

**Tendring District Council**  
**Licensing Office, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE**  
**Tel: 01255 686565 Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)**

**Application for the review of a premises licence or club premises certificate 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 Acting on behalf of the Licensing Authority as a Responsible Authority.....**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 139 Old Road	
<b>Post town</b> Clacton on Sea	<b>Post code (if known)</b> CO15 3AT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Suresh Theivendram
--

<b>Number of premises licence or club premises certificate (if known)</b> 19/00055/PREMVA
--

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Licensing Authority as a Responsible Authority Tendring District Council Town Hall Station Road Clacton On Sea CO15 1SE
Telephone number (if any)
E-mail address (optional) licensingsection@tendringdc.gov.uk

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

This premises was granted a premises licence under the Licensing Act 2003 by Tendring District Council authorising the sale of alcohol off of the premises 24 hours a day, 7 days a week. The premises currently operates as a convenience store / off licence.

The premises licence holder and designated premises supervisor is Mr Suresh Theivendram; this person is a personal licence holder, reference number TDX1149, issued by Tendring District Council on 07.09.2009.

The Tendring District Council Licensing Enforcement Officer and Licensing Manager, alongside Essex Police, have conducted numerous visits to 139 Old Road, Clacton On Sea, Essex, CO15 3AT since September 2024 where numerous breaches of the licensing conditions have been identified on each occasion.

The licence holder / designated premises supervisor, Mr Suresh Theivendram, has been given ample opportunity and time since the first inspection and has been made conscious of the repeated breaches after each inspection has taken place. However, despite copious amounts of advice being given on numerous occasions, they still continue to undermine two core licensing objectives: the prevention of crime and disorder and public safety.

**Please provide as much information as possible to support the application** (please read guidance note 3)

139 Old Road (known to be trading as Clacton Local) is located at 139 Old Road, Clacton on Sea, Essex, CO15 3AT.

The premises licence holder and designated premises supervisor is Mr Suresh Theivendram; this person is a personal licence holder, reference number TDX1149 issued by Tendring District Council on 07.09.2009.

There has been four premises licence inspections between the dates of 18.09.2024 and 13.01.2025.

There have also been two meetings with Mr Suresh Theivendram. The first taking place on 26.09.2024 and the second meeting taking place on 08.10.2024.

Please note the timeline of events below:

First inspection – 18.09.2024 – condition breaches identified.

1. Annex 2 (1)
2. Annex 2 (4)
3. Annex 2A (6)
4. Annex 2A (8)
5. Annex 2A (11)
6. Annex 3 (13)

Incorrect premises licence also displayed in contravention of S.57 of the Licensing Act 2003.

Enforcement letter sent – 20.09.2024

First meeting with licence holder / DPS – 26.09.2024

- All breaches of conditions discussed.

Second Inspection – 04.10.2024 – condition breaches identified

1. Annex 2 (4)
2. Annex 2A (6)
3. Annex 2A (8)
4. Annex 2A (11)
5. Annex 3 (13)

Second meeting with licence holder / DPS – 08.10.2024

- Second inspection discussed; advice given regarding breaches.

Third Inspection – 18.10.2024 – condition breaches identified

1. Annex 2 (4)
2. Annex 2A (6)
3. Annex 2A (8)

4. Annex 2A (11)
5. Annex 3 (13)

Note: Super strength alcohol having ABV content above 6.5% or higher had been removed from shelves but was still available as stacked at back of the store.

Enforcement letter sent – 21.10.2024

Fourth Inspection – 13.01.2025 – condition breaches identified.

1. Annex 2 (2)
2. Annex 2A (9)
3. Annex 2A (11)
4. Annex 3 (13)

Enforcement letter sent – 17.01.2025

A full supplementary bundle will be provided within 28 days.

Premises licence attached.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *A. Smith*

.....

Date **Monday 27<sup>th</sup> January 2025**

.....

Capacity **Licensing Enforcement Officer**

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) A Smith Tendring District Council Licensing Authority Town Hall Station Road	
<b>Post town</b> Clacton on Sea	<b>Post Code</b> CO15 1SE
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> <a href="mailto:licensingsection@tendringdc.gov.uk">licensingsection@tendringdc.gov.uk</a>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## Schedule 12 Part A

Regulation 33,34

### Tendring District Council Premises Licence

Premises Licence Number

19/00055/PREMVA

**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**

01255 470002

**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 Sunday

00:00 – 00:00

**Non Standard Timings**

Not Applicable

**The opening hours of the premises**

Monday to Sunday

00:00 – 00:00

**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

**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

**Paul Price**  
**CORPORATE DIRECTOR**  
Dated: 2 April 2019

**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 2A – Conditions as agreed with Essex Police**

- 6 No single cans of Super Strength Beer, Lager or Cider, having an Alcohol By Volume (ABV) content of 6.5% or higher, will be sold at any time.
- 7 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 other Photo ID, formally approved by Essex Trading Standards).
- 8 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.
- 9 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 area 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.
- 10 The DPS/Licence Holder will take all reasonable steps to prevent youths gathering outside the immediate front of the premises.

- 11 The premises operators shall join TENBAC and retain membership during the life of the Premises Licence.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

- 12 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 for the sale of alcohol.
- 13 At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol.

**Annex 4 – Plans**

Plans are attached to this Licence

## **Premises Licence Review**

139 Old Road

Clacton On Sea

Essex

CO15 3AT

(Trading as “Clacton Local”)

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## Case Summary

Between 18<sup>th</sup> September 2024 and 13<sup>th</sup> January 2025, Tendring District Council Licensing Team have conducted four separate inspections at 139 Old Road, Clacton on Sea, Essex, CO15 3AT (trading as Clacton Local). During each inspection, numerous breaches of licence conditions were identified, and advice was given to encourage compliance with licence conditions. Two meetings have taken place with the Designated Premises Supervisor / licence holder, where the breaches of were discussed, and further advice given to encourage compliance with the conditions breached.

Despite the recommendations by the Licensing Team to the Designated Premises Supervisor, minimal changes have been made, and the premises continues to breach multiple conditions.

## Licensed Premises History

The premises licence number is 19/00055/PREMVA issued by Tendring District Council was granted on 02.04.2019; the licence holder is Mr Suresh Theivendram.

The Designated Premises Supervisor is also detailed as Mr Suresh Theivendram.

The premises is licenced for the sale of alcohol for consumption off the premises Monday – Sunday 00:00hrs to 00:00hrs (24 hours).



# Routine Inspection dated 18<sup>th</sup> September 2024

Licensing Enforcement Officer, Alfie Smith and Licensing Manager, Michael Cook attended 139 Old Road, Clacton on Sea, Essex on Wednesday 18<sup>th</sup> September 2024 where a routine inspection was started at 13:58hrs. This was a joint inspection with Immigration Enforcement.

The Designated Premises Supervisor was not present at the premises at the time of the inspection, but staff member Kilimoly Tharmathas was in charge of the premises at the time of the inspection and was available to answer questions regarding the premises licence.

## Incorrect Premises Licence Displayed

Licence Enforcement Officer, Alfie Smith requested to see the premises licence, which is required to be on display inside of the premises by virtue of Section 57 of the Licensing Act 2003. Tharmathas initially did not know where the premises licence was displayed and the premises licence, but this was located by Michael Cook. It was soon identified that the licence displayed inside of the premises was a historic copy, reference number 15/00046/PREMVA.

Breach of Condition: Annex 2 (1) "Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation".

During the inspection, Tharmathas was made aware of the requirement for notices to be displayed inside of the premises indicating that a CCTV system is in operation and the location of the notices was requested by Tharmathas before officers were informed that there are no such notices inside of the premises.

Condition Breach: Annex 2A (6) – "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".

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During the inspection, officers inspected the alcohol on sale in the premises and brands of alcohol (single cans) with an ABV content of 6.5 or higher were identified inside of the premises (Appendix C).

Condition Breach: Annex 2A (8) – “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.”

During the inspection, officers requested to see the refusals and incident book where it was identified that neither are being completed. Tharmathas stated that the till which is used has a prompt which asks whether a customer is over 18 at the time of the sale but after further questioning it was identified that the till prompt is not capable of generating reports providing any information about the refusal which would be required by a refusal log, such as:

Date/Time of Refusal

Product

Reason for refusal

Description of individual

Action taken

Staff signature

Signature of DPS.

Condition Breach: Annex 2A (11) – “The premises operators shall join TENBAC and retain membership during the life of the Premises Licence”.

TENBAC no longer exists, however, there are new memberships such as “Shop Safe” which allows premises operators to maintain contact with each other to provide information about offenders and their movements around the Tendring area. At the time of the inspection, the premises was not operating a TENBAC or equivalent scheme.

Condition Breach: Annex 3 (13) – “At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol”.

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Upon entering the premises for the inspection, Tharmathas was found behind the store counter and was the only staff member on duty inside of the premises at the time of the inspection. There was an additional male found inside of the premises who was questioned by Immigration Enforcement, however, this individual insisted that he was not working at the shop and Tharmathas supported this. For the duration of the inspection, no additional staff members were identified inside of the store.

At the end of the inspection, Alfie Smith, spoke with the Designated Premises Supervisor Mr Suresh Theivendram on the telephone, where he was made aware of the copious breaches which were identified during the inspection and informed that he will need to make immediate changes to ensure compliance with the conditions on his premises licence. During the telephone call, Mr Suresh Theivendram agreed to attend Clacton Town Hall on Thursday 26/09/2024 at 1pm for a meeting regarding the licence conditions.

Further to this, an enforcement letter, dated Friday 20<sup>th</sup> September 2024 was sent to Mr Suresh Theivendram at 139 Old Road, Clacton on Sea, Essex (Appendix D)

Please see Appendix K – Inspection document 18.09.2024 in relation to this visit.

# Meeting One

## 26<sup>th</sup> September 2024

Mr Suresh Theivendram attended Clacton Town Hall at 1pm on Thursday 26<sup>th</sup> September 2024 for a meeting with Licensing Enforcement Officer Alfie Smith and Police Licensing Officer, Steven Bennett.

During the meeting, Suresh Theivendram confirmed that he had received the enforcement letter detailing the breaches identified during the inspection.

During the meeting, the issues identified in the first inspection were discussed:

Mr Suresh Theivendram was informed that in order to comply with the Licensing Act 2003, he needs to display PART B the correct premises licence inside of the shop. Suresh was made aware that if he cannot find his copy of the premises licence, then he can purchase another for a fee of £10.50 by calling the licensing team. Contact details for licensing team confirmed in the meeting.

Suresh was informed that he needs to display notices inside of the premises clearly stating that CCTV is in operation and that the signage needs to be on display in a place where customers can see it.

Suresh was also informed that he needs to have at least two staff members inside of the shop at all times that the premises is open to the public for the sale of alcohol. When this point was raised Suresh mentioned that due to new shops opening in the area, which has created more competition for him, he cannot afford to have two members of staff in the store. Alfie Smith informed Suresh that he should look into a minor variation which is an application which would allow him to vary his premises licence conditions. Alfie advised Suresh that if he submitted this application, the Licensing Authority could consider the removal of certain conditions on his licence, but this is not guaranteed.

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Suresh was also reminded that his store is open for 24 hours and that the condition requiring two members of staff in the store has a number of benefits, such as:

1. Enhanced Security: With two staff members, there's an added layer of security. This can help deter theft and handle any potential security issues more effectively.
2. Emergency Situations: In case of an emergency, having two staff members means one can handle the situation while the other continues to manage the shop or call for help.

Suresh was made aware that he cannot sell any single cans of super strength beer, larger or cider with an alcohol by volume content of 6.5% or higher. Suresh was unclear about why this applies to him and not other premises in the area. Suresh also said that he orders his stock from Bookers, and that they sell all fully legitimate alcohol, so he does not see why it is a problem. I informed Suresh that the conditions on his licence would have been agreed at the time of his application for the licence, and he would have been made fully aware of the conditions at this time.

Suresh was also reminded of the condition on his licence relating to TENBAC. Suresh was told that previously TENBAC was an initiative in the Tendring Area which was aimed at reducing crime, specifically shoplifting in local businesses, by encouraging business to work together and share information about offenders and suspicious activities in premises. Suresh was made aware that this scheme no longer exists but there are alternative schemes that he should look into online.

Suresh was given until the 3<sup>rd</sup> of October 2024 to resolve the issues outlined to him in the initial enforcement letter, and the meeting or to risk further enforcement action. Suresh was made aware that he must ensure that there are two staff members inside the shop at all times.

Following this meeting, an enforcement letter was sent, summarising all the matters discussed (Appendix E).

# Routine Inspection dated 4<sup>th</sup> October 2024

Licensing Enforcement Officer, Alfie Smith and Essex Police Licensing Officer, Steven Bennett attended 139 Old Road, Clacton on Sea, Essex at 11:25am on Friday 4<sup>th</sup> October 2024.

Upon arrival at the premises, the DPS was not present and there was one member of staff present in the premises. An additional member of staff arrived at the premises during the inspection.

Changes implemented since meeting.

During this inspection it was noted that the correct premises licence was now displayed inside of the premises, in accordance with the Licensing Act 2003.

It was also noted that there were not clear notices showing that CCTV is in operation at the premises. This notice was placed in an area which is visible to the public upon customers entering the premises.

Condition Breach: Annex 2A (6) – “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”.

In contravention of the above two conditions outlined. It was noted in the inspection by both Alfie Smith and Steven Bennett that the high strength alcohol with an ABV of 6.5% or higher which was identified in the last inspection had been removed. However, the alcohol removed from the shelves had been replaced with an alternative (single cans) with an ABV of 6.5% or higher (Appendix F)

1. Kestrel Super Premium Strength Lager, 9%
2. Omega White Cider, 7.5%
3. Dragon Scoop, 7.5%

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Condition Breach: Annex 2A (8) – “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.”

Following the advice given to the DPS in the first inspection, the previous enforcement letters and during the meeting at Town Hall on 26<sup>th</sup> September 2024, when staff member Kilimoly Tharmathas was asked by officers to present the refusal / incident book nothing could be present. Kilimoly Tharmathas again pointed out that the till which is used has prompts which asks members of staff if customers are meet the legal age requirements to buy alcohol. However, the licensing officers in attendance explained that this measure is not sufficient as records cannot be produce and the till prompt does not record any details of the interaction. During the inspection, Kilimoly Tharmathas was informed that this had been discussed at a meeting with the DPS, but it became clear to officers in attendance that no refusals log / incident book had been implemented.

Condition Breach: Annex 2A (11) – “The premises operators shall join TENBAC and retain membership during the life of the Premises Licence”.

During the inspection, it was identified that no initiative similar to TENBAC had been introduced.

Condition Breach: Annex 3 (13) – “At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol”.

Upon arrival at the premises officers noted that there was only one staff member on duty in the shop. Neither the DPS nor Kilimoly Tharmathas were present in the store. The inspection was started and the member of staff on duty called Kilimoly Tharmathas to alert her that licensing officers were in attendance. Kilimoly Tharmathas arrived a short time after this call was made. It was raised again with Kilimoly Tharmathas that there needs to be two members of staff on duty whilst the shop is open for the sale of alcohol and Kilimoly Tharmathas commented that she was close by and has arrived quickly. Kilimoly Tharmathas was reminded very clearly that, if there are not two members of staff on duty, as specified by the license condition, the condition will be breached, irrespective of how far away someone is if they are needed. During the

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inspection, Kilimoly Tharmathas mentioned that they are currently in the process of hiring more staff members so that they could adhere to the condition on the licence.

Please see Appendix L – Inspection document 04.10.2024 in relation to this visit.



# Meeting Two

## 8<sup>th</sup> October 2024

Suresh visited Clacton Town Hall on Tuesday 8<sup>th</sup> October 2024 (without appointment) and asked how the inspection went on 4<sup>th</sup> October 2024.

During the meeting, Alfie Smith pointed out to Suresh that the recommendations that he and Steve Bennett made were not implemented. Alfie also mentioned that there was only one member of staff present in the store before Kilimoly Tharmathas arrived. Suresh was told very clearly, again, that there needs to be two members of staff on duty whilst the store is open to the public for the sale of alcohol. Suresh commented that he cannot financially afford to keep two staff members in the store due to the business lost due to local competition. Alfie told Suresh that the application for a minor variation has been sent to him, along with the enforcement letters explaining the issues but Suresh asked if they could be sent again. Suresh confirmed that he has our email address and that he will email in requesting the forms so I can send them to him. I also advised Suresh that the forms are online if he wishes to look and complete them as this will be easier and faster than completing the paper application.

Suresh did not email to request any applications, and no applications were received following this meeting.

# Routine Inspection dated 18<sup>th</sup> October 2024

Inspection started at 11:40am on 18<sup>th</sup> October 2024. Officers Alfie Smith and Michael Cook in attendance. DPS not present during the visit. Miss Kilimoly Tharmathas was staff member present in the premises.

## Changes Implemented

All alcohol with an ABV of 6.5% or higher had been removed from the shelves but stacked at the back of the shop in the view of customers.

Condition Breach: Annex 2A (6) – “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”.

In regard to the conditions outlined above, during the inspection it was noted that all alcohol with an ABV of 6.5% or higher had been removed from shelves in the premises. However, all of the alcohol removed from the shelves was sat in packaging and stacked up in the view of customers at the back of the shop. The packaging seemed unbroken, so it was not possible to tell if alcohol was being sold, but it was on view to customers and accessible to staff if they did wish to sell the alcohol. (Appendix G)

Condition Breach: Annex 2A (8) – “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.”

Whilst conducting the inspection, officers requested to see the refusal / incident book and were made aware that nothing had been implemented. The staff member present in the store mentioned the till prompt procedure in place which asks the staff member completing the transaction whether the individual purchasing goods is 18 or over.

## APPENDIX A

Miss Kilimoly Tharmathas was the only staff member in the premises and was told during the inspection that the till prompt had been explained to officers in the past and this was not sufficient. Kilimoly Tharmathas was reminded that she was in attendance at the premises when officers spoke about this.

Condition Breach: Annex 2A (11) – “The premises operators shall join TENBAC and retain membership during the life of the Premises Licence”.

During the inspection, no alternative to TENBAC was identified, as previously advised.

Condition Breach: Annex 3 (13) – “At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol”.

Initially, Miss Kilimoly Tharmathas was the only staff member present when the inspection was started. After approximately 40 minutes, an additional staff member arrived, stating that they were on a break. Miss Kilimoly Tharmathas was satisfied that two members of staff were not present in the premises. However, officers in attendance clarified with Miss Kilimoly Tharmathas that when they arrived that there was still only one staff member present in the shop, and this constitutes a breach of conditions.

Miss Kilimoly Tharmathas explained that the staff working at the premises are entitled to breaks and both officers in attendance agreed but explained that if there are two members of staff at the premises and one goes for a break, there needs to be an additional staff member who is not on a break. In keeping with the condition that there needs to be two staff members present in the shop at all times that the premises is open to the public for the sale of alcohol. Miss Kilimoly Tharmathas stated that they cannot afford to hire more staff members at the shop.

### Actions taken by Licensing Authority following inspection

Refusals log provided.

Enforcement letter sent detailing the breaches which took place was sent on 21.10.2024 (Appendix H).

Please see Appendix M – Inspection document 18.10.2024 in relation to this visit.

# Routine Inspection dated 13<sup>th</sup> January 2025

Alfie Smith (Licensing Enforcement Officer) and Michael Cook (Licensing Manager) attended 139 Old Road, Clacton on Sea, CO15 3AT for a routine inspection.

Condition breach: Annex 2 (2) – “The Licence holder 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”.

During the inspection, Licensing Officers asked to see the backed-up CCTV footage for the premises and were informed that the CCTV system had not been working since October 2024. It was mentioned by Miss Kilimoly Tharmathas that following an incident at the premises, Essex Police attended and requested the CCTV footage, and this is when they discovered the system was not working.

Miss Kilimoly Tharmathas stated that they are currently waiting for an insurance claim to be completed so that they can have the CCTV cameras repaired but Miss Kilimoly also stated that she does not know when the money would come. Miss Kilimoly was told that it is not appropriate to wait to get the CCTV system repaired and that a deadline will be given for the CCTV system to be repaired.

Following the inspection, an enforcement letter was sent to the licence holder, Suresh, wherein he was told that the CCTV will need to be repaired before Monday 17<sup>th</sup> January 2025.

Condition breach: Annex 2A (9) – “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 area 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.”

Condition breach: Annex 3 (13) – “At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol”.

During the inspection Miss Kilimoly informed Licensing Officers that their second member of staff called in sick. Miss Kilimoly was reminded during the inspection that there needs to be two members of staff whilst the premises are open to the public for the sale of alcohol and Miss Kilimoly apologised for this.

After this inspection, a further enforcement letter was sent, outlining the issues identified during the visit (Appendix I).

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Please see Appendix N – Inspection document 13.01.2025 in relation to this visit.

# Review Papers Served

## 27<sup>th</sup> January 2025

Licensing Enforcement Officer and Licensing Manager, Michael Cook served the review notice to directly to Suresh Theivendram at approximately 11:33am on Monday 27<sup>th</sup> January 2025. 139 Old Road, Clacton on Sea, Essex, CO15 3AT.

During attendance at the premises licensing officers noted that there was a male staff member behind the counter who informed them that Suresh was not at the shop today. The staff member confirmed that he was the only person in the shop until 14:00hrs.

The member of staff in charge of the premises called Suresh and informed and asked him to attend the premises. When Suresh arrived, the review papers were served directly to him and the review notice was put on display inside the premises by Alfie Smith.

Whilst in attendance at the premises Suresh stated that he needs support from the local council to rectify the issues at the premises. Alfie explained that Suresh has been supported but it was due to the issues not being rectified after advice has been given, that the review is being sought.

Before leaving, Alfie asked the un-named member of staff that was in the premises on his own, if he was a personal licence holder, and it was confirmed that he was not. Further to this, Michael Cook asked Suresh if the CCTV had been repaired, and Suresh confirmed that the CCTV was working, but does not save any footage, so it would not be able to be provided to Responsible Authorities if required.

3 breaches of conditions noted:

1. Annex 2A (9) 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

## APPENDIX A

and Local Authority. The lighting of the premises will be such that the CCTV operates at the best possible level.

2. Annex 3 (12) 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 for the sale of alcohol.
3. Annex 3 (13) At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol.

It was noted during this inspection that the CCTV still had not been repaired.

## Reasons for Review

Between 18.09.2024 and 13.01.2025, licensing officers have visited 139 Old Road, Clacton on Sea, Essex on five separate occasions; on each occasion several breaches of premises licence conditions have been identified. The licensing team have attempted to provide education to the Designated Premises Supervisor and advise on how he can ensure that the conditions are adhered to. However, several months have now passed since the first inspection was completed and whilst it is recognised that small changes have been introduced to the premises to ensure compliance in regard to some conditions, there are still numerous conditions on the licence which seem to be ignored.

The licensing team have met with the DPS on two separate occasions to provide education and advise on how conditions may be adhered to. However, despite the support from the licensing team, the DPS has failed to make any substantial progress to adhere to the conditions on their licence conditions. It is clear that although advice continues to be provided, the DPS is unable to adhere to the conditions on the premises licence and uphold the four licensing objectives:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

### The Prevention of Crime and Disorder

In this particular case, the licence holder has failed in the prevention of crime and disorder as they have failed to ensure that their CCTV is backed up for a period of 28 days and is available to police or an authorised officer of the council on demand. The presence of visible CCTV is an important deterrent to potential criminals from engaging in illegal activities. CCTV also allows for continuous monitoring of the premises which can help in identifying suspicious behaviour and taking preventative measures before crime can occur. Further to this, in the event of a crime, CCTV footage provides valuable evidence that can be used by police to identify offenders and assist in criminal prosecutions.

## APPENDIX A

The licensing team have been informed by a Miss Kilimoly Tharmathas that the CCTV has been inoperational since the end of October 2024.

The licence holder has failed to ensure that two members of staff are present in the store whilst the premises is open for the sale of alcohol. On every single occasion that licensing officers have visited the premises, they have witnessed only one member of staff on duty. The presence of additional staff members acts as a deterrent to potential offenders as multiple staff can more effectively monitor different areas of the store, ensuring that any suspicious behaviour is quickly identified and addressed. Further to this, having multiple staff members present in the store means that staff members can support each other in the event of challenging situations and provide backup to ensure that both members of staff are kept safe in the event of an emergency. The licence holder has previously told licensing officers that he cannot afford to keep two members of staff inside of the premises at all times and that he always keeps someone close by in the case of any incidents. However, on multiple occasions, the licence holder has been made aware that this is not sufficient and does not support in the prevention of crime and disorder.

During the inspection on 31.01.2025, licensing officers spoke to the staff member behind the counter who was seen working and this individual confirmed he was alone in the store and was not a personal licence holder. Allowing a non-personal licence holder to be the sole person responsible inside of the premises breaches a condition on the licence which also undermines the prevention of crime and disorder licensing objective. Personal licence holders are trained and knowledgeable about the licensing laws and responsibilities. Their presence ensures that the premises are managed in accordance with these laws, reducing the likelihood of criminal activities and disorderly conduct. Further to this, in case of any incidents, personal licence holders are equipped to handle situations effectively, whether it involves dealing with unruly customers or liaising with law enforcement if required.

In relation to the prevention of crime and disorder, the licence holder has also failed in gaining membership to a relevant crime prevention scheme. Although the TENBAC scheme no longer exists, there are alternative scheme's which have recently gained traction in Tendring.



## APPENDIX A

Although being made aware of the condition on the licence, the licence holder has taken no positive action in seeking to implement an alternative scheme to assist with the prevention of crime and disorder.

### Public Safety & The Prevention of Public Nuisance

It should also be noted that the reasons for review outlined above not only relate to the prevention of crime and disorder but also relate to Public Safety and The Prevention of Public Nuisance. Most specifically, because CCTV primarily acts as a powerful deterrent against preventing public nuisance, such as vandalism, noise disturbances, loitering, public intoxication and Anti-Social behaviour. As mentioned above, CCTV allows for continuous monitoring of the premises which can help in identifying suspicious behaviour and taking preventative measures before crime can occur. CCTV is a vital tool in enhancing public safety, providing a sense of security, and ensuring that any incidents are managed effectively.

In keeping with this, ensuring that two members of staff are also present in the premises means that staff can support each other in challenging situations. For example, if a medical emergency arises at the premises, then one member of staff can focus on first aid (if trained) and the second member of staff could call the emergency services. Having more than one member of staff also allows for enhanced monitoring in instances of public nuisance, allowing staff members to better identify public nuisance and provide a faster and more co-ordinated response in such instances.

## Outcome Sought

The purpose of the Licensing Act 2003 is to provide a clear and transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which lay as the foundation of the Licensing Act 2003, which need to be taken into account during the initial application process and promoted by the licence holder throughout the duration of the licence. The licence holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined in the initial premises licence application.

The Licensing Authority asks that the premises licence is revoked. The Licensing Authority feels that merely adding more conditions to the premises licence would be wholly ineffective due to the number of breaches that continue to occur, despite the extensive advice given to the licence holder. Further to this, although changes have been made to adhere to conditions on the licence, since the first inspection in September, the licence holder has shown a propensity to ignore advice by the Licensing Authority. For example, the licence holder was advised on multiple occasions since September 2024 they will need to complete a refusals log / incident book, but this was not implemented until 26.10.2024 (Appendix J). Further to this, the licence holder continues to allow only one member of staff to be present inside of the premises, despite knowing that this is a breach of the licence conditions.

The licence holder has made the Licensing Authority aware that he cannot afford to keep two members of staff in the store in accordance with their licence conditions. Currently, the premises licence allows for the sale of alcohol 24 hours a day, every day and this means, that two members of staff must be in the store during this time. If revocation of the premises licence is not considered an appropriate outcome, then the Licensing Authority requests that the time which alcohol can be sold from the premises (off sales) is reduced from 24 hours per day.

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The Licensing Authority believes that by reducing the licensed hours, this will reduce the financial constraints on the licence holder as two members of staff will be required in the store on a less frequent basis. In keeping with this request, the Licensing Authority also asks that the premises licence be suspended until a full inspection is completed at the premises which shows that ALL current licence conditions are being upheld.

# Appendix

Appendix A – Review Application

Appendix B – Current Licence

Appendix C – Photos taken 18.09.2024

Appendix D – Enforcement Letter 20.09.2024

Appendix E - Enforcement Letter 26.09.2024

Appendix F – Images of Alcohol 04.10.2024

Appendix G – Stored Alcohol 18.10.2024

Appendix H – Enforcement Letter 21.10.2024

Appendix I – Enforcement Letter 17.01.2025

Appendix J – Image of refusals log

Appendix K – Inspection document 18.09.2024

Appendix L – Inspection document 04.10.2024

Appendix M – Inspection document 18.10.2024

Appendix N – Inspection document 13.01.2025

**Tendring District Council**  
**Licensing Office, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE**  
**Tel: 01255 686565 Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)**

**Application for the review of a premises licence or club premises certificate 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 Acting on behalf of the Licensing Authority as a Responsible Authority.....**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

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

139 Old Road

**Post town Clacton on Sea**

**Post code (if known) CO15 3AT**

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Suresh Theivendram

**Number of premises licence or club premises certificate (if known)**

19/00055/PREMVA

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Licensing Authority as a Responsible Authority  
Tendring District Council  
Town Hall  
Station Road  
Clacton On Sea  
CO15 1SE

Telephone number (if any)

E-mail address (optional)

licensingsection@tendringdc.gov.uk

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

This premises was granted a premises licence under the Licensing Act 2003 by Tendring District Council authorising the sale of alcohol off of the premises 24 hours a day, 7 days a week. The premises currently operates as a convenience store / off licence.

The premises licence holder and designated premises supervisor is Mr Suresh Theivendram; this person is a personal licence holder, reference number TDX1149, issued by Tendring District Council on 07.09.2009.

The Tendring District Council Licensing Enforcement Officer and Licensing Manager, alongside Essex Police, have conducted numerous visits to 139 Old Road, Clacton On Sea, Essex, CO15 3AT since September 2024 where numerous breaches of the licensing conditions have been identified on each occasion.

The licence holder / designated premises supervisor, Mr Suresh Theivendram, has been given ample opportunity and time since the first inspection and has been made conscious of the repeated breaches after each inspection has taken place. However, despite copious amounts of advice being given on numerous occasions, they still continue to undermine two core licensing objectives: the prevention of crime and disorder and public safety.

**Please provide as much information as possible to support the application** (please read guidance note 3)

139 Old Road (known to be trading as Clacton Local) is located at 139 Old Road, Clacton on Sea, Essex, CO15 3AT.

The premises licence holder and designated premises supervisor is Mr Suresh Theivendram; this person is a personal licence holder, reference number TDX1149 issued by Tendring District Council on 07.09.2009.

There has been four premises licence inspections between the dates of 18.09.2024 and 13.01.2025.

There have also been two meetings with Mr Suresh Theivendram. The first taking place on 26.09.2024 and the second meeting taking place on 08.10.2024.

Please note the timeline of events below:

First inspection – 18.09.2024 – condition breaches identified.

1. Annex 2 (1)
2. Annex 2 (4)
3. Annex 2A (6)
4. Annex 2A (8)
5. Annex 2A (11)
6. Annex 3 (13)

Incorrect premises licence also displayed in contravention of S.57 of the Licensing Act 2003.

Enforcement letter sent – 20.09.2024

First meeting with licence holder / DPS – 26.09.2024

- All breaches of conditions discussed.

Second Inspection – 04.10.2024 – condition breaches identified

1. Annex 2 (4)
2. Annex 2A (6)
3. Annex 2A (8)
4. Annex 2A (11)
5. Annex 3 (13)

Second meeting with licence holder / DPS – 08.10.2024

- Second inspection discussed; advice given regarding breaches.

Third Inspection – 18.10.2024 – condition breaches identified

1. Annex 2 (4)
2. Annex 2A (6)
3. Annex 2A (8)



4. Annex 2A (11)
5. Annex 3 (13)

Note: Super strength alcohol having ABV content above 6.5% or higher had been removed from shelves but was still available as stacked at back of the store.

Enforcement letter sent – 21.10.2024

Fourth Inspection – 13.01.2025 – condition breaches identified.

1. Annex 2 (2)
2. Annex 2A (9)
3. Annex 2A (11)
4. Annex 3 (13)

Enforcement letter sent – 17.01.2025

A full supplementary bundle will be provided within 28 days.

Premises licence attached.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *A. Smith*

.....

Date **Monday 27<sup>th</sup> January 2025**

.....

Capacity **Licensing Enforcement Officer**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

A Smith  
Tendring District Council Licensing Authority  
Town Hall  
Station Road

**Post town**  
**Clacton on Sea**

**Post Code**  
**CO15 1SE**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## Schedule 12 Part A

Regulation 33,34

### Tendring District Council Premises Licence

Premises Licence Number

19/00055/PREMVA

**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

01255 470002

**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 Sunday

00:00 – 00:00

**Non Standard Timings**

Not Applicable

**The opening hours of the premises**

Monday to Sunday

00:00 – 00:00

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

Sale of Alcohol off the premises

# APPENDIX A

## APPENDIX A

### 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

**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

**Paul Price**

**CORPORATE DIRECTOR**

Dated: 2 April 2019

**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).

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## APPENDIX 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 2A – Conditions as agreed with Essex Police**

- 6 No single cans of Super Strength Beer, Lager or Cider, having an Alcohol By Volume (ABV) content of 6.5% or higher, will be sold at any time.
- 7 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 other Photo ID, formally approved by Essex Trading Standards.
- 8 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.
- 9 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 area 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.
- 10 The DPS/Licence Holder will take all reasonable steps to prevent youths gathering outside the immediate front of the premises.

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## APPENDIX A

- 11 The premises operators shall join TENBAC and retain membership during the life of the Premises Licence.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 12 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 for the sale of alcohol.
- 13 At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol.

### **Annex 4 – Plans**

Plans are attached to this Licence



## Schedule 12 Part A

Regulation 33,34

### Tendring District Council Premises Licence

Premises Licence Number

19/00055/PREMVA

**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

01255 470002

**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 Sunday

00:00 – 00:00

**Non Standard Timings**

Not Applicable

**The opening hours of the premises**

Monday to Sunday

00:00 – 00:00

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

Sale of Alcohol off the premises

# APPENDIX A

# APPENDIX B

## 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

**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

**Paul Price**

**CORPORATE DIRECTOR**

Dated: 2 April 2019

## 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).

# APPENDIX A

## APPENDIX B

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 2A – Conditions as agreed with Essex Police**

- 6 No single cans of Super Strength Beer, Lager or Cider, having an Alcohol By Volume (ABV) content of 6.5% or higher, will be sold at any time.
- 7 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 other Photo ID, formally approved by Essex Trading Standards.
- 8 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.
- 9 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 area 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.
- 10 The DPS/Licence Holder will take all reasonable steps to prevent youths gathering outside the immediate front of the premises.

## APPENDIX A

## APPENDIX B

- 11 The premises operators shall join TENBAC and retain membership during the life of the Premises Licence.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 12 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 for the sale of alcohol.
- 13 At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol.

### **Annex 4 – Plans**

Plans are attached to this Licence



















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

Licensing Section  
Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE

Tel: (01255) 686565  
Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Please ask for: Alfie Smith  
Our reference : 19/00055/PREMVA

Friday 20th September 2024

Dear Suresh,

**LICENSING ACT 2003 – BREACH OF LICENCE CONDITIONS  
139 OLD ROAD, CLACTON ON SEA, ESSEX, CO15 3AT.**

I conducted an inspection at 139 Old Road, Clacton on Sea, Essex, CO15 3AT on Wednesday 18<sup>th</sup> September 2024. During my inspection several breaches of your premises licence were identified:

**1) The incorrect premises licence was displayed in the store.**

*S.57 (2) The holder of the premises licence must secure that the licence or a certified copy of it are kept at the premises in the custody or under the control of—*

*(a) the holder of the licence, or*

*(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.*

*S.57 (3) The holder of the premises licence must secure that—*

*(a) the summary of the licence or a certified copy of that summary are prominently displayed at the premises.*

*As you are displaying the incorrect premises licence, this is a direct breach of Section 57 of the Licensing Act 20024.*

**2) There are no notices in the premises clearly displaying that CCTV is in operation.**

*Annex 2 (1) states that “Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation”.*

**3) 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.**

APPENDIX A APPENDIX D

During the inspection I asked the staff member if I could see the refusals/incident book and was informed that one is not kept. As a refusals/incident book is not being kept. This is a direct breach of your licence conditions.

- 4) At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol.**

During the inspection it was identified that only one member of staff was working at the premises.

- 5) 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.**

During the inspection, it was identified that several different brands of high strength larger or cider, above the ABV of 6.5% were being sold at the premises.

- 6) The premises operators shall join TENBAC and retain membership during the life of the premises licence.**

TENBAC (Tendring Business Against Crime) was a programme which included a radio service for stores so that they could communicate with each other in order to prevent and deter crime in the local area. Although TENBAC no longer exists, we would expect measure to have been put in place to replace the system, which there was no evidence of at the time of the inspection.

**Following the inspection, we spoke on the phone regarding the inspection, and I would like to confirm your appointment to attend Clacton Town Hall, Station Rd, Clacton-on-Sea CO15 1SE on Thursday 26/09/2024 at 1pm for a meeting regarding the licence conditions.**

If you have any question regarding the above, please contact the Licensing section on 01255686565 where a member of the team can assist.

Yours sincerely

*A. Smith*

Alfie Smith  
**LICENSING ENFORCEMENT OFFICER**



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

Licensing Section  
Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE

Tel: (01255) 686565  
Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Please ask for: Alfie Smith  
Our reference : 19/00055/PREMVA

Thursday 26th September 2024.

Dear Suresh,

**LICENSING ACT 2003 – BREACH OF LICENCE CONDITIONS  
139 OLD ROAD, CLACTON ON SEA, ESSEX, CO15 3AT.**

Thank you for attending the meeting at Clacton Town Hall today. As discussed, there are a number of matter things at the premises which require immediate change.

- 1) The correct premises licence needs to be displayed in store. If you cannot find your copy of the premises licence, then please call the licensing team on the number provided on this letter and you can order another for a fee of £10.50 and this will be sent to you.
- 2) You need to display notices in the premises which clearly state that CCTV is in operation. These can be purchased online.
- 3) At least two members of staff should be present in the shop at all times that the premises is open to the public for the sale of alcohol. I appreciate that during our meeting you stated that this has been breached due to financial issues meaning that you cannot have two members of staff in the store. However, if this is the case, you may apply for a minor variation to the premises licence and state that you wish to have this condition removed. I have enclosed the application for a minor variation with this letter for you to take a look at if you wish to do so. However, until the variation takes effect, you must ensure that two members of staff are in the shop at all times as per the licence conditions.
- 4) No single cans of Super Strength Beer, Larger or Cider, having an Alcohol by Volume content of 6.5% or higher, will be sold at any time. As discussed in the meeting, any alcohol with an ABV of 6.5 or higher will need to be removed from the premises **with immediate effect**.
- 5) I have noticed that you have a condition on your licence for TENBAC, however, I also appreciate that TENBAC no longer exist. During the meeting you discussed that there is a panic button behind the till, which will alert the police in the case of an emergency. If you do apply for a minor variation, then it may also be worth considering applying to have this condition removed also.

APPENDIX A      APPENDIX E

**Please ensure that these changes are completed by Thursday 3<sup>rd</sup> October 2024. Where further inspection is completed in the future and these issues have not been rectified, then we will strongly consider a review of your premises licence.**

If you have any question regarding the above, please contact the Licensing section on 01255686565 where a member of the team can assist.

Yours sincerely

*A. Smith*

Alfie Smith  
**LICENSING ENFORCEMENT OFFICER**



















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

Licensing Section  
Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE

Tel: (01255) 686565  
Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Please ask for: Alfie Smith  
Our reference : 19/00055/PREMVA

Monday 21st October 2024

Dear Suresh,

**LICENSING ACT 2003 – BREACH OF LICENCE CONDITIONS  
139 OLD ROAD, CLACTON ON SEA, ESSEX, CO15 3AT.**

An inspection was completed at the above address on Friday 18<sup>th</sup> October 2024.

- 1) You have previously been advised that you need to display the correct premises licence in the store. During the inspection in 18.10.2024, it was noted that you are correctly displaying the premises licence.
- 2) You have previously been advised that you need to display notices in the premises which clearly state that CCTV is in operation. During the inspection on 18.10.2024, it was noted that the correct signage is now displayed in the store.
- 3) You have previously been advised that it is a condition on your licence that at least two members of staff should be present in the shop at all times that the premises is open to the public for the sale of alcohol. During the inspection, there was only one member of staff in the store for the 40 minutes whilst we were in attendance, but an additional staff member arrived at the very end of the inspection. I will mind you that annexe 3 (13) of your premises licence states that states that:

*At least two members of staff must be present in the shop **at all times** the premises are open to the public for the sale of alcohol.*

- 4) You have previously been advised that no single cans of Super Strength beer, larger or cider, having an Alcohol by Volume content of 6.5% or higher, can be sold at any time. During the inspection on 18.10.2024 it was noted that all of the alcohol with an ABV of 6.5% or higher has been removed from the shelves. However, we did notice that the alcohol which has been removed from the shelves is now stored at the back of the premises on full display to customers. **This will need to be removed from the premises as soon as possible and should not be left in the view of customers, or where it could reasonably be perceived as “displayed” to customers.**
- 5) During an inspection on 04.10.2024 we noted that there was no refusals log or incident book being used at the premises which is a breach of Annexe 2A (8)

## APPENDIX A

## APPENDIX H

*'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.'*

During the inspection on 18.10.2024 it was identified that no efforts have been made to introduce or keep a refusals log or incident book, which demonstrates another breach of this condition. The member of staff in the shop at the time showed the till prompt, but explained that there are no details of the refusal logged or kept at any time. We have now provided you with a refusals log which we will be checking **is kept up to date**. Further to this, it is your responsibility to keep an incident book and we will be requesting this in our next inspection.

If you have any question regarding the above, please contact the Licensing section on 01255686565 where a member of the team can assist.

Yours sincerely

*A. Smith*

Alfie Smith  
**LICENSING ENFORCEMENT OFFICER**



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

Licensing Section  
Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE

Tel: (01255) 686565  
Email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Please ask for: Alfie Smith  
Our reference : 19/00055/PREMVA

Friday 17th January 2025

Dear Mr Suresh Theivendram,

**LICENSING ACT 2003 – BREACH OF LICENCE CONDITION  
139 OLD ROAD, CLACTON ON SEA, ESSEX, CO15 3AT.**

An inspection was carried out at the above address on 13.01.2025 where it was identified that you are in breach of 2 of your licensing conditions.

Annex 2 (2) of your licence states: “The Licence holder 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”. During the inspection, I asked to see your CCTV footage and I was informed that the CCTV system has not been working since October 2024. I was further informed that it was discovered that the CCTV system was not working when Essex Police requested a copy following an incident which took place. When asked about the plans to repair the system, I was also informed that you are waiting for the insurance money from a criminal incident which took place at the incident to repair the CCTV system. CCTV is paramount for the prevention of crime and disorder. It helps deter criminals and assists in identifying and prosecuting offenders, which aligns with the licensing objective: prevention of crime and disorder. Following this letter, you are required to fix your CCTV before **Monday 27<sup>th</sup> January 2025**.

Annex 3 (13) of your licence states: “At least two members of staff must be present in the shop at all times the premises are open to the public for the sale of alcohol”. During the inspection and whilst myself and my colleague were present in the shop, we were informed that the second member of staff due in today had called in sick. Your licence condition very clearly states that two members of staff must be on duty whilst the premises are open for the sale of alcohol and throughout our inspection, there was only one member of staff present in the store, and this constitutes a breach of your licence condition. In the past months, you have reported several incidents of crime to Essex Police. The condition that requires two members of staff to be present in the premises is paramount in keeping staff members safe and secure and also can assist with emergency situations should they arise.

It has further been identified that although you do have signage present inside of the premises indicating that CCTV is in operating, The signage is difficult to identify in its current position and I would advise that this should be moved to a position closer to the entrance, so customers can see it upon entering the store.

## APPENDIX A

## APPENDIX I

The licensing team have conducted several inspections at 139 Old Road, Clacton on Sea, Essex, between 18/09/2024 and 13/01/2025 and on each occasion numerous breaches of the licence conditions have been identified. The consistent breaches of your licence conditions demonstrate a failure to uphold the four licensing conditions:

1. The prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

**As a result of your continuous non-compliance and failure to support the licensing objectives, we are seeking to review your premises licence.**

If you have any question regarding the above, please contact the Licensing section on 01255686565 where a member of the team can assist.

Yours sincerely

*A. Smith*

Alfie Smith  
**LICENSING ENFORCEMENT OFFICER**



REFUSAL OF SALES LOG SHEET

NAME OF PREMISES: \_\_\_\_\_

Keep a record of any refusals that occur at your premises.



Date	Time	Description of the individual refused and reason for refusal	Product: i.e. alcohol, tobacco etc.	Captured on CCTV?	ID Produced (if any)	Refusal logged by: print name and sign	Action taken
28/1/2024	3:10 PM	NO ID	Alcohol,	YES/NO	vodka	[Redacted]	
29/1/2024	4:50	NO I.	Alcohol	YES/NO	ciden	[Redacted]	
29/1/2024	4:25 PM	NO ID	Alcohol	YES/NO	vodka	[Redacted]	
30/1/2024	:	NO I	Alcohol	YES/NO	Setb	[Redacted]	
/ / 20	:			YES/NO			
/ / 20	:			YES/NO			
/ / 20	:			YES/NO			
/ / 20	:			YES/NO			

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

Print DPS Full Name: \_\_\_\_\_

Date: \_\_\_\_\_

13 Jan 2025, 15:14



## Premises Inspection (OFF Sales)

Complete

Flagged items	1	Actions	0		
Date & Time of Inspection	18.09.2024 13:58 BST				
Officer	<table border="1"> <tr> <td>Alfie Smith</td> <td>Michael Cook</td> </tr> </table>			Alfie Smith	Michael Cook
Alfie Smith	Michael Cook				
Premises Name	Clacton Local				
Premises Address	139 Old Rd, Clacton-on-Sea CO15 3AU, UK (51.7949043, 1.147924)				
Premises Licence Displayed	Yes				
Premises Licence Number	15/00046/PREMVA				
Designated Premises Supervisor (DPS)	Suresh Theivendram				
Is the DPS Available?	No				
Spoken to over the phone and contact number - need meeting					
Person in charge at time of visit	Kilimoly Tharmathas				
Are they a Personal Licence holder?	Yes				



Photo 1


Is CCTV available?	Yes
CCTV back up duration	30 days
Are staff trained in the use of CCTV?	Only DPS
How many staff are employed?	3 including DPS
Are right to work checks being completed? Notnkeptnomly two members of staff	No
In the absence of DPS - Is an authorisation to staff documented?	No
Are staff trained in alcohol / age offences? In charge for 3 months, worked here 12 years. In store training. Very little training. No online training.	Yes
What age policy challenge is in place?	Challenge 25
	
Are relevant posters displayed regarding age policy?	Yes
Is a sales refusal / incident book available?	No

Photo 2

### Additional Information

Incorrect prem licence on display.

Breaches of conditions

1. No CCTV notices
2. Alcohol on sale above 6.5%
3. No refusal log

4. One member of staff present in the shop

---

**Disclaimer**

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**Flagged items**

1 flagged

Title Page

**Are right to work checks being completed?**

No

Notnkeptnomly two members of staff

Media summary



Photo 1



Photo 2



## Premises Inspection (OFF Sales)

Complete

Flagged items	1	Actions	0
Date & Time of Inspection	04.10.2024 11:25 BST		
Officer	Alfie Smith		
Premises Name	Clacton Local		
Premises Address	139 Old Road, Clacton, Essex		
Premises Licence Displayed	Yes		
Premises Licence Number	19/00055/PREMVA		
Designated Premises Supervisor (DPS)	Suresh Theivendram		
Is the DPS Available?	No		
Person in charge at time of visit	Kilimoly Tharmathas		
Are they a Personal Licence holder?	Yes		
Is CCTV available?	Yes		
CCTV back up duration	30 days		
Are staff trained in the use of CCTV?	Only DPS		
How many staff are employed?	3 including DPS (currently in the process of hiring more)		
Are right to work checks being completed?	No		
Only two members of staff. Family. No new hires.			
In the absence of DPS - Is an authorisation to staff documented?	No		
Are staff trained in alcohol / age offences?	Yes		
What age policy challenge is in place?	Challenge 25		



Are relevant posters displayed regarding age policy?

Yes

Is a sales refusal / incident book available?

No

### Additional Information

Poor inspection - letter sent surround improvement which need to be made on 20th September and 26th September 2024.

1. Correct premises licence now displayed.
2. Clear notice showing that CCTV is displayed.
3. Still no refusal/incident book. Staff did show till which does show prompt for age check but no refusals or incident records kept as per conditions.
4. Only one member of staff came present in the store when myself and S Bennett It arrived for inspection.
5. Singular cans of high ABV alcohol from last visit but REPLACED with different brands with a percent of both 7.5 and 9 percent. Images attached.
6. Not a condition but still no DPS authorisation document as per advised in last visit.



Photo 1



Photo 2



Photo 3

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**Flagged items**

1 flagged

Title Page

**Are right to work checks being completed?**

No

Only two members of staff. Family. No new hires.

Media summary



Photo 1



Photo 2



Photo 3



## Premises Inspection (OFF Sales)

Complete

Flagged items	1	Actions	0		
Date & Time of Inspection	18.10.2024 11:40 BST				
Officer	<table border="1"> <tr> <td>Alfie Smith</td> <td>Michael Cook</td> </tr> </table>			Alfie Smith	Michael Cook
Alfie Smith	Michael Cook				
Premises Name	Clacton Local				
Premises Address	139 Old Road, Clacton On Sea, CO15 3AT				
Premises Licence Displayed	Yes				
Premises Licence Number	19/00055/PREMVA				
Designated Premises Supervisor (DPS)	Suresh Theivendram				
Is the DPS Available?	No				
Person in charge at time of visit	Kilimoly Tharmathas				
Are they a Personal Licence holder?	Yes				
Is CCTV available?	Yes				
CCTV back up duration	30 days				
Are staff trained in the use of CCTV?	No only DPS				
How many staff are employed?	3				
Are right to work checks being completed?	No				
In the absence of DPS - Is an authorisation to staff documented?	No				
Are staff trained in alcohol / age offences?	Yes				
In store					

<b>What age policy challenge is in place?</b>	Challenge 25
<b>Are relevant posters displayed regarding age policy?</b>	Yes
<b>Is a sales refusal / incident book available?</b>	No

Breach of condition - staff member told about this in the past and still not action taken

### **Additional Information**

All 6.5 percent as above alcohol removed from shelves but stored in back hallway which is on view to customers so could be considered for sale. Words of advice given to remove this.

No refusal / incident log

Only one member of staff in the shop on arrival, second staff member turned up after around 30 or 40 minutes.

Premises do want to change DPS and insist that they have submitted paperwork. M Cook checked with E King during inspection and it was confirmed that no paperwork has been submitted.

**Disclaimer**

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**Flagged items**

1 flagged

Title Page

**Are right to work checks being completed?**

No





## Premises Inspection (OFF Sales)

Complete

<b>Flagged items</b>	0	<b>Actions</b>	0		
<b>Date &amp; Time of Inspection</b>	13.01.2025 15:01 GMT				
<b>Officer</b>	<table border="1"> <tr> <td>Alfie Smith</td> <td>Michael Cook</td> </tr> </table>			Alfie Smith	Michael Cook
Alfie Smith	Michael Cook				
<b>Premises Name</b>	139 Old Road				
<b>Premises Address</b>	139 OLD ROAD, CLACTON				
<b>Premises Licence Displayed</b>	Yes				
<b>Premises Licence Number</b>	19/00055/PREMVA				
<b>Designated Premises Supervisor (DPS)</b>	Mr Suresh Theivendram				
<b>Is the DPS Available?</b>	No				
<b>Person in charge at time of visit</b>	Kilimoly tharmathas				
<b>Are they a Personal Licence holder?</b>	Yes				
TDC granted.					
<b>Is CCTV available?</b>	No				
Due to robbery in November police identified that CCTV not working, waiting for insurance claim from robbery to get CCTV up and running.					
<b>How many staff are employed?</b>	4				
<b>Are right to work checks being completed?</b>	Yes				
<b>Where are records of the right to work checks kept?</b>	With accountant, would call accountant if needed.				
<b>In the absence of DPS - Is an authorisation to staff documented?</b>	No				

Are staff trained in alcohol / age offences?

Yes

Under 18 training.

Challenge 25 policy.

1 week monitoring new staff.

What age policy challenge is in place?

Challenge 25

Are relevant posters displayed regarding age policy?

Yes



Photo 1

Is a sales refusal / incident book available?

Yes

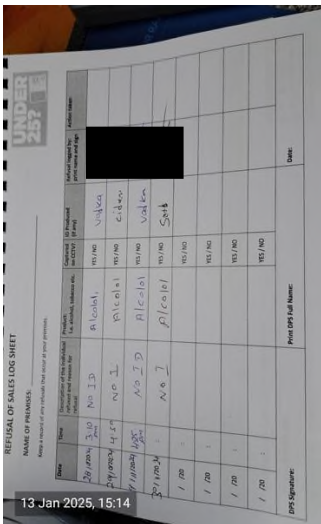


Photo 2

Additional Information

No CCTV for since October.

No second member of staff.

**Disclaimer**

The assessors believe the information contained within this risk assessment report to be correct at the time of printing. The assessors do not accept responsibility for any consequences arising from the use of the information herein. The report is based on matters which were observed or came to the attention of the assessors during the day of the assessment and should not be relied upon as an exhaustive record of all possible risks or hazards that may exist or potential improvements that can be made.

Media summary



Photo 1

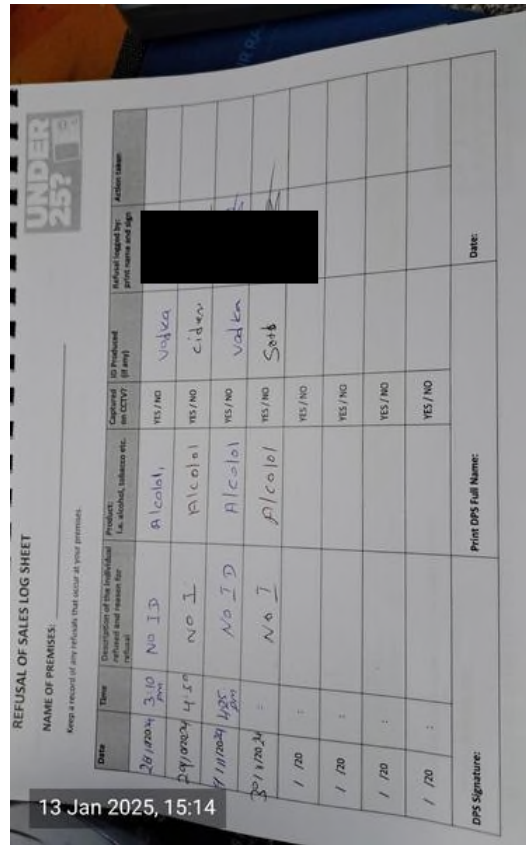



Photo 2



Licensing Team  
Police Station  
Beatrice Road  
Clacton. Essex  
CO15 1ET

20/02/2025  
19/00055/PREMVA

Dear Sir/Madam

I wish to make representations in support of the licensing review by Tendring District Council of the premises at 139 Old Road, Clacton.

Together with the local authority, the property has been visited on a number of occasions and on every visit, the premises has been in breach of licensing conditions.

There has been several incidents of violence, theft and disorder over recent months. All occurring after 11pm. The licensee has failed to support the licensing objectives of the prevention of crime and disorder and public safety.

For the reasons above, Essex Police fully support this application.

In accordance with paragraph 11.9 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 application 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  
Steven Bennett  
Tendring Licensing Officer.



# Immigration Enforcement

## Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Mr Suresh Theivendram			
Name and Address of Premises:			
Clacton Local, 139 Old Road, Clacton On Sea			
Post Town:	Essex	Post Code:	CO15 3AT

Representations are being made for the following reasons:

The Licensing Act 2003 outlines four objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Mr Suresh Theivendram is not taking suitable measures to prevent crime and disorder. The business has employed an illegal worker which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.

- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.

- It encourages those without permission to work to seek similar employment.

- It allows a business to unfairly undercut other businesses by employing cheap labor.

- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports the Local Authority in bringing this review application for the above premises.

On 28 February 2025, immigration officers from the East of England ICE Team in collaboration with Trading Standards and Essex Council conducted an enforcement visit to Clacton Local, 139 Old Road, Clacton On Sea, CO15 3AT after intelligence was received the premises was employing illegal workers. Entry was gained under section 179 of the Licensing Act 2003. Immigration officers encountered the following illegal worker:

**MANIVEL – 1979 – India**

As immigration officers gained entry at the premises, MANIVEL was seen stacking shelves when encountered by officers.

Home Office checks revealed MANIVEL entered the UK on a skilled worker migrant visa valid from December 2023 to January 2027. This visa was sponsored by JAGASAALU UK LIMITED and strictly restricted work to the job role of store manager within JAGASAALU UK LIMITED. MANIVEL's ability to work is connected to the sponsor.

Immigration officers contacted the sponsor JAGASAALU UK LIMITED, by phone and ascertained that MANIVEL had been dismissed in January 2025. The sponsor stated they had notified the Home Office they were revoking sponsorship. Therefore, MANIVEL was working in breach of his skilled worker visa.

An illegal working interview was conducted with MANIVEL. During the interview MANIVEL openly admitted to having been employed at the premises for two weeks, working four days a week, with his job role being stocking shelves. MANIVEL commented that 'Suresh THEIVENDRAM' had been responsible for his employment. MANIVEL claimed to still be employed at his sponsored workplace, however immigration officers had contrary information.

When questioned regarding pre-employment checks, MANIVEL claimed the employer had been aware he had no eligibility to work outside of his sponsored role. In regard to remuneration, MANIVEL stated he was not being paid and was hoping to be offered a permanent role at the premises.

It is clear to see there has been a disregard to licensing conditions (as evidenced by the licensing team) and mandatory checks which are legally required to be carried out by all employers. Serious concerns must be raised as pre-employment checks which are outlined on the GOV.UK website were not carried out.

A Civil Penalty Referral Notice was served to Clacton Local 24X7 Limited, and this is currently being considered by the Civil Penalties Compliance Team.

### **RIGHT TO WORK CHECKS AND THE PREVENTION OF CRIME AND DISORDER**

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

Suresh THEIVENDRAM has been found employing an illegal worker. This business has failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises license holder or its agents.

The employer could have protected themselves and prevented crime and disorder by completing a straightforward right to work check. Should the license holder have conducted the relevant right to work checks, the worker would have failed at the first stage. This would have quickly and easily confirmed that they had no right to work, and the license holder could have protected themselves from employing illegal workers. All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. A key draw for illegal immigration is work and low-skilled migrants that are increasingly vulnerable to exploitation by unlawful enterprises, finding themselves in sub-standard accommodation and toiling in poor working conditions for long hours.

Whether by negligence or willful blindness illegal workers were engaged in activity on the premises. Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the license – even in the first instance – should be seriously considered.

#### Details of Responsible Authority

Name and Address:

**Immigration Enforcement  
Immigration Enforcement Licensing Compliance Team  
6th Floor, 2 Ruskin Square  
Dingwall Road  
Croydon  
CR0 2WF**

**Email address  
(optional):**

[IE.licensing.reviews@homeoffice.gov.uk](mailto:IE.licensing.reviews@homeoffice.gov.uk)

#### Signatures

**Signature of Responsible Authority**

**Home Office Immigration Enforcement**

**Date:**

**04/03/2025**

**Capacity:**

**Responsible  
Authority**



**Trading Standards**

County Hall (CG32)  
Market Road  
CHELMSFORD  
CM1 1QH

Licensing Section  
Tendring District Council  
Town Hall  
Station Road  
Clacton on Sea  
Essex  
CO15 1SE

Our Ref: ljj/MAU052266  
Date: 12 February 2025  
Telephone: 03330 134136

Dear Sirs,

**Clacton Local 24x7 Ltd. – 139, Old Road, Clacton-on-Sea, Essex CO15 3AT**  
**The Standardised Packaging of Tobacco Products Regulations 2015**  
**The Tobacco and Related Products Regulations 2016**  
**The Tobacco Products (Traceability and Security Features) Regulations 2019**

Essex Trading Standards would support a licence review of the above premises following a seizure of 30 packets of illicit tobacco from the premises on 3 December 2024. This matter has been referred to HMRC for sanctions. This is a category A breach, which for a 1<sup>st</sup> contravention is liable to a penalty of £2500.

Mr Suresh Theivendram, the licence holder, was present at the time and said the 10 packs found behind the till were his personal cigarettes and not for sale. However, a further 20 packs were found at the rear of the shop. A test purchase of the same brand of illicit cigarettes had been made prior to the visit on 27 November 2024.

A previous test purchase of an alleged illicit vape was made on 20 October 2023 by a representative of the industry. The product purchased was an ENE ELUX LEGEND Blueberry Pomegranate, 3500 puffs vape for £12.99. Due to the legal constraints put on the tank size of vapes it is not possible to obtain more than 1000 puffs from a legal vape. Photographic evidence shows the seller was Mr Suresh Theivendram. During the Trading Standards' visit on the 3 December 2024 high capacity vapes (over 1000 puffs) were found and the owner advised to remove them for sale.

Reliable information received in the middle of January 2025 suggests a man in the premises was in possession of illicit cigarettes.

This information is only for the purposes of the licence review and should not be used for any other purpose.

Yours faithfully,



**Lindsay Gaskin**

Department name (Body Text)

**T:** 033301 34136

**M:** 07900 164881

**E:** [lindsay.gaskin@essex.gov.uk](mailto:lindsay.gaskin@essex.gov.uk)

**W:** [www.essex.gov.uk](http://www.essex.gov.uk)

**Trading Standards**

County Hall (CG32)  
Market Road  
CHELMSFORD  
CM1 1QH

Licensing Section  
Tendring District Council  
Town Hall  
Station Road  
Clacton on Sea  
Essex  
CO15 1SE

Our Ref: ljpg/MAU052266  
Date: 03 March 2025  
Telephone: 03330 134136

Dear Sirs,

**Clacton Local 24x7 Ltd. – 139, Old Road, Clacton-on-Sea, Essex CO15 3AT**  
**The Tobacco and Related Products Regulations 2016**

Further to my previous submission on 12 February 2025, I would like to add the following.

On 28 February 2025 I attended the above premises with Immigration Compliance & Enforcement officers and colleagues from Essex County Council Trading Standards.

Kilimoly THARMATHAS, the director of Clacton Local 24x7 Ltd, was present, together with another person, who was arrested for not having permission to work in the UK.

Ms THAMATHAS was behind the counter at the time of entry and directly behind her were displayed high-capacity disposable vapes.

Under the above legislation, disposable or refillable vapes are allowed a maximum tank volume of 2ml (this will give no more than 1000 puffs, but typically 650 puffs). The vapes on display ranged up to 20,000 puffs (20 to 30 times the legal permitted amount). Selling vapes that exceed the 2ml limit is a criminal offence.

Ms THARMATHAS had been previously advised to remove the high-capacity vapes from sale during our visit on 3 December 2024. Further high-capacity vapes were found under the counter, and one was found in a display case on top of the counter, with legal vapes. Ms THARMATHAS stated that the ones under the counter were from the previous visit and the ones on the shelf were new.

In total, 139 high-capacity vapes were seized, with an estimated retail value of £1347.

Mr Suresh THEIVENDRAM was not present at the time of entry but arrived about 20 minutes later. He argued that the other person in the shop, who had been arrested, was not working just helping out. Mr THEIVENDRAM made no representations about the high-capacity vapes.

This information is only for the purposes of the licence review and should not be used for any other purpose.

Yours faithfully,



**Lindsay Gaskin**  
Specialist Trading Standards Officer

**T:** 033301 34136

**M:** 07900 164881

**E:** [lindsay.gaskin@essex.gov.uk](mailto:lindsay.gaskin@essex.gov.uk)

**W:** [www.essex.gov.uk](http://www.essex.gov.uk)

# Review of Premises Licence

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



Scale : 1:756

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<b>Organisation</b>	Tendring District Council
<b>Department</b>	Licensing Department
<b>Comments</b>	Ref: 25/00046/PREREV
<b>Date</b>	27 January 2025
<b>SLA Number</b>	100018684

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises



licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:



- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

## 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

Step	By whom	
1	Chairman	<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.



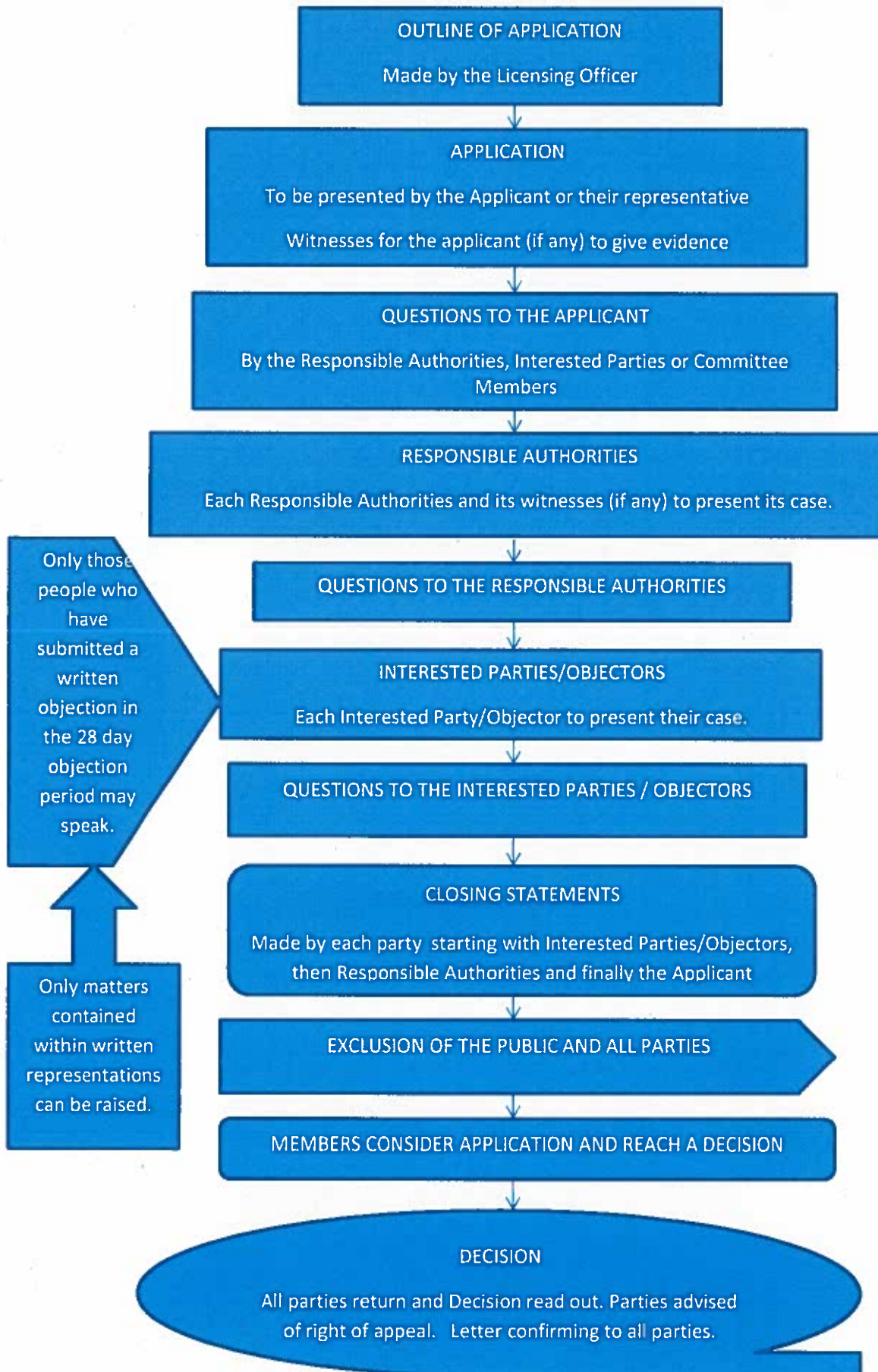
13	<b>Applicant or their representative</b>	May ask questions of the Interested Parties /objectors by way of clarification.
14	<b>Committee members</b>	May ask questions of the Interested Parties /objectors.
<b>Closing statements or summary</b>		
15	<b>Chairman</b>	<p>Will ask:</p> <ul style="list-style-type: 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



# Inspection dated

## 28<sup>th</sup> February 2025

On 28 February 2025, the Home Office Immigration Officers attended 139 Old Road, Clacton on Sea, Essex at approximately 1215hrs. Tendring District Council Licensing Officers and Essex County Council Trading Standards Officers were also in attendance at this visit.

It was reported by Immigration Officers that there was two people in the store at the time of entering. One male was stacking shelves and a lady behind the counter in the name of Kilimoly Tharmathas.

Immigration Officers carried out there checks and one male was detained and removed from the premises.

Kilimoly Tharmathas telephoned the licence holder and DPS, Mr Suresh Theivendram who attended the premises approximately 30 minutes later.

During the visit, Essex County Council Trading Standards seized a number of vapes which should not be on sell within the premises.

Once Mr Suresh Theivendram arrived and was handed paper work from Immigration, he started to become irritated with officers and was shouting at them stating that the person removed, was not working at the premises and he would refuse to pay any fines.

As Licensing Officers, we spoke to Mr Suresh Theivendram and confirmed if that was the case, then only one member of staff would have been on the premises and he would have been in breach of his licence again.

Mr Suresh Theivendram was asked to show CCTV footage of the day, two hours before. With this he clicked and showed one camera with CCTV footage at 0800hrs that morning. The images were not clear and you could not see very well. With this, he was asked to show other CCTV cameras and at the time requested (1100hrs). With this he was not willing to show any further CCTV and went on the phone.

Officers waited for him to show further CCTV but this was not forthcoming and the inspection finished.