

Minutes

Licensing Sub-Committee Wednesday, 25th April, 2018, 7.00pm

Attendance

Cllr Ms Sanders
Cllr Mrs Slade

Cllr Wiles

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Caroline Harrison	-	Licensing Officer
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

352. Appointment of Chair

The Sub-Committee resolved that Cllr Wiles should chair the meeting.

353. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

354. Declaration of Interests

No declarations of interest were made.

355. Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence - Licensing Act 2003 - Shenfield Station News, Shenfield Station, Hutton Road, Shenfield CM15 8JD

The report before the Sub-Committee provided information relating to an application for a new premises license at **Shenfield Station News Kiosk, Shenfield Station, Hutton Road, Shenfield, Essex CM15 8JD.**

Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of licensing policy and the four Licensing objectives.

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either a premises licence, a club premises certificate or a Temporary Event Notice.

Licence holders were required, when offering any licensable activity, to ensure that they promoted the licensing objectives at all times. The operating schedule of the application contained details of the activities applied for and the control measures that the applicant would have in place in order to promote these objectives. Such measures would, where appropriate, be converted into enforceable conditions on any licence issued.

The four licensing objectives were;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Any representation must be able to demonstrate that on the balance of probability the application in its current form would fail to adequately promote one or more of the licensing objectives. No other matters might be considered.

The application was received on 8th March 2018 from Mr Mitul Mahendrabhai Patel in respect of Shenfield Station News, Shenfield Station, Hutton Road, Shenfield, Essex, CM15 8JD and a copy of the application was appended to the report in the agenda as Appendix A.

The premise was a small news kiosk situated within the Shenfield Station ticket office area, currently selling newspapers, drinks, sweets and confectionery. An OS Street Map and frontage images were appended to the report as Appendix B and the applicant provided an amended plan of the kiosk to the Sub-Committee at the meeting.

The applicant sought a new premises licence to conduct the following licensable activity:

- Supply of Alcohol - 06:00 to 21:00 Monday to Sunday

Two valid representations had been received from the Responsible Authorities.

The first representation was from British Transport Police which related to all the licensing objectives focusing on the theft of alcohol, increased issues relating to the consumption in the station and increased public safety risk. A copy of the full representation was attached to the report at Appendix C and Mr Stephen Morrison attended the meeting to address Members regarding the concerns raised.

The second representation was from the Licensing Authority and related to the prevention of crime and disorder objective, around the supervision of the alcohol and risk of theft from its location. A copy of the full representation was attached to the report as Appendix D and Mr Dave Leonard attended the meeting to address Members regarding the concerns raised.

Members were reminded that any matters recorded in the operating schedule (Section O of the application form) would become conditions on the licence if this application was granted therefore the following conditions would be attached unless modified by the Sub-Committee:

- Suitable staff training shall be provided which must include the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment), drunks, and other relevant matters as regards the licensing act, and the responsibilities of staff. This training shall be recorded and updated every 6 months.
- The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register. At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.
- There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer.
- A 'Challenge 25' policy must be adopted on the premises at all times. Signage of the 'Challenge 25' policy shall be prominently displayed on

the premises. Acceptable identification accepted shall be a passport, photo driving licence or PASS accredited identity card.

- Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
- There must be a suitable colour digital CCTV RECORDING system installed at the premises. The system must be capable of providing a minimum of 21 days recording. The images recorded are to be retained for 21 days and made available to the Police or other enforcement agencies upon a lawful request. DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.
- The CCTV system shall be checked REGULARLY to ensure it is working in line with the requirements of the license. Any failure to be rectified within a two-week period.

Following the representations made by representatives of the Responsible Authorities, Mr Robert Jordon, the applicant's agent, addressed the Sub-Committee in support of the application and in response to the concerns outlined by the Responsible Authorities' representatives. The applicant, Mr Patel, responded to questions put to him by the Sub-Committee.

The Sub-Committee considered the written and oral information provided and advised that having listened to the application and having balanced the written and oral objections received against the licencing objectives to GRANT the application subject to the following conditions, being:-

1. The hours of licenced activity will be 8.00am to 8.00pm Monday to Sunday.
2. The beer chiller in the open area of the kiosk will be fully covered prior to 8.00am.
3. Two members of staff must be present during the hours of 8.00am to 10.am and 5.00pm to 7.30pm.
4. Staff will wear 'Challenge 25' badges at all times.
5. The kiosk's CCTV equipment and staff training must ensure that footage can be made immediately accessible to Police or other enforcement agencies upon a lawful request.

The Committee advised that the full decision notice would be sent to the applicant in 5 working days.