PREMISES/PERSONAL LICENSING SUB-COMMITTEE

23 JANUARY 2026

REPORT OF ASSISTANT DIRECTOR, CORPORATE POLICY AND SUPPORT

A.1 GRANT OF A PREMISES LICENCE
KIRBY EXPRESS, 1-5 SHOP PARADE, HALSTEAD ROAD, KIRBY CROSS, ESSEX CO13 0LN
REF: 25/00625/PREMGR

PURPOSE OF THE REPORT

To inform Members that an application has been received for the Grant of a premises licence under the Licensing Act 2003 from Mrs Selvabhavani Sujananth for the sale of alcohol off the premises at Kirby Express, 1-5 Shop Parade, Halstead Road, Kirby Cross, Essex and further that objections to the proposed licensable activity have been received from members of the public.

BACKGROUND

The application is made under the Licensing Act 2003 for a Premises Licence to the sale of alcohol off the premises.

The applicant has described Kirby Express as a former pharmacy/general store which was closed down. Premises is to be renovated and refit as a convenience store with all products and services.

The applicants are proposing to open to the public on the following days/hours:

Everyday	06:00 to 23:00

Sale of Alcohol Off the Premises Hours:

Everyday	06:00 to 23:00

The full application can be found attached at Appendix A.

RELEVANT REPRESENTATIONS

Interested Parties/Other Persons

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

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

The PRSR Act 2011 replaced the references to 'interested parties' and 'vicinity' and substituted that representations can be made and accepted by the Licensing Authority from 'other persons' which means that those persons do not necessarily have to live or run a business for example in the proximity of the premises to be able to submit a valid and relevant representation.

The relevant extracts from the Section 182 Guidance that accompanies the Licensing Act 2003 advises the following in relation to 'other persons'. They are shown in italics for ease of reference.

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

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

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

8 representations/objections have been received from residents in relation to this application.

Letters of objection can be found attached at Appendix B.

Responsible Authorities

No representations have been received from the Responsible Authorities.

FINANCE, OTHER RESOURCES AND RISK

A decision made by the Committee is subject to appeal at the Magistrates Court by the premises user or a relevant person.

POLICY CONSIDERATIONS

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

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

- Full Hearing Procedure for Applications for Premises Licences/Club Premises Certificates where representations have been received.
- Tendring District Council's Statement of Licensing Policy - https://www.tendringdc.gov.uk/content/licensing-act-policy
- The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 - https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003
- The steps appropriate to positively promote the four 'Licensing Objectives'.
- Representations (including supporting information) presented by all the parties.

Human Rights Implications

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

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

Crime and Disorder Implications

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

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

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

These are:

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

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

The relevant extracts from the Council's Statement of Licensing Policy in respect of Planning considerations (shown in italics) and also the 'Prevention of Public Nuisance' licensing objective are as follows:

1.24 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.

Relevant Section 182 Guidance –

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

- Crime and Disorder Section 2.1 to 2.7
- Public Safety Section 2.8 to 2.20
- Public Nuisance Section 2.21 to 2.27
- Protection of Children from Harm Section 2.28 to 2.38

https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

RECOMMENDATION(S)

Each application must be considered in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

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

APPENDICES

Appendix A - Application and plan
Appendix B - Letters of objections

REPORT CONTACT OFFICER(S)

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