

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **16 May 2017**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Ben Maney (Chair), Steve Liddiard and Joycelyn Redsell

Agenda

Open to Public and Press

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2. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **8 May 2017**

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If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

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- You should connect to TBC-CIVIC
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

16 May 2017	ITEM: 4
Licensing Sub-Committee	
Determination of an Application for a Review of a Premises Licence	
Wards and communities affected: Corringham and Fobbing	Key Decision: Non-key
Report of: Laura Manning, Licensing Officer	
Accountable Head of Service: Andrew Millard, Head of Planning and Growth	
Accountable Director: Steve Cox, Corporate Director of Environment and Place	
This report is Public	

Executive Summary

An application has been received for a review of the premises licence at Artemis, 11 Lampits Hill, Corringham, Essex, SS17 9AA. The review relates to prevention of crime and disorder arising from employing a person who is disqualified from that work by reason of their immigration status in the UK.

1. Recommendation(s)

1.1 That the Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the application for the review of the premises licence in line with the options open to the Sub-Committee under the Licensing Act 2003.

2. Introduction and Background

2.1 On 17 March 2017, an application for a Review of the premises licence for Artemis, 11 Lampits Hill, Corringham, Essex SS17 9AA, was received from County Licensing Officer, Stephen Sparrow, of Essex Police, County Licensing Hub, Witham Police Station, Newland Street, Witham, Essex, CM8 2AS. A copy of the full application and associated documentation is attached as **Appendix A**.

2.2 The application for Review relates to the following licensing objectives-

Prevention of Crime and Disorder

In summary the application provides:

- Following intelligence held by the Home Office Immigration Service, a Magistrates Court Warrant was obtained on 20th January 2017 and this premise was visited on 24th January 2017 at 15:37hrs by Immigration Officers.
- Upon arrival of Immigration Officers they encountered 5 males in the premises including a male Turkish national, following questioning he was arrested as an illegal worker and escorted off the premises.
- A second male was questioned who was also a Turkish national, and it was established that he had entered the country illegally and had no right to work. This male has an outstanding application so was not arrested but ordered to remove himself from the shop.

2.3 The premises licence is held by Mr Kadir Atik and Mr Ibrahim Akyel, a copy is attached as **Appendix B**.

2.4 There have been no further representations in relation to this application for review, following the public consultation.

2.5 Under the Licensing Act 2003 the licensing objectives are –

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

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

3. Issues, Options and Analysis of Options

3.1 The Committee, after considering the review application and all of the relevant representations, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.

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

- Do nothing with the licence;
- To 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;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

- 3.3 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.
- 3.4 In determining this application for 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.
- 3.5 Paragraph 11.27 of the statutory guidance issued under section 182 of the Licensing Act 2003 ,gives examples of certain criminal activity that may arise in connection with licensed premises which should be treated seriously, which includes employing a person who is disqualified from that work by reason of their immigration status in the UK.
- 3.6 Paragraph 11.28 of the statutory guidance issued under section 182 of the Licensing Act 2003, provides that where reviews arise from serious crime, as above, and the Licensing Authority determines that the crime prevention objective is being undermined, it is expected that revocation of the licence, even on the first occasion, should be seriously considered.
- 3.7 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.
- 3.8 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.
- 3.9 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.

4. Reasons for Recommendation

- 4.1 These are the options available to the Sub-Committee

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

- 5.1 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

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

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

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

In considering this duty the Sub-Committee should have due regard to the submissions made by the applicant and interested parties, the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accounts

There are no financial implications associated with the report

7.2 Legal

Implications verified by: **Adam Rulewski**
Litigation and Prosecutions Barrister

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The 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.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development Officer

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, Sustainability, Crime and Disorder)

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

8. Background papers used in preparing the report:

- The Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

9. Appendices to the report:

- Appendix A , Copy of review application
- Appendix B, Copy of the current premises licence

Report Author Contact Details:

Report Author
Laura Manning
Licensing Officer

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Premises Licence

Premises licence number

05/00918/LICLNR

Part 1 – Premises details

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

**Artemis
11 Lampits Hill
Essex**

Post Town
Corringham

Post Code
SS17 9AA

Telephone number

01375 677722

Where the licence is time limited, the dates

N/A

Licensable activities authorised by the licence

- **Provision of late night refreshment**

Opening hours of the premises

Monday – Sunday

11.30hrs – 00.00hrs

The times the licence authorises the carrying out of licensable activities

Provision of late night refreshment

Monday – Sunday

23.00hrs – 00.00hrs

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

N/A

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

**Mr Kadir Atik
11 Lampits Hill
Corringham
Essex
SS17 9AA**

**Mr Ibrahim Akyel
11 Lampits Hill
Corringham
Essex
SS17 9AA**

01375 677722

01375 677722

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

N/A

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

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

MANDATORY CONDITIONS

OPERATING SCHEDULE CONDITIONS

**CONDITIONS ATTACHED AFTER A HEARING
BY THE LICENSING AUTHORITY**

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