Wiggins
Also Present:	Councillor Casey (Standby Member)
In Attendance:	Michael Cook (Licensing Manager), Sarah Opene (Litigation Lawyer), Emma King (Licensing Officer), Katie Koppenaal (Committee Services Officer), Alfie Smith (Licensing Enforcement Officer), Chanelle Field (Communications Assistant) and Thomas Hills (Communications Apprentice)
Also In Attendance:	Steve Bennett (Essex Police Licensing), Lindsay Gaskin (Trading Standards)

47. ELECTION OF A CHAIRMAN FOR THE MEETING

It was unanimously **RESOLVED** that Councillor J Henderson be elected as Chairman for the meeting.

48. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies or substitutions on this occasion.

49. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Sub-Committee held on Thursday, 20 February 2025, be approved as a correct record and be signed by the Chairman.

50. DECLARATIONS OF INTEREST

Councillor Wiggins declared for the public record that she held a personal licence, but that it had no bearing on her capacity to be a member of this Sub-Committee.

51. REPORT OF DIRECTOR (GOVERNANCE & LEGAL) - A.1 - REVIEW OF A PREMISES LICENCE - 139 OLD ROAD, CLACTON ON SEA, CO15 3AT

The Sub-Committee was informed that under Section 51 of the Licensing Act 2003 Tendring District Council Licensing Authority being a Responsible Authority, had applied for a Review of the Premises Licence held by Mr Suresh Theivendram in respect of the premises known as 139 Old Road, Clacton on Sea, CO15 3AT (Licence No. 19/00055/PREMLVA). The full review was set out in Appendix A to the Officer report (A.1).

Members heard that Mr Suresh Theivendram had been the Premises Licence holder since the licence was transferred to him in May 2014, and that he had been the

Designated Premises Supervisor (DPS) since that date. Details of the current licence subject to the review were set out in the report and were repeated below:-

Premises

139 Old Road, Clacton on Sea, Essex, CO15 3AT

Licence Number

19/00055/PREMVA

Premises Licence Holder

Mr Suresh Theivendram

Designated Premises Supervisor

Mr Suresh Theivendram

Current Opening Hours

Every Day 00:00 – 00:00

Current Licensable Activities

The current licensable activities permitted by the Premises Licence are:-

Sale of Alcohol off the premises

Every Day 00:00 – 00:00

The Sub-Committee heard that an application for the Review of the Premises Licence for 139 Old Road, Clacton on Sea, Essex had been submitted by the Responsible Authority – Tendring District Council Licensing Authority. This had been received on the 27 January 2025 on the grounds that the licensing objectives in respect of the Prevention of Crime and Disorder and Public Safety had been breached.

It was reported that this premises had been granted a premises licence under the Licensing Act 2003 by Tendring District Council authorising the sale of alcohol off the premises 24 hours a day, 7 days a week. The premises was operating as a convenience store/off licence.

Members heard that the premises licence holder and designated premises supervisor was Mr Suresh Thieivendram; this person was a personal licence holder, reference number TDX1149, issued by Tendring District Council on 7 September 2009.

It was reported that Tendring District Council's Licensing Enforcement Officer and Licensing Manager, alongside Essex Police have conducted numerous visits to 139 Old Road, CO15 3AT since September 2024 where numerous breaches of the licensing conditions had been identified on each occasion.

The Sub-Committee was made aware that the licence holder/designated premises supervisor, Mr Suresh Theivendram, had been given ample opportunity and time since the first inspection and had been made conscious of the repeated breaches after each inspection had taken place. However, despite copious amounts of advice being given on

numerous occasions, they had continued to undermine two core licencing objectives: the prevention of crime and disorder and public safety.

Full details of the representations from Essex Police and Essex County Council Trading Standards as responsible authorities were set out in Appendix B.

In view of the fact that the Licensing Authority in this case was both the administering authority, including for this hearing, and a responsible authority that had submitted representations there had been a division of responsibility amongst relevant staff such that the Head of Democratic Services and Elections had undertaken such duties and functions of the Licensing Authority as the administrative body for the review and the Licensing Officer had undertaken such duties and functions of the Licensing Authority as Responsible Authority for the purposes of representations and attendance at the hearing. Likewise, other Members of staff in the licensing team had solely undertaken activities in the roles of either the administrative body or the Responsible Authority role. No member of staff had undertaken both roles.

The Licensing Enforcement Officer drew attention to matters in the Appendices which he felt justified the revocation of the premises licence. The representatives of Trading Standards and Essex Police also spoke in support of the revocation.

The Licence Holder addressed the Sub-Committee advising that he had now carried out some of the changes that had previously been outlined to him by the Licensing Enforcement Officer at Tendring District Council and Essex Police Licensing, such as the provision of CCTV. The Licence Holder also confirmed that there was no dispute over the factuality of events presented by any party.

Questions by Members	Answers
(To Essex Police Licensing) Was it male or female staff lone working in the shop when the visits were made? Can you clarify if there was any female staff left working alone?	Upon different visits there have been both male and female staff lone working. For clarification, there was a female working alone when visiting on at least one occasion.
(To Licence Holder) Is there a reason you did not reply to officers or take their advice?	I don't understand written English (only spoken) and my daughter deals with my affairs, but lives in London. I have now made some of the changes asked of me.
(To Licence Holder) Why did you still sell the high strength alcohol when you were advised that this was against the licensing regulations?	I believed that I was able to sell this under a 24 hour licence, but I no longer stock these items.
After the Officers' visits, were the high strength alcohol products still being sold?	The Licensing Enforcement Officer confirmed that this was the case, some of the brands were different on the following visit, however, these were still high strength and therefore against regulations. There were also other high strength alcohol products not being sold but on display to customers.
(To the Licence Holder) Were you	Staff were advised on lone working to

concerned for the safety of your lone working staff?	close the door if a customer came in and I was only ever a few minutes away if I was needed.
(To the Licensing Enforcement Officer) How many times did officers advise that the sale of high strength alcohol was not allowed?	A number of times. There was advice given around this following both the initial visit and inspection. Both these visits were followed up with enforcement letters. Steve Bennett (Essex Police) corroborated other events where Essex Police had visited and found high strength alcohol being sold.

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate and reach its decision. The Litigation Lawyer (Sarah Opene) and Committee Services Officer (Katie Koppenaar) retired with the Sub-Committee for observatory purposes only.

Upon resuming the meeting, the Chairman (Councillor J Henderson) read out a statement as follows:

“The Sub-Committee has given careful consideration to this application for a review and to the representations made by Mr Theivendram being the designated premises supervisor, Mr Lindsay Gaskin from Trading Standards and Mr Steve Bennett of Essex Police, alongside representations made by Tendring Districts licensing enforcement officer. This review hearing is heard by Tendring District Council being the Licensing Authority on the grounds that the Licensing Objective[s] in respect of the prevention of crime and disorder and public safety had been breached for the reasons set out in their representation[s]. In making our decision, the Sub-Committee have taken into account:-

- (i) Relevant matters set out in the Licensing Authority's own Statement of Licensing Policy;*
- (ii) The relevant parts of the Guidance issued by the Secretary of State;*
- (iii) The range of powers provided to Licensing Authorities by the Licensing Act 2003 in determining a Review;*
- (iv) Any legal advice given by the Council's Solicitor.*

The Sub-Committee are also aware that it must act to promote the Licensing Objectives as set out in the Licensing Act 2003 and that any decision it takes in determining a Review must be necessary for the promotion of these objectives.

The decision of the Sub-Committee is as follows:-

- 1. In respect of the application for the Review of a Premises Licence submitted by Tendring District Council, Licensing Authority in respect of the premises known as 139 Old Road, Clacton on Sea, Essex the Sub-Committee's decision is to revoke the Licence.*
- 2. It has been determined that the Licence must be revoked for the following reason[s]:-*

Inspection visits were undertaken by Tendring District Council on the 18th September 2024 and breaches of the conditions were noted, following this visit Mr Theivendram attended the town hall and confirmed receipt of the enforcement letter sent by Council officers in which recommendations were made. Alongside this licensing enforcement

officers advised Mr Theivendram of the need to comply with the license objective and advised of the numerous breaches that had been noted following the inspection.

On the 4th October 2024 an inspection was undertaken and breaches of the license were also noted, Mr Theivendram visited the Council offices on the 8th October 2024 where he was again advised of the need for compliance with the terms of the license.

Further inspections were undertaken on the 18th October 2024 and the 13th January 2025 in which breach of the license conditions were also noted.

Essex police in their representation made mention of a number of incidents of violence, theft and disorder over recent months. They stated that the licence had failed to support the licensing objectives of the prevention of crime and disorder and public safety. Both Essex police and trading standards are in support of the review of the license. It was expressed at the hearing that there had also been incidents with the UK immigration office which led to the removal of an individual.

- 3. Details of the Sub-Committee's decision will be notified to all interested parties in writing.*
- 4. 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 meeting was declared closed at 11.48 am

Chairman