

<b>11<sup>th</sup> January 2024</b>	<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>	
<b>Application for a Review of a Premises Licence</b>	
<b>Wards and communities affected:</b> Ockendon	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox – Licensing Officer	
<b>Accountable Assistant Director:</b> Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)	
<b>Accountable Director:</b> Claire Demmel – Interim Director of Public Realm	
<b>This report is public</b>	

## Executive Summary

An application has been received from Thurrock Trading Standards for a review of the premises licence in respect of **Ockendon International Food Centre, 28-30 Derry Avenue, South Ockendon, RM15 5DZ** following a failed test purchase.

### 1. Recommendation(s):

**1.1 The Sub-Committee considers the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.**

### 2. Introduction and Background:

2.1 Applications for reviews of premises licences can be brought by responsible authorities or any other persons under section 51 Licensing Act 2003 one or more of the four licensing objectives.

2.2 The four licensing objectives are:

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

### 3. The Application:

3.1 On the 16 November 2023, an application for a review was received from Charlotte Edwards, Trading Standards Manager, on behalf of Thurrock

Trading Standards in relation to Ockendon International Food Centre, 28-30 Derry Avenue, South Ockendon, RM15 5DZ. The premises licence holder and Designated Premises Supervisor (DPS) is Sadik Alakirik.

- 3.2 The application relates to a failed test purchase operation at the premises whereby a nicotine product (disposable vape) was sold to an underage volunteer. A full copy of the application and supporting materials is attached as **Appendix 1**.
- 3.3 A copy of the existing premises licence and a map of the local area is attached as **Appendix 2**.
- 3.4 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
- 3.5 No other representations were received during the consultation period.

#### **4. Reasons for Recommendation:**

- 4.1 The following options are available to the Licensing Sub-Committee:
- Do nothing with the licence;
  - Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g., reducing the hours of operation or removing a licensable activity from the licence;
  - The removal of the designated premises supervisor from the licence;
  - To suspend the licence for a period not exceeding three months;
  - To revoke the licence
- 4.2 As part of the review application, Trading Standards have included the following conditions which may be appropriate to amend wording of current conditions and add additional ones:
1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within four hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
  2. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 years of age will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises to advertise the fact a

Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum of 200mm x 148mm.

3. Written training records will be kept for all staff for the duration of their employment and for at least six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
  4. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.
- 4.3 The current licence conditions can be found on annex 2 of the premises licence **Appendix 2**
  - 4.4 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
  - 4.5 In determining this application for a review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
  - 4.6 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
  - 4.7 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
  - 4.8 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.
5. **Consultation (including Overview and Scrutiny, if applicable)**
  - 5.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003, and any responses have been included in this report.
6. **Impact on corporate policies, priorities, performance and community impact**
  - 6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Finance Manager**

There are no direct financial implications arising from this report.

### **7.2 Legal**

Implications verified by: **Godwin Mangse**  
**Interim Principal Lawyer Housing & Litigation**

Thurrock Council as Licensing Authority under the Licensing Act 2003, the Licencing Act Guidance, the Licencing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and subordinate legislation together with the Councils Guidance, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter.

In considering what action the Council should take when reviewing a licence, the Council must have regard for whether the licence holder is promoting the four aims of the Licencing Act 2003 (being: -

1. The prevention of crime and disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.

Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

The Accounts and Audit (England) Regulations 2015 section 4 (2) require that:

*“The relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body’s functions, and which includes the arrangements for the management of risk.”*

### 7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**  
**Team Manager – Community Development and Equalities**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

### 7.4 Other implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Order and Looked After Children.

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

## 8. Statement of Licensing Policy

8.1 Section 6 of Thurrock Council’s Statement of Licensing Policy relates to the protection of children from harm.

## 9. Relevant Section of the Secretary of State’s Guidance

9.1 Section 11 relates to reviews.

## 10. Appendices to the report:

- Appendix 1 - Copy of application for review and supporting information
- Appendix 2 - Copy of premises licence and location map for Ockendon International Food

**Report Author:** Elizabeth Cox  
Licensing Officer

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**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 Charlotte Edwards

*(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**

Ockendon International Food Centre  
30 Derry Avenue

**Post town**

South Ockendon

**Post code (if known)**

RM15 5DZ

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

Mr Sadik Alakirik

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

20/00593/LAPRE

**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**

Please tick ✓ yes

**I am 18 years old or over**

**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 Charlotte Edwards Trading Standards Manager Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
Telephone number (if any) 01375 652477
E-mail address (optional) <a href="mailto:chedwards@thurrock.gov.uk">chedwards@thurrock.gov.uk</a>

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm ✓

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

As per the information provided overleaf, the premises is believed to be failing to meet the Licencing Act objective, "protection of children from harm" by allowing a sale of a nicotine product (disposable vape) to a 16-year-old volunteer working with Trading Standards.

Such products are age restricted and like alcohol, can only be sold to persons over the age of 18. This is intended to prevent children having access to potentially harmful goods.

This review is brought about to amend and add to the existing conditions on the license in order to ensure alcohol is not sold to children.

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

This department is fully aware that this sale was in relation to a nicotine inhaling (vaping) product and not alcohol. Despite this however, taking into the account the circumstances of the sale, the recent history of the premises and the same age restriction on vapes as with alcohol there is a significant concern that this business is not meeting the Licencing Act objective - "protection of children from harm". It is a firm belief that due to the actions of the seller on the day in question, it is highly likely they would have sold alcohol to the volunteer as well as the vape had the child picked up an alcoholic drink.

On 23<sup>rd</sup> August 2023, officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation. They were accompanied by a 16 year old female volunteer and a 16 year old male volunteer who were instructed to attempt to purchase a nicotine inhaling product (disposable vape) from five premises.

At 11.10am our volunteers entered Ockendon International Food Centre, 30 Derry Avenue, South Ockendon, RM15 5DZ were able to purchase an Elfbar Strawberry Ice 600 puff electronic cigarette (containing 20mg/ml nicotine). The sale was made by Fatme Yuseinova, a staff member at the premises.

There are concerns about the manner in which this sale was made as Ms [REDACTED] did not ask the volunteers for ID or to confirm their ages. The shop was well lit and another male member of staff was on the premises at the time, however the store owner and licence holder, Mr Sadik Alakirik was not present.

Out of the five premises tested that day two businesses refused the sale after asking for ID or the volunteer's age.

Mr Alakirik, the Premises Licence Holder was interviewed on 28<sup>th</sup> September 2023. He was given the opportunity to outline any age verification policies and any mitigating factors as to why this sale was made.

Key factors from the interview;

- Mr Sadik Alakirik has been the director of S777 Ltd t/a Ockendon International Food Centre for the last 3 or 4 years.
- [REDACTED] (Sadik's brother) helps manage the business when Sadik is on holiday or away, Sadik is in the process of arranging a personal licence for [REDACTED].
- Mr Alakirik doesn't have any previous experience in a related job role.
- He has received some underage sales training when he got his personal licence.
- Six staff currently work at the shop and Mr Alakirik confirmed they have all been trained in underage sales. Records provided show two members of staff were trained in October 2022 and two more were trained after the sale in August.
- The refusal books being used at the time were inadequate as there was nowhere for staff to record their name against the refusal. On the day of the test purchase the seller was unable to locate the refusal book.
- Till prompts are in use however they do not appear for all vape items, especially those on special offer.

[REDACTED] was also interviewed separately;

- [REDACTED] is a temporary member of staff and was covering for the summer holidays.
- She had only received basic verbal training from Mr Alakirik as he told her to ask for ID from customers she thought might be under 25.
- [REDACTED] said she sold the vape as she thought our volunteers looked like local, regular customers who she's previously seen ID from. Our volunteers have never been to this shop and do not live in the area.
- [REDACTED] confirmed she has received further training since this incident.

Transcripts of the interview and exhibits from the officers' statements can be made available to the Licensing Committee and Premises Licence Holder if required.

In addition to the facts of this sale, the Licensing Committee may wish to consider the following points;

- The shop failed a Challenge 25 test purchase on 21/10/22 by selling a vape to an 18 year old without asking for ID. The officer on the day returned to the store and spoke with the member of staff who had sold the vape. The seller stated that for personal reasons she wasn't fully with it that day and she wasn't sure what a Challenge 25 policy was. She was unable to show a refusal book and couldn't get through to her manager when she tried to call him.
- An officer managed to speak with Mr Alakirik on 25/10/2022 and was concerned about the lack of understanding he seemed to have about his staff needing to be trained. Further advice was provided to him during this call.
- On 22/12/2022 a joint visit with the licensing team was undertaken. The manager said two members of staff had been trained on age restricted products and any untrained staff were not allowed to serve age restricted goods. He was asked to display various signage as per his licence conditions.

In order to prevent alcohol being sold to persons under the age of 18 in the future, and to ensure compliance with the Licensing Act objective "protection of children from harm", this department would like to request that some of the current conditions are improved, and further conditions are added to the Premises Licence.

1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
2. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
3. Written training records will be kept for all staff for the duration of their employment and for at least six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
4. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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 C Edwards  
.....

Date 16/11/23  
.....

Capacity  
...Trading Standards Manager.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<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>	

**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.



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## Premises Licence

**Premises Licence Number**  
**Date of Issue**

20/00593/LAPRE

6th August 2020

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Ockendon International Food Centre**  
**28 - 30 Derry Avenue**  
**South Ockendon**  
**Essex**  
**RM15 5DZ**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>07:00 - 23:00</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 23:00</b>
<b>Saturday</b>	<b>07:00 - 23:00</b>
<b>Sunday</b>	<b>07:00 - 23:00</b>

The opening hours of the premises

<b>Monday</b>	<b>07:00 - 23:00</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 23:00</b>
<b>Saturday</b>	<b>07:00 - 23:00</b>
<b>Sunday</b>	<b>07:00 - 23:00</b>

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

**Alcohol is supplied for consumption off the Premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Sadik Alakirik**  
**21 Brooke Road**  
**Grays**  
**Essex**  
**RM17 5BU**

**sadik2alakirik@hotmail.com**  
**07986137498**

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Sadik Alakirik**



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: 1863**  
**Licensing Authority: Thurrock Council**

## Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under this licence
  - a) At a time when there is no designated premises supervisor in respect of it or,
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol made under this 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 must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) 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 either—
  - (a) a holographic mark, or .
  - (b) an ultraviolet feature.
- 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;
  - (b) "permitted price" is the price found by applying the formula where-  
  
$$P = D + (D \times V)$$
    - (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.

(3) Where the permitted price given by Paragraph (b) of paragraph 3 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 price permitted 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 and 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** The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - i.** CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
  - ii.** CCTV cameras shall cover all entrances and exits and the areas where alcohol sales take place;
  - iii.** Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;  
Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.
  
- 2** Signs must be displayed at all entrances and exits advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.
  
- 3** A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
  - o** Proof of age card bearing the PASS Hologram;
  - o** Photocard driving licence;
  - o** Passport; or
  - o** Ministry of Defence Identity Card.
  
- 4** The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.  
  
At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
  
- 5** A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

**All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.**

**The refusals record shall either be electronic or maintained in a bound document and retained for at least 12 months from the date of**

the last entry.

- 6 All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.**

**Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.**

- 7 The premises shall display prominent signage indicating at any point of sale and in all areas where alcohol is located that it is an offence:**

**For a person under the age of 18 to buy or attempt to buy alcohol; or buy, or attempt to buy, alcohol for a person under the age of 18.**

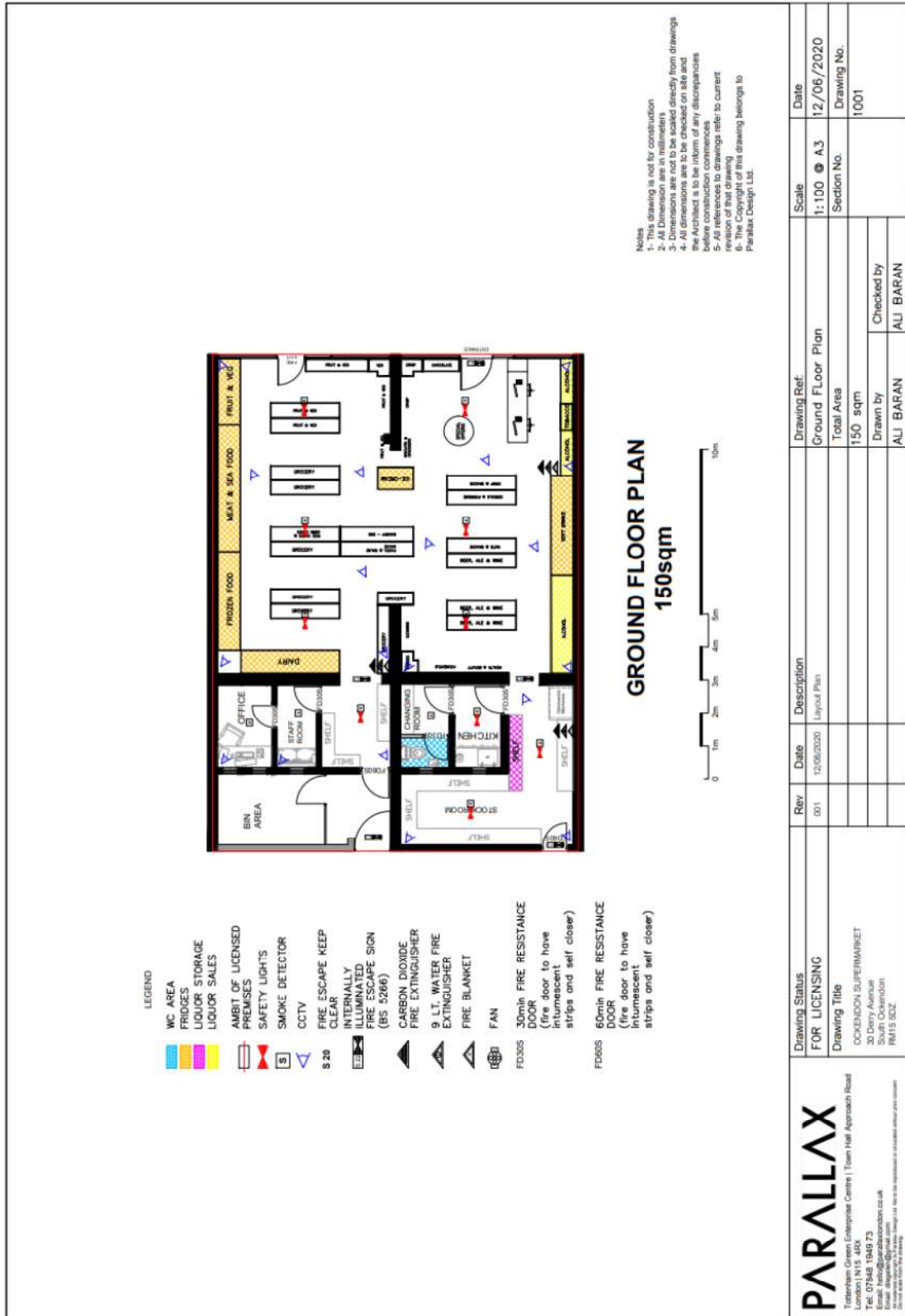
- 8 Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.**

**These signs shall be a minimum size of 200mm x 148 mm.**

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



# Annex 4 – Plans





## Premises Licence Summary

**Premises Licence Number**  
**Date of Issue**

**20/00593/LAPRE**  
**6th August 2020**

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Ockendon International Food Centre**  
**28 - 30 Derry Avenue**  
**South Ockendon**  
**Essex**  
**RM15 5DZ**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

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<b>Sunday</b>	<b>07:00 - 23:00</b>

The opening hours of the premises

<b>Monday</b>	<b>07:00 - 23:00</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 23:00</b>
<b>Saturday</b>	<b>07:00 - 23:00</b>
<b>Sunday</b>	<b>07:00 - 23:00</b>

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

**Alcohol is supplied for consumption off the Premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Sadik Alakirik**  
**21 Brooke Road**  
**Grays**  
**Essex**  
**RM17 5BU**

**sadik2alakirik@hotmail.com**  
**07986137498**

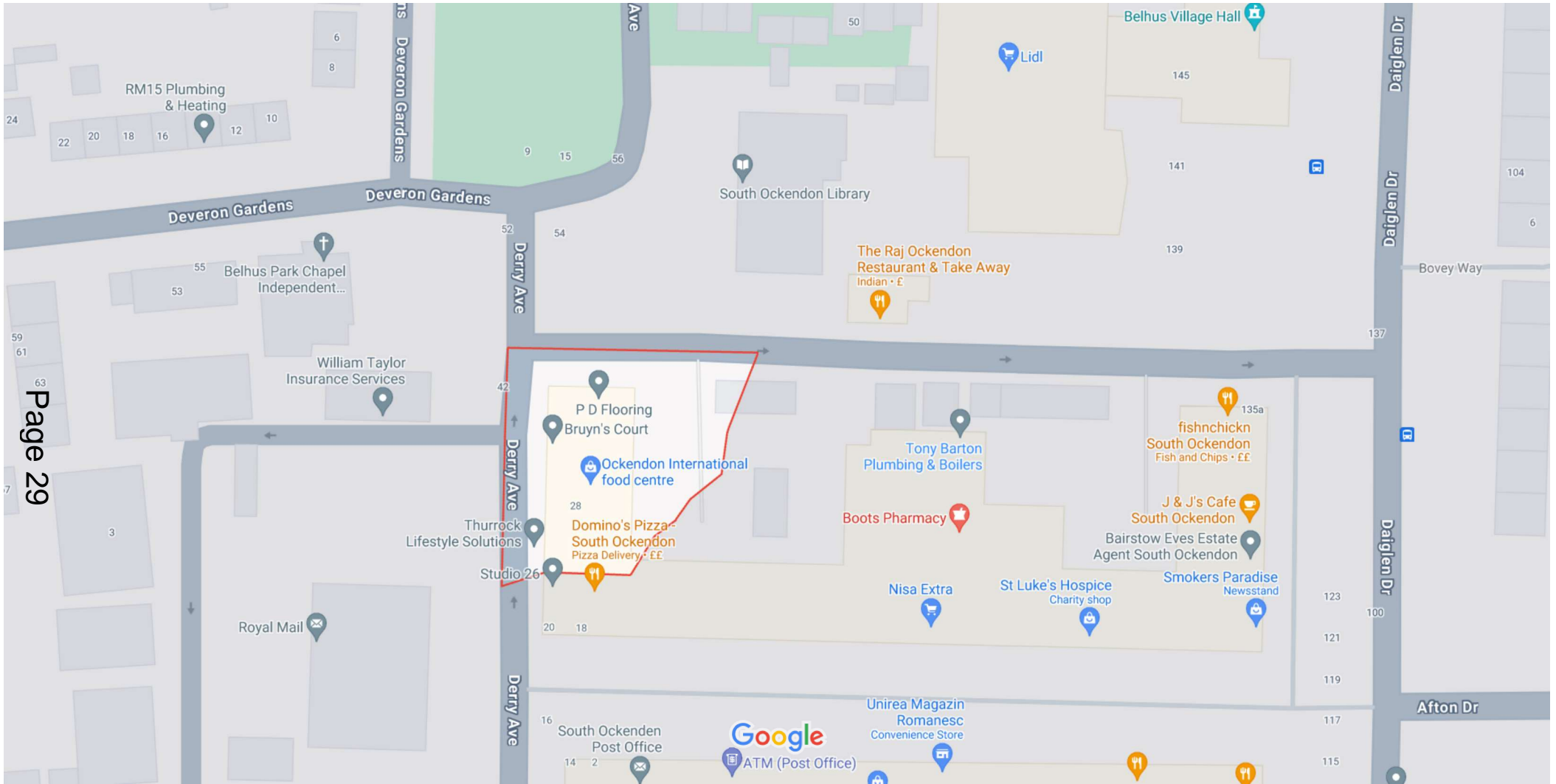
Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Sadik Alakirik**

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: 1863**  
**Licensing Authority: Thurrock Council**



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<b>11<sup>th</sup> January 2024</b>	<b>ITEM: 5</b>
<b>Licensing Sub-Committee</b>	
<b>Application for a Review of a Premises Licence</b>	
<b>Wards and communities affected:</b> Aveley and Uplands	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox – Licensing Officer	
<b>Accountable Assistant Director:</b> Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)	
<b>Accountable Director:</b> Claire Demmel – Interim Director of Public Realm	
<b>This report is public</b>	

## Executive Summary

An application has been received from Thurrock Trading Standards for a review of the premises licence in respect of **70 High Street, Aveley, RM15 4BX** following a failed test purchase.

### 1. Recommendation(s):

**1.1 The Sub-Committee considers the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.**

### 2. Introduction and Background:

2.1 Applications for reviews of premises licences can be brought by responsible authorities or any other persons under section 51 Licensing Act 2003 one or more of the four licensing objectives.

2.2 The four licensing objectives are:

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

### 3. The Application:

3.1 On the 20 November 2023, an application for a review was received from Charlotte Edwards, Trading Standards Manager, on behalf of Thurrock

Trading Standards in relation to Aveley Food and Wine, 70 High Street, Aveley, RM15 4BX. The premises licence holder is Sivarajah Jayathanan and Designated Premises Supervisor (DPS) is Sivarajah Kannathanan.

3.2 The application relates to a failed test purchase operation at the premises whereby a nicotine product (disposable vape) was sold to an underage volunteer. A full copy of the application and supporting materials is attached as **Appendix 1**.

3.3 A copy of the existing premises licence and a map of the local area is attached as **Appendix 2**.

3.4 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.

3.5 No other representations were received during the consultation period

#### **4. Reasons for Recommendation:**

4.1 The following options are available to the Licensing Sub-Committee:

- Do nothing with the licence;
- Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation or removing a licensable activity from the licence;
- The removal of the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence

4.2 As part of the review application, Trading Standards have included the following conditions which may be appropriate to add to the premises licence:

1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
2. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each



point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.

3. The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.
  4. Written training records will be kept for all staff for the duration of their employment and for at least six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
  5. All staff engaged in the sale or supply of age restricted products on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
  6. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.
  7. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence: for a person under the age of 18 to buy or attempt to buy alcohol; or buy, or attempt to buy, alcohol for a person under the age of 18.
- 4.3 The current licence conditions can be found on annex 2 of the premises licence at **Appendix 2**
- 4.4 A representative of the licence holder has indicated that they are agreeable to these conditions being added to the licence. A copy of the correspondence is attached as **Appendix 3**
- 4.5 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 4.6 In determining this application for a review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 4.7 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making

procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

- 4.8 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 4.9 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003, and any responses have been included in this report.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
  - (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
  - (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Finance Manager**

There are no direct financial implications arising from this report.

### **7.2 Legal**

Implications verified by: **Godwin Mangse, Interim Principal Lawyer**  
**Housing & Litigation**

Thurrock Council as Licensing Authority under the Licensing Act 2003, the Licencing Act Guidance, the Licencing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and subordinate legislation together with the Councils Guidance, is empowered to determine applications of this

nature. Notice must be given of the Licensing Authority's decision on this matter.

In considering what action the Council should take when reviewing a licence, the Council must have regard for whether the licence holder is promoting the four aims of the Licensing Act 2003 (being: -

1. The prevention of crime and disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.

Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

The Accounts and Audit (England) Regulations 2015 section 4 (2) require that:

*"The relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions, and which includes the arrangements for the management of risk."*

### 7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**  
**Team Manager – Community Development and Equalities**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

### 7.4 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Order and Looked After Children

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

**8. Statement of Licensing Policy**

8.1 Section 6 of Thurrock Council's Statement of Licensing Policy relates to the protection of children from harm.

**9. Relevant Section of the Secretary of State's Guidance**

9.1 Section 11 relates to Reviews.

**10. Appendices to the report:**

- Appendix 1 - Copy of application for review and supporting information
- Appendix 2 - Copy of premises licence and location map for Aveley Food and Wine
- Appendix 3 - Copy of correspondence on behalf of licence holder

**Report Author:** Elizabeth Cox  
Licensing Officer

**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 Charlotte Edwards

*(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**

Aveley Food and Wine T/A Merit Market  
70 High Street

**Post town**

Aveley

**Post code (if known)**

RM15 4BX

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

Sivaraja Jeyanthasan

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

05/00669/LAPRE

**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**

Please tick  yes

**I am 18 years old or over**

**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 Charlotte Edwards Trading Standards Manager Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
Telephone number (if any) 01375 652477
E-mail address (optional) <a href="mailto:chedwards@thurrock.gov.uk">chedwards@thurrock.gov.uk</a>

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

- Please tick one or more boxes ]
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm ]

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

As per the information provided overleaf, the premises is believed to be failing to meet the Licencing Act objective, "protection of children from harm" by allowing a sale of a nicotine product (disposable vape) to a 16 year old volunteer working with Trading Standards.

Such products are age restricted and like alcohol, can only be sold to persons over the age of 18. This is intended to prevent children having access to potentially harmful goods.

This review is brought about to add to the existing conditions on the license in order to ensure alcohol is not sold to children.



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

This department is fully aware that this sale was in relation to a nicotine inhaling (vaping) product and not alcohol. Despite this however, taking into the account the circumstances of the sale, the recent history of the premises and the same age restriction on vapes as with alcohol there is a significant concern that this business is not meeting the Licencing Act objective - "protection of children from harm". It is a firm belief that due to the actions of the seller on the day in question, it is highly likely they would have sold alcohol to the volunteer as well as the vape had the child picked up an alcoholic drink.

On 23<sup>rd</sup> August 2023, officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation. They were accompanied by a 16 year old female volunteer and a 16 year old male volunteer who were instructed to attempt to purchase a nicotine inhaling product (disposable vape) from five premises.

At 13.00pm our volunteers entered Aveley Food and Wine, 70 High Street, Aveley, RM15 4BX and were able to purchase an Elf bar Cherry 600 puff electronic cigarette (containing 20mg/ml nicotine). The sale was made by [REDACTED] a staff member at the premises.

There are concerns about the manner in which this sale was made as Mr [REDACTED] did not ask the volunteers for ID or to confirm their ages. The shop was well lit and another male member of staff was on the premises at the time, however the store owner, Mr Kannathasan was not present. When officers spoke to Mr [REDACTED] after the sale, he showed his personal licence card.

Out of the five premises tested that day two businesses refused the sale after asking for ID or the volunteer's age.

Mr Kannathasan who is the DPS, was interviewed on 17<sup>th</sup> October 2023. He was given the opportunity to outline any age verification policies and any mitigating factors as to why this sale was made.

Key factors from the interview.

- Mr Kannathasan has been the owner since 2012 and there are no other owners.
- Mr Kannathasan previously worked in a Texaco garage.
- Mr Kannathasan had not received any recent training on underage sales, his last training was when he worked in Texaco prior to 2012.
- The training he was giving staff was very basic, mostly verbal, and included a printed statement they had to sign mentioning Challenge 25, refusals register, proxy sales. However, when asked what proxy sales were, Mr Kannathasan couldn't answer.
- Mr Kannathasan seemed to rely on the staff all having personal licences rather than giving proper training. He has five members of staff.
- There was a refusals book, but not all staff seemed to know where it was. The tills have till prompts.

Mr [REDACTED] was also interviewed separately that day and stated.

- He has worked at the premises for around a year, 3 days a week, usually only working on the tills to cover other staff on their breaks.
- He has previous experience in petrol stations and off licences.
- Just before the test purchase Mr [REDACTED] received a phone call asking him to pick his daughter up from school as she was unwell, so he was distracted, and he wasn't concentrating on work fully. He didn't tell us this at the time of the sale because he was worried when we entered the shop and his mind went blank.
- He had received verbal training on underage sales from Mr Kannathasan.
- He thought our volunteer was over 18 because he was tall, but because he was worrying about his daughter being collected from school he didn't ask for ID.

Transcripts of the interview and exhibits from the officers' statements can be made available to the Licensing Committee and Premises Licence Holder if required.

In addition to the facts of this sale, the Licensing Committee may wish to consider the following points;

- A member of the public contacted us on 11/04/2023 and 14/04/2023 to raise concerns about the premises selling age restricted products to underage children.
- A Challenge 25 test purchase was carried out on 21/04/2023. The 19-year-old volunteer was able to purchase an electronic cigarette without being asked any questions about their age or to provide ID. The officer on the day returned to the store and spoke with the member of staff who had sold the vape. He stated he didn't normally work on the tills but was covering for another member of staff who was having a break. When asked if he had received any underage sales training he didn't answer. He said because the volunteer was tall he thought she was over 18 so didn't ask for ID. Another member of staff then entered who said he normally worked on the tills. When asked if he had received any underage sales training since working in the premises, he said no. We asked to see a refusals book, but the staff were unable to produce one.
- We received a further complaint on 10/05/2023 from a member of the public regarding concerns about age restricted products being sold to underage children.

In order to prevent alcohol being sold to persons under the age of 18 in the future, and to ensure compliance with the Licensing Act objective "protection of children from harm", this department would like to request that further conditions are added to the Premises Licence.

1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
2. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
3. The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.
4. Written training records will be kept for all staff for the duration of their employment and for at least six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
5. All staff engaged in the sale or supply of age restricted products on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
6. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.
7. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence: for

a person under the age of 18 to buy or attempt to buy alcohol; or buy, or attempt to buy, alcohol for a person under the age of 18.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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

..... C Edwards. ....

Date

..... 16/11/23. ....

Capacity Trading Standards Manager

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

**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.





## Premises Licence

**Premises Licence Number**  
**Date of Issue**

**05/00669/LAPRE**  
**21st November 2005**

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Merit Market**  
**70 High Street**  
**Aveley**  
**South Ockendon**  
**Essex**  
**RM15 4BX**

Telephone number **01708 865080**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

**Good Friday 08:00 - 22:30**  
**Christmas Day 12:00 - 15:00 / 19:00 - 22:30**

The opening hours of the premises

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

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

**Alcohol is supplied for consumption off the Premises**



## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Sivarajah Jeyathanan**  
**28 Shere Road**  
**Ilford**  
**Essex**  
**IG2 6YG**

**01708 865080**

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Sivarajah Kannathanan**



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: P00250**  
**Licensing Authority: London Borough Of Redbridge**

## Annex 1 – Mandatory conditions

- 1 Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 2 No supply of alcohol may be made under this licence
  - a) At a time when there is no designated premises supervisor in respect of it or,
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 3 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) 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 either—
  - (a) a holographic mark, or .
  - (b) an ultraviolet feature.
- 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;
  - (b) "permitted price" is the price found by applying the formula where-  
  
$$P = D + (D \times V)$$
    - (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.

(3) Where the permitted price given by Paragraph (b) of paragraph 3 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 price permitted 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 and 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 Efficient CCTV shall be maintained in full working order at all times the premises are open. Cameras shall be sited to cover all alcohol displays throughout the premises. Copies of all recordings made shall be timed, dated and kept in a safe place for a minimum of 31 days. These recordings shall be made available to the police and the licensing authority throughout that period.**
  
- 2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.**

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





## Premises Licence Summary

**Premises Licence Number** 05/00669/LAPRE  
**Date of Issue** 21st November 2005

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Merit Market  
70 High Street  
Aveley  
South Ockendon  
Essex  
RM15 4BX**

Telephone number **01708 865080**

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

**Good Friday 08:00 - 22:30**

**Christmas Day 12:00 - 15:00 / 19:00 - 22:30**

The opening hours of the premises

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

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

**Alcohol is supplied for consumption off the Premises**



## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Sivarajah Jeyathanan**  
**28 Shere Road**  
**Iford**  
**Essex**  
**IG2 6YG**

Registered number of holder, for example company number, charity number (where applicable)

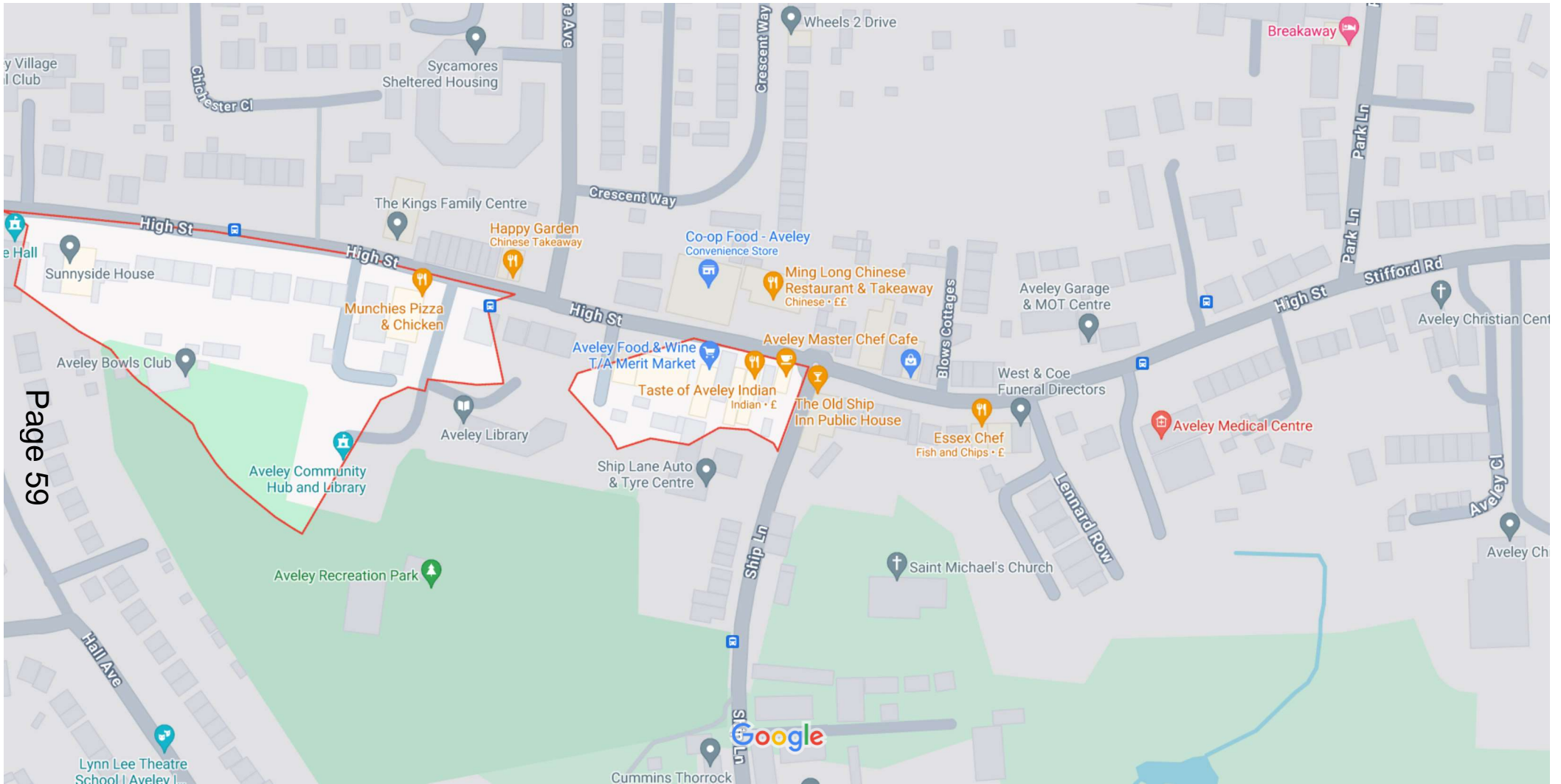
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Sivarajah Kannathanan**

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: P00250**  
**Licensing Authority: London Borough Of Redbridge**

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Page 59

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Cox, Elizabeth

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**From:** robertjordan01 [REDACTED]  
**Sent:** 21 December 2023 14:33  
**To:** Licensing@thurrock.gov.uk  
**Cc:** Adams, Paul; Edwards, Charlotte; Licensing@thurrock.gov.uk  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

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Hi the licence holder and DPS will agree the conditions asked by Trading Standards in the review

I refer to the Barrister opinion and it is up to Charlotte and LA whether to hold the hearing  
many thanks

----- Original Message -----

**From:** "Licensing@thurrock.gov.uk" <licensing@thurrock.gov.uk>  
**To:** "robertjordan01" [REDACTED]  
**Cc:** "Licensing@thurrock.gov.uk" <licensing@thurrock.gov.uk>; "Adams, Paul" <PxAdams@thurrock.gov.uk>; "Edwards, Charlotte" <CHEdwards@thurrock.gov.uk>  
**Sent:** Tuesday, 19 Dec, 2023 At 15:28  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

Good afternoon,

The legislation relating to reviews and associated hearings does not provide the facility to withdraw the application once the process is started or to dispense with the hearing unlike with applications for new licence, variations etc.

I will confirm the hearing details as a matter of urgency this week, however if you or your client do not wish to attend then you may submit a written submission that you are in agreement with the proposed conditions from Trading Standards and the committee can consider this in your absence, however the sub-committee may make any decision they see fit.

Kind regards,

Liz

Elizabeth Cox | Licensing Officer | Public Protection

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**From:** Edwards, Charlotte <CHEdwards@thurrock.gov.uk>  
**Sent:** 14 December 2023 09:28  
**To:** robertjordan01 [REDACTED]  
**Cc:** Licensing@thurrock.gov.uk; Adams, Paul <PxAdams@thurrock.gov.uk>; Cox, Elizabeth <ECox@thurrock.gov.uk>  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

Dear Mr Jordan

Thank you for the update. Please can you liaise directly with our licensing department to discuss this. I have copied them into this email

Kind regards

**Charlotte Edwards | Trading Standards Manager | Public Protection**

Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL

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**From:** robertjordan01 <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**Sent:** 13 December 2023 09:52  
**To:** Edwards, Charlotte <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

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Hi I have spoken with a Barrister who specializes in Licensing

If agreement can be reached between yourself and the Licence holder as regards conditions then both parties can agree that a hearing is not necessary  
The conditions are then put before the committee and added to the licence as a minor variation but without the minor variation application

----- Original Message -----

From: "Edwards, Charlotte" <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
To: "robertjordan01" <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
Cc: "[Licensing@thurrock.gov.uk](mailto:Licensing@thurrock.gov.uk)" <[licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk)>  
Sent: Thursday, 7 Dec, 2023 At 08:58  
Subject: RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

Dear Mr Jordan

I have spoken with my licensing colleagues who have confirmed that once the licence review process is underway it cannot be stopped and this review hearing will need to go ahead.

Kind regards

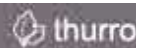
**Charlotte Edwards | Trading Standards Manager | Public Protection**

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**From:** robertjordan01 <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**Sent:** 06 December 2023 12:07  
**To:** Edwards, Charlotte <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

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OK Thanks for your reply

----- Original Message -----

From: "Edwards, Charlotte" <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
To: "robertjordan01" <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
Sent: Wednesday, 6 Dec, 2023 At 12:00  
Subject: RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

Dear Mr Jordan

Thank you for your email. I will need to discuss this matter with the licensing team in terms of the process. I will confirm with you as soon as possible

Kind regards

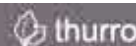
**Charlotte Edwards | Trading Standards Manager | Public Protection**

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**From:** robertjordan01 <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**Sent:** 05 December 2023 10:45  
**To:** Edwards, Charlotte <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

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Hi

Have you had time to look at this e mail  
Thanks

----- Original Message -----

**From:** "robertjordan01" <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**To:** "Edwards, Charlotte" <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**Sent:** Thursday, 30 Nov, 2023 At 12:44  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

Hi I now have the documents

If the conditions are agreed will it still need to go to review?

----- Original Message -----

**From:** "Edwards, Charlotte" <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**To:** "robertjordan01" <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**Cc:** "[Licensing@thurrock.gov.uk](mailto:Licensing@thurrock.gov.uk)" <[licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk)>  
**Sent:** Wednesday, 29 Nov, 2023 At 13:48  
**Subject:** RE: REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX



Dear Mr Jordan

Thank you for your email. All the new proposed conditions are held within the licence review application paperwork which your client should have.

Kind regards

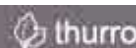
**Charlotte Edwards | Trading Standards Manager | Public Protection**

Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL

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**From:** robertjordan01 <[robertjordan01@btinternet.com](mailto:robertjordan01@btinternet.com)>  
**Sent:** 29 November 2023 11:56  
**To:** Edwards, Charlotte <[CHEdwards@thurrock.gov.uk](mailto:CHEdwards@thurrock.gov.uk)>  
**Subject:** REVIEW-AVELEY FOOD AND WINE T/A MERIT MARKET 70 HIGH STREET AVELEY RM15 4BX

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TO C EDWARDS

I have been asked by the DPS to e mail you regarding the above review  
I notice that you are looking for additional conditions to be added to the licence  
Would it be possible to discuss those conditions and hopefully reach agreement before the review hearing  
ROBERT JORDAN BSc

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ROBERT JORDAN BSc

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