

**25 April 2018**

**Licensing and Appeals Committee**

**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, ESSEX, CM15 8JD**

**Report of:** *Caroline Harrison –Licensing Officer*

**Wards Affected:** *Shenfield*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 An application has been received for a new premises licence in respect of ***Shenfield Station News Kiosk, Shenfield Station, Hutton Road, Shenfield, Essex, CM15 8JD. Two relevant representations have been received.*** Members are 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.

**2. Recommendation**

- 2.1 That the Sub Committee considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003. However, the available options are:
- i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
  - ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
  - iii) To refuse the application in whole or in part

### **3. Introduction and Background**

3.1 An authorisation is required in respect of any premises where it is 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

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

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

3.4 The four licensing objectives are;

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

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

### **4. The Application**

4.1 This application was received on 8<sup>th</sup> March 2018 from Mr Mitul Mahendrabhai Patel in respect of Shenfield Station News Shenfield Station, Hutton Road, Shenfield, Essex, CM15 8JD. A copy of the application is attached at **Appendix A.**

4.2 This premise is 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 to better identify the location are attached at **Appendix B**.

- 4.3 The applicant seeks a new premises licence to conduct the following licensable activity:
- Supply of Alcohol - 06:00 to 21:00 Monday to Sunday
- 4.4 There have been 2 valid representations received from the Responsible Authorities.
- 4.5 The first representation is from British Transport Police, which relates 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 is attached at **Appendix C**.
- 4.6 The second representation is from the Licensing Authority and relates 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 is attached at **Appendix D**.
- 4.7 Any matters recorded in the Operating Schedule (Section O of the application form) will become conditions on the licence if this application is granted, the following conditions will be attached unless modified by this 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

## **5. Reasons for Recommendation**

- 5.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

## **6. Consultation**

- 6.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.
- 6.2 Officers from the Licensing Authority have made checks on the display of public notices and in a local newspaper and are satisfied that these requirements have been met.

## **7. Statement of Licensing Policy**

7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.

## **8. Relevant Sections of the Secretary of State's Guidance**

8.1 There are no specific issues arising from this application in relation to the Section 182 Guidance.

## **9. Legal Considerations**

9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

### **Appendices to this report**

- Appendix A - Application Form
- Appendix B - OS Street Plan & frontage images
- Appendix C – Representation from BTP
- Appendix D – Representation from Licensing Authority

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