

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **30 March 2023**

**Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Gary Collins (Chair), Shane Ralph and Graham Snell

### Agenda

Open to Public and Press

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### Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **22 March 2023**

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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.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>30 March 2023</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> Stanford East and Corringham	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox, Licensing Officer	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning and Growth	
<b>Accountable Director:</b> Mark Bradbury, Director of Place	
<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 **Eagle News, 6 Grover Walk, Corringham, SS17 7LY** following a failed test purchase. During the consultation period, a representation was also received from Essex Police.

### 1. Recommendations:

**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 14 February 2023, an application for a review was received from Charlotte Edwards, Trading Standards Manager, on behalf of Thurrock Trading Standards in relation to Eagle News, 6 Grover Walk, Corringham, SS17 7LY. The premises licence holder and Designated Premises Supervisor (DPS) is Hirenbhai Mafatbhai Patel.
- 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 During the consultation period, a representation was also received from Simon Barnes, Licensing Officer on behalf of Essex Police. A copy of the representation is attached as **Appendix 3**.
- 3.5 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
- 3.6 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. 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 underage 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 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 indication 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 Essex Police have also requested the following amendments to the licence conditions as part of their representation:

Removal of Condition 2 and replace with:

The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:

- ♣ CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality particularly facial recognition;
- ♣ CCTV cameras shall cover all entrances and the areas where alcohol sales take place;
- ♣ 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.

Addition of the following condition:

o Signs must be displayed at all entrances 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.

- 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**  
**Senior Management Accountant**

#### **Government Intervention & Section 114**

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

#### **Implications relating to this specific report**

There are no direct financial implications arising from this report.

## 7.2 Legal

Implications verified by: **Deirdre Collins, Principal Barrister  
Prosecutions, Housing and Litigation**  
**Simon Scrowther, Litigation and Licencing  
Lawyer**

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: **Roxanne Scanlan**  
**Community Engagement and Project  
Monitoring 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 Inequalities, Sustainability, Crime and Disorder, and Impact on 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 Eagle News
- Appendix 3 – Copy of the representation from Essex Police

### 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Eagle News 6 Grover Walk	
<b>Post town</b> Corringham	<b>Post code (if known)</b> SS17 7LY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Hirenbhai Mafatbhal Patel

<b>Number of premises licence or club premises certificate (if known)</b>
10/00923/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 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 19<sup>th</sup> October 2022, 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 who was instructed to attempt to purchase a nicotine product (disposable vape) from six premises.

At 12.05pm the volunteer entered Eagle News, 6 Grover Walk, Corringham and was able to purchase a Zu Strawberry Vape (containing 20mg/ml nicotine). The sale was made by Jigna Patel the wife of the owner.

There are concerns about the manner in which this sale was made as Mrs Patel did not ask the volunteer for ID or to confirm her age. The shop was well lit and Mr Patel was on the premises at the time.

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

Mr Patel, the Premises Licence Holder was interviewed on 8<sup>th</sup> December 2022. 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 Patel and his wife are partners in the business which they have owned since 6<sup>th</sup> March 2022.
- Mr Patel does not have any previous retail experience.
- He stated he has gained experience of shop keeping by visiting a friend's shop.
- He has no records of training
- Mr Patel could not remember if he was a Personal licence Holder and said he did not recall doing any training for it.
- He stated he has another member of staff who works at the shop, but as that person owns his own shop, he has not provided training.
- He doesn't maintain a refusals log at present.

Mrs Patel was also interviewed separately that day and stated;

- She has a separate job in beauty.
- She was training on the day of the sale.
- Her husband had given her verbal instructions on preventing underage sales and said she should ask him before doing anything.
- She decided to sell the vape without referring to her husband who was on the premises at the time.
- When shown a photo of the volunteer she stated, "she looks mature." When she was told the volunteers age, she went on to say, "I didn't have any experience of anything."

Transcripts of the interview and exhibits from the officers' statements will be made available to the Licensing Committee and Premises Licence Holder in advance.

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

- On 26/7/22 the business had received an advisory visit from Trading Standards to advise them about the sale of vapes and other age restricted items. During this visit they were advised to operate a Challenge 25 policy and to ask customers looking 25 and under to show ID when purchasing age restricted items like alcohol and vapes.
- A Challenge 25 test purchase was carried out on 18/8/22. The 18-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 alerted Mr Patel to the failure. He stated that he thought the volunteer was 21 and that he didn't operate a Challenge 25 policy. Mr Patel was sent a Challenge 25 failure letter the next day with advice to use a Challenge 25 policy.

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 premise 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

.....

Date

.....

Capacity

.....

<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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## STATEMENT OF WITNESS

(Criminal Procedure Rules 2010, r 27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5A & s.5B)

<b>STATEMENT OF:</b>	Evan Battershall
<b>AGE OF WITNESS:</b>	Over 18
<b>OCCUPATION:</b>	Trading Standards Officer

This statement, consisting of \_\_ **pages** each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 14.02.2023                      **Signature:** E Battershall

My name is Evan Battershall and I am a Trading Standards Officer working for Thurrock Council. On 19th October 2022, I undertook an underage test purchase operation as lead officer along with Trading Standards Officers, Shona Abbott and Keith Bush. We were accompanied by a 16-year-old female volunteer.

At approx. 10am that morning I briefed the volunteer on the operation and talked her through the camera equipment, the volunteer then signed our debrief document, so she understood what was expected and understood what was said.

I took several photos of the volunteer including a close up, full height view and one standing next to my colleague Shona. I then transferred these photos to my computer and printed them without editing and I now produce these photos as exhibit **EB/EN/02** and **EB/EN03**.

At approximately 12:05am, we approached Eagle News, 6 Grover Walk, Stanford-le-hope, Corringham, SS17 7LY. I stopped the volunteer to prepare the camera equipment and explained that I couldn't walk past a nearby shop to avoid disrupting the operation and stated where I would stand and where Keith would follow to watch.

The volunteer was carrying a small camera to record the sale and as the volunteer entered the shop, I watched the live footage on my work phone for the duration of her time in the shop. I present the recording of this sale RECO0024 as evidence **EB/EN/09**. I saw that she had approached the till and spoke to a female worker.

The volunteer returned to us shortly afterwards with a vape product in her hand. This product was a “Zu’ Strawberry” vape. The nicotine quantity of the vape was noted as 20mg/ml with Nicotine Dose per puff 73µg.

The volunteer told me that the seller had not asked for her age or ID. I saw the volunteer hand the vape to my colleague Keith Bush.

Keith and I then proceeded to enter the premise and speak to the workers behind the counter and informed them that a criminal offence had been committed by selling a vape to a 16-year-old volunteer. The male identified himself as the owner and provided his details as Hiren PATEL of [REDACTED] The woman identified herself as his wife, Jigna PATEL of the same address.

Mrs PATEL admitted to the sale of the vape and it was noted that she apologised saying it was her first day and didn’t know. We informed them that we will write to them and may require them to attend an interview at our offices.

Having confirmed the seller and owners details we left the premise. Once we returned to our vehicle, I sealed the vape purchased in evidence bag LC00108500. I present this evidence as **EB/EN/01**.

I completed a transcript of the recording RECO0024 on the 19th October 2022 and present this as **EB/EN/10**.

On Thursday 8<sup>th</sup> December 2022, I had conducted an interview under Caution with one of the partners of Eagle News, Mrs Jigna Patel. I produce a sealed recording of this interview as **EB/EN/04**. I also produce a transcript of the interview as **EB/EN/05**.

On Thursday 8<sup>th</sup> December 2022, I had conducted an interview under Caution with one of the partners of Eagle News, Mr Hiran Patel. I produce a sealed recording of this interview as **EB/EN/06**. I also produce a transcript of the interview as **EB/EN/07**.

**Dated:** 14.02.2023

**Signature:** E Battershall



## Premises Licence

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

10/00923/LAPRE

### Part 1 – Premises Details

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

**Eagle News**  
**6 Grover Walk**  
**Corringham**  
**Essex**  
**SS17 7LY**

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>05:00 - 22:00</b>
<b>Tuesday</b>	<b>05:00 - 22:00</b>
<b>Wednesday</b>	<b>05:00 - 22:00</b>
<b>Thursday</b>	<b>05:00 - 22:00</b>
<b>Friday</b>	<b>05:00 - 22:00</b>
<b>Saturday</b>	<b>05:00 - 22:00</b>
<b>Sunday</b>	<b>05:00 - 22:00</b>

The opening hours of the premises

<b>Monday</b>	<b>05:30 - 18:00</b>
<b>Tuesday</b>	<b>05:30 - 18:00</b>
<b>Wednesday</b>	<b>05:30 - 18:00</b>
<b>Thursday</b>	<b>05:30 - 18:00</b>
<b>Friday</b>	<b>05:30 - 18:00</b>
<b>Saturday</b>	<b>05:30 - 18:00</b>
<b>Sunday</b>	<b>05:30 - 13:00</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

**Hirenbhai Mafatbhai Patel**

**Eagle News  
6 Grover Walk  
Corringham  
Essex  
SS17 7LY**

**hiren.patel81@hotmail.co.uk**

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

**Hirenbhai Patel**



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: LN/000015299/2021/1  
Licensing Authority: London Borough Of Harrow**

## 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 Eagle News shall operate a 'Challenge 25' policy. Proof of age shall be by means of a recognised form of photographic identification such as a passport, photo driving licence, proof of age card, or other form of identification, approved by or agreed with the Police.**
- 2 Installation of CCTV with a recording facility.**
- 3 A refusals book will be kept and made available to police and authorised officers.**

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



## Annex 4 – Plans



## Premises Licence Summary

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

10/00923/LAPRE

### Part 1 – Premises Details

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

**Eagle News**  
**6 Grover Walk**  
**Corringham**  
**Essex**  
**SS17 7LY**

Telephone number

**0137540754907809643669**

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>05:00 - 22:00</b>
<b>Tuesday</b>	<b>05:00 - 22:00</b>
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The opening hours of the premises

<b>Monday</b>	<b>05:30 - 18:00</b>
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<b>Wednesday</b>	<b>05:30 - 18:00</b>
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<b>Friday</b>	<b>05:30 - 18:00</b>
<b>Saturday</b>	<b>05:30 - 18:00</b>
<b>Sunday</b>	<b>05:30 - 13:00</b>

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

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

## Part 2

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

**Hirenbhai Mafatbhai Patel**

**Eagle News**

**6 Grover Walk**

**Corringham**

**Essex**

**SS17 7LY**

**hiren.patel81@hotmail.co.uk**

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

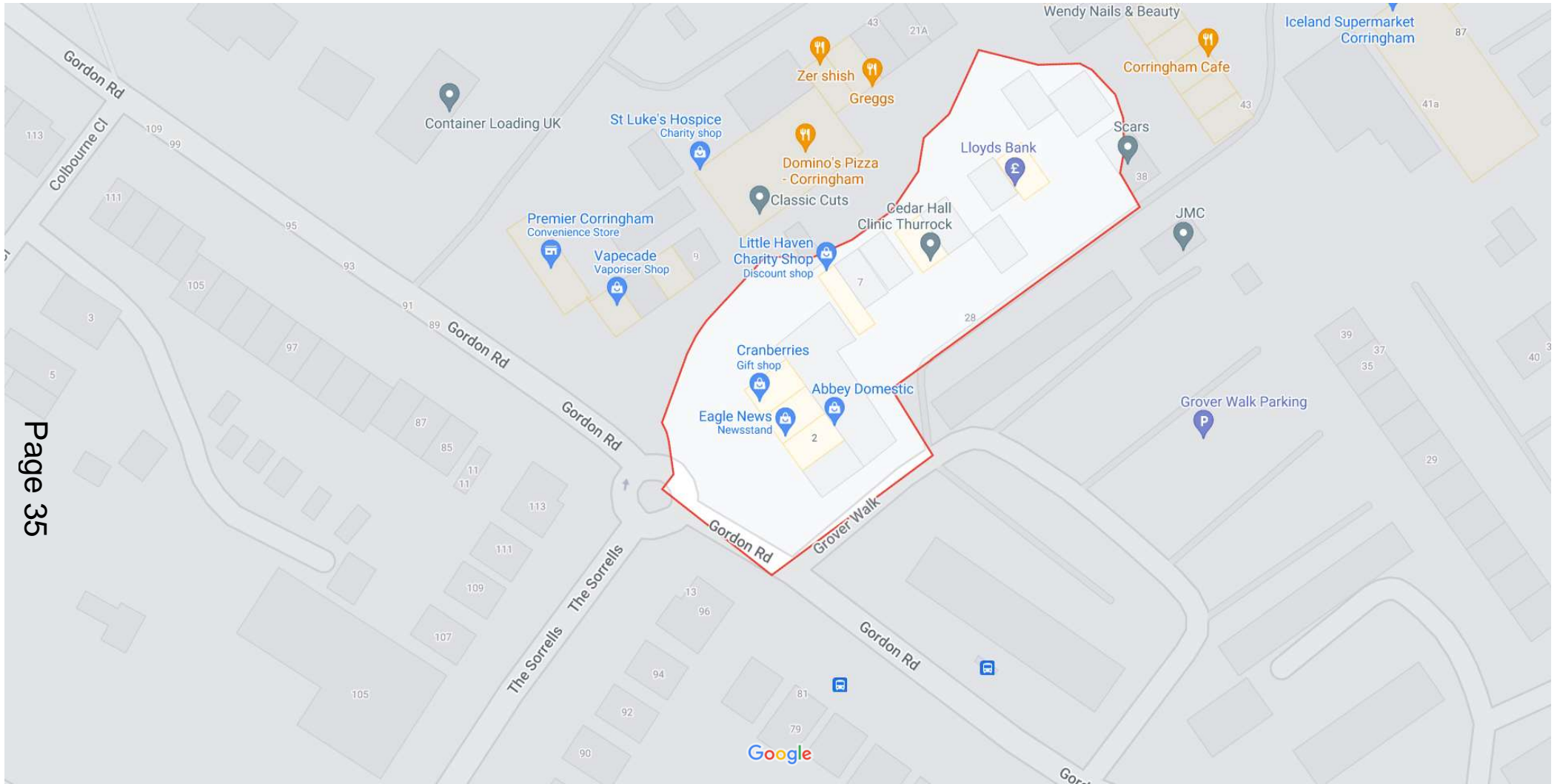
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Hirenbhai Patel**

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: LN/000015299/2021/1**

**Licensing Authority: London Borough Of Harrow**



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9<sup>th</sup> March 2023

Licensing Authority  
Thurrock Borough Council  
Civic Offices  
New Road  
Grays RM17 6SL

### **Review – Eagle News, Corringham – Police Representation**

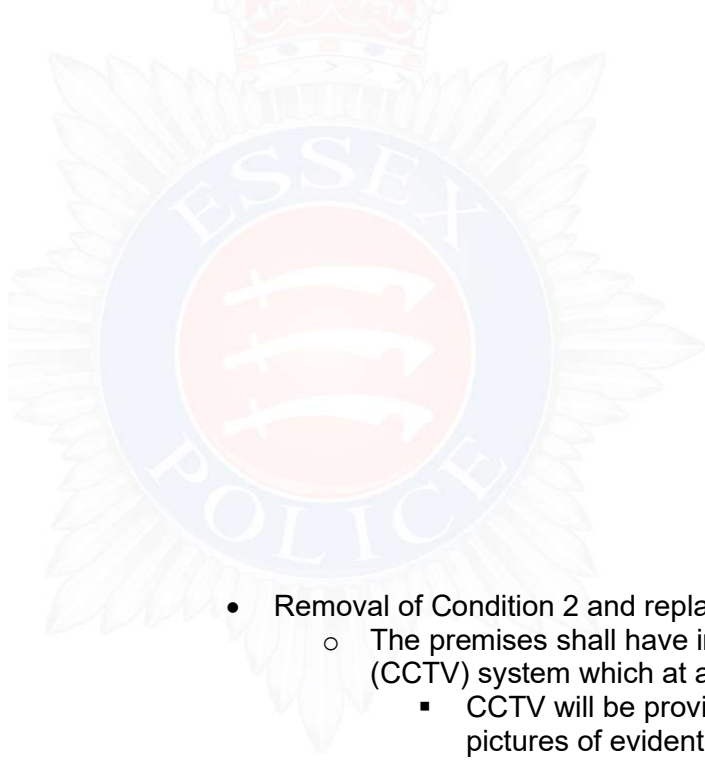
I write in relation to an application made by Thurrock Council's Trading Standards for a Standard Review of a premises known as Eagle News located at number 6 Grover Walk in Corringham.

I take note of the information provided by Trading Standard in support of its application, particularly in relation to an underage sale completed on 19<sup>th</sup> October 2022. On 17<sup>th</sup> February Essex Police Licensing Officer Simon Barnes undertook a site visit on the premises to ascertain the layout of the premises and the level of cooperation from staff or management on site.

During this visit Mr Barnes has spoken to the Licence Holder, Mr Hirenbhai PATEL, and discussed the recent application for review and my purposes for attending that day. Mr Patel appeared distracted and non-committal throughout my interaction with him, when asked about the CCTV system at the premises Mr Patel has indicated that, while they had CCTV on the premises, he could not access any recordings and could only access what was happening at the time. On asking to have sight of the refusals book Mr Patel has shown me an empty book which appeared to be brand new from the Council suggesting that this condition has not previously complied with.

In considering this review Essex Police have had sight of the current licence which has minimal conditions. Particular of note is Annex 2 Condition 3, which we have reason to believe has not been complied with prior to Trading Standards attendance, and condition 2 which reads "*Installation of CCTV with a recording facility.*" For which there is an argument that, whilst the word of the condition has been complied with, the spirit of the condition, to have accessible recorded CCTV has not been.

As such it is Essex Police's position that the current operation of the business has led to an undermining of the licensing objectives of Prevention of Crime and Disorder and the Protection of Children. Essex Police has considered the conditions being put forward by Trading Standards in their application for review and are content that these will somewhat allay police concerns regarding the Protection of Children. In regard to the Crime and Disorder objective it is our position that we would request that the Licensing Sub-Committee agree to the following further amendments to the licence:



- Removal of Condition 2 and replace with:
  - The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
    - CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality particularly facial recognition;
    - CCTV cameras shall cover all entrances and the areas where alcohol sales take place;
    - 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.
  - Addition of the following condition
    - Signs must be displayed at all entrances 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.

These conditions will provide clarity on the CCTV requirement and support the objective as well as providing assurance regarding the Protection of Children objective as any further instances of underage sales will be captured and retained on CCTV which will act as a deterrent.

In accordance with paragraph 9.37 of the Statutory Guidance, Essex Police may amplify its representation at the subsequent hearing. Essex Police may also produce further documentary or other information in support of this representation ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours faithfully,

Simon Barnes 82011  
Licensing Officer – Brentwood & Thurrock  
Essex Police



<b>30 March 2023</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> Tilbury St Chads	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox, Licensing Officer	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning and Growth	
<b>Accountable Director:</b> Mark Bradbury, Director of Place	
<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 **St Chads Convenience Limited, 163 St Chads Road, Tilbury, RM18 8NL** following a failed test purchase. During the consultation period, a representation was also received from Essex Police.

### 1. Recommendations:

**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 14 February 2023, an application for a review was received from Charlotte Edwards, Trading Standards Manager, on behalf of Thurrock Trading Standards in relation to St Chads Convenience, 163 St Chads Road, Tilbury, RM18 8NL. The premises licence holder is St Chads Convenience Ltd and the Designated Premises Supervisor (DPS) is Md Jakir Hossen.
- 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 During the consultation period, a representation was also received from Simon Barnes, Licensing Officer on behalf of Essex Police. A copy of the representation is attached as **Appendix 3**.
- 3.5 Any representation must relate to a particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
- 3.6 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 be added to the 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 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. 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 underage 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 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 indication 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.

In addition, if the electronic till system has the facility to add 'till prompts' when certain items are scanned:

8. A system will be in operation on all electronic points of sale which prompts staff to verify the age of a purchaser when age restricted products are scanned. The licensee will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.

4.3 Essex Police have also requested the following additional conditions as part of their representation:

The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:

- ♣ CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality particularly facial recognition;
- ♣ CCTV cameras shall cover all entrances and the areas where alcohol sales take place;

- ♣ 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.

Signs must be displayed at all entrances 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.

- 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**  
**Senior Management Accountant**

#### **Government Intervention & Section 114**

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

## **Implications relating to this specific report**

There are no direct financial implications arising from this report.

### **7.2 Legal**

Implications verified by: **Deirdre Collins, Principal Barrister  
Prosecutions, Housing and Litigation**  
**Simon Scrowther, Litigation and Licencing  
Lawyer**

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: **Roxanne Scanlan**  
**Community Engagement and Project  
Monitoring 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 Inequalities, Sustainability, Crime and Disorder, and Impact on 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 map for St Chads Convenience Limited
- Appendix 3 – Copy of the representation from Essex Police

### 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
St Chads Convenience Limited 163 St Chads Road	
<b>Post town</b> Tilbury	<b>Post code (if known)</b> RM18 8NL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr MD Jakir Hossen

<b>Number of premises licence or club premises certificate (if known)</b>
07/01106/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) [chedwards@thurrock.gov.uk](mailto:chedwards@thurrock.gov.uk)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

✓

**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 and other age restricted items are 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 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 19<sup>th</sup> October 2022, 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 who was instructed to attempt to purchase a nicotine product (disposable vape) from six premises.

At 11.25am the volunteer entered St Chads Convenience Store and was able to purchase an Elux Berry Lemonade Vape (the packaging stated it contained 2% nicotine salt which is equivalent to 20mg nicotine – average cigarette is 12mg). It is worth noting at this stage that the vape sold was illicit as it is not registered with the Medicines and Healthcare Regulatory Agency (MHRA). The sale was made by employee, Lee Kelly and when officers returned to speak with him, he was quoted as admitting his fault and saying, "*it was my bad.*"

There are concerns about the manner in which this sale was made as Mr Kelly did not ask the volunteer for ID or to confirm her age. The shop was well lit, Mr Kelly made eye contact and had a short exchange with the volunteer to ensure he was selling the correct product to her.

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

Mr Hossen the Premises Licence Holder was interviewed on 6<sup>th</sup> December 2022. 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 Hossen has been a director of St Chads Convenience Limited since 2019.
- He stated he is a personal licence holder.
- He claims staff have been trained on underage sales but was unable to provide evidence of this other than a copy of a Thurrock Council Responsible Retailer pack.
- He stated he has four members of staff but only two of them have been trained in underage sales.
- Mr Hossen confirmed that the volunteer looked under 25 years of age.
- He confirmed that he shut the shop for a month whilst he was away, indicating that he did not have faith in his staff to run it in his absence.
- Mr Kelly, the seller was also interviewed and confirmed that he had received Challenge 25 training in 2020 and in 2022. He also stated that he has had more training since the test purchase failure.
- Mr Kelly still maintained that he thought the volunteer was over 18 and claimed the reason for the sale was due to illness and the stress of having to open the shop without the director.

Transcripts of the interview and exhibits from the officers' statements will be made available to the Licensing Committee and Premises Licence Holder in advance.

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

- Two intelligence complaints were received from Essex Police Intelligence Bureau in May 2022 stating that the manager of the store was selling age restricted goods to underage people.
- In June 2022 a joint visit with the Licensing team and Trading Standards was undertaken. Concerns were raised during this visit with the manager about the Challenge 25 procedure and a lack of refusals register and posters.
- In July 2022 a Challenge 25 test purchase was undertaken where a 21-year-old volunteer was able to purchase an electronic cigarette without being asked questions about their age or to provide ID. For background, a Challenge 25 test purchase is where a person over the age of 18 attempts to buy an age restricted product to test the age verification process the retailer has in place. If someone looks 25 or under then they should be asked for ID.
- Following this failure, a further advisory visit was undertaken in July 2022 to give advice on the legislation applicable to age restricted products that the premises sells: namely alcohol, tobacco and vape products. The manager opted to sign our responsible retailer pack to adopt the Challenge 25 scheme which also included training notes and a refusal book for members of staff to utilise.

In order to prevent alcohol and other age restricted products 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. These are,

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 premise 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.

In addition, if the electronic till system has the facility to add 'till prompts' when certain items are scanned, we would also request that the following condition is added:

8. A system will be in operation on all electronic points of sale which prompts staff to verify the age of a purchaser when age restricted products are scanned. The licensee will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.

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

.....

Date

.....

Capacity

.....

<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.



## STATEMENT OF WITNESS

(Criminal Procedure Rules 2010, r 27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5A & s.5B)

<b>STATEMENT OF:</b>	Evan Battershall
<b>AGE OF WITNESS:</b>	Over 18
<b>OCCUPATION:</b>	Trading Standards Officer

This statement, consisting of    pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:**   14.02.2023                        **Signature:**           *E Battershall*          

My name is Evan Battershall and I am a Trading Standards Officer working for Thurrock Council. On 19<sup>th</sup> October 2022, I undertook an underage test purchase operation as lead officer along with Trading Standards Officers, Shona Abbott and Keith Bush. We were accompanied by a 16-year-old female volunteer.

At approx. 10am that morning I briefed the volunteer on the operation and talked her through the camera equipment, the volunteer then signed our debrief document, so she understood what was expected and understood what was said.

I then took several photos of the volunteer including a close up, full height view and one standing next to my colleague Shona. I then transferred these photos to my computer and printed them without editing and I now produce these photos as exhibit **EB/ST.C4** and **EB/ST.C5**.

At approximately 11.20am we approached St. Chads Convenience, 163 St Chads Road, Tilbury, RM18 8NL. The volunteer walked with us until we pointed out the shop in question, we indicated where we would wait while we watched the live footage. I saw the volunteer enter the premises at approximately 11:23am with a small camera to record any sale. As the volunteer entered the shop, I watched the live footage on my work phone for the duration of her time in the shop. I saw that she had approached the till and had a conversation with a white, male worker. The volunteer returned to us shortly afterwards with a vape product in her hand. This product was an Elux Berry Lemonade Vape, containing 2% Nic Salt.

The volunteer told me that the seller had not asked for her age or ID and gave a description of the seller as white male with brown hair and tattoos. I saw the volunteer hand the vape to my colleague Keith Bush.

Keith and I then entered the premise and I introduced us to the man behind the counter who matched the description the volunteer had given us as a white male with brown hair and tattoos. I noted he has a small star tattoo under one of his eyes and black tattoos on both his hands. I explained that an offence had been committed as a 16 year old person had just been sold a vape. I then asked the man if the owner was available and he explained that the manager wasn't there. I then asked for his details and he identified himself as Lee KELLY of [REDACTED]

Mr Kelly was concerned on how serious the crime was and asked if there was any prison sentence. He then went on to comment that it was his fault and said "it was my bad". I informed him that we would write to him in due course and may need to attend an interview.

As we left the premises I noted Mr Kelly, left the shop behind us and immediately used his phone. We then returned to our vehicle and I sealed the Elux Berry Lemonade vape in evidence bag LC00108499. I now exhibit this evidence as **EB/ST.C2**. I then placed this in our secure store on return to the office.

I also uploaded the recorded evidence of the sale to our desktop system. I now introduce this footage as **EB/ST.C3**. On the 19<sup>th</sup> October 2022 I viewed this footage and completed a transcript of the recording. I now present this as **EB/ST.C6**.

On Tuesday 6<sup>th</sup> December 2022, I had conducted an interview under Caution with the Director of St. Chads Convenience, Mr MD Jakir Hossen. I produce a sealed recording of the interview as **EB/ST.C7** I also produce a transcript of the interview as **EB/ST.C8**.

Mr Hossen presented me with his responsible retailer pack including his customer refusal log, as well as presented a photocopy of his flight records. I photocopied these and produce these as **EB/ST.C9**.

On Tuesday 6<sup>th</sup> December 2022, I conducted an interview under Caution with the seller from St Chads Convenience, Mr Lee Kelly. I produce a sealed recording of the interview as **EB/ST.C10**. I also produce a transcript of the interview as **EB/ST.C11**.

Dated: 14.02.2023

Signature: E Battershall



## Premises Licence

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

07/01106/LAPRE

### Part 1 – Premises Details

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

**St Chads Convenience Limited**  
**163 St Chads Road**  
**Tilbury**  
**Essex**  
**RM18 8NL**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Provision of Late Night Refreshment**  
**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

### Provision of Late Night Refreshment

<b>Monday</b>	<b>23:00 - 05:00</b>
<b>Tuesday</b>	<b>23:00 - 05:00</b>
<b>Wednesday</b>	<b>23:00 - 05:00</b>
<b>Thursday</b>	<b>23:00 - 05:00</b>
<b>Friday</b>	<b>23:00 - 05:00</b>
<b>Saturday</b>	<b>23:00 - 05:00</b>
<b>Sunday</b>	<b>23:00 - 05:00</b>

### Sale by Retail of Alcohol

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

The opening hours of the premises

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

**Md Jakir Hossen**  
**St Chads Convenience Limited**  
**163 St Chads Road**  
**Tilbury**  
**Essex**  
**RM18 8NL**

**jakir\_bd@hotmail.co.uk**

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

**Company Number**                      **12094578**

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

**Md Jakir Hossen**



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: 1825**  
**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**

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

## Annex 4 – Plans



## Premises Licence Summary

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

07/01106/LAPRE

### Part 1 – Premises Details

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

**St Chads Convenience Limited**  
**163 St Chads Road**  
**Tilbury**  
**Essex**  
**RM18 8NL**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Provision of Late Night Refreshment**  
**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

### Provision of Late Night Refreshment

<b>Monday</b>	<b>23:00 - 05:00</b>
<b>Tuesday</b>	<b>23:00 - 05:00</b>
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<b>Saturday</b>	<b>23:00 - 05:00</b>
<b>Sunday</b>	<b>23:00 - 05:00</b>

### Sale by Retail of Alcohol

<b>Monday</b>	<b>00:00 - 00:00</b>
<b>Tuesday</b>	<b>00:00 - 00:00</b>
<b>Wednesday</b>	<b>00:00 - 00:00</b>
<b>Thursday</b>	<b>00:00 - 00:00</b>

<b>Friday</b>	<b>00:00 - 00:00</b>
<b>Saturday</b>	<b>00:00 - 00:00</b>
<b>Sunday</b>	<b>00:00 - 00:00</b>

The opening hours of the premises

<b>Monday</b>	<b>00:00 - 00:00</b>
<b>Tuesday</b>	<b>00:00 - 00:00</b>
<b>Wednesday</b>	<b>00:00 - 00:00</b>
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<b>Saturday</b>	<b>00:00 - 00:00</b>
<b>Sunday</b>	<b>00:00 - 00:00</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

**Md Jakir Hossen**  
**St Chads Convenience Limited**  
**163 St Chads Road**  
**Tilbury**  
**Essex**  
**RM18 8NL**  
  
**jakir\_bd@hotmail.co.uk**

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

**Company Number**                      **12094578**

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

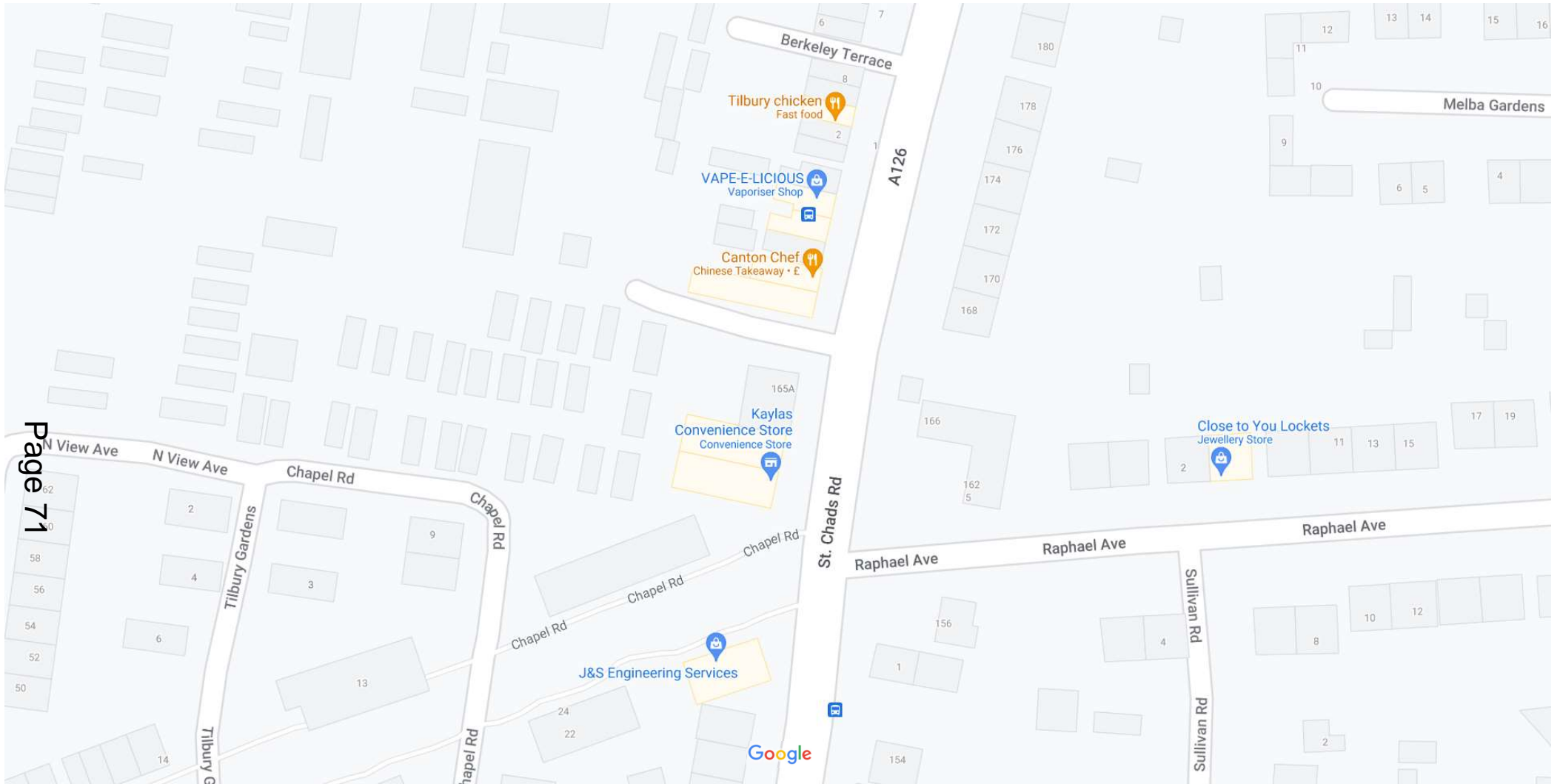
**Md Jakir Hossen**

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: 1825**  
**Licensing Authority: Thurrock Council**

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9<sup>th</sup> March 2023

Licensing Authority  
Thurrock Borough Council  
Civic Offices  
New Road  
Grays RM17 6SL

### **Review – St Chads Convenience Store, Tilbury – Police Representation**

I write in relation to an application made by Thurrock Council's Trading Standards for a Standard Review of a premises known as St Chads Convenience Store located at 163 St Chads Road in Tilbury.

I take note of the information provided by Trading Standard in support of its application, particularly in relation to an underage sale completed on 19<sup>th</sup> October 2022. On 17<sup>th</sup> February Essex Police Licensing Officer Simon Barnes undertook a site visit on the premises to ascertain the layout of the premises and the level of cooperation from staff or management on site.

During this visit Mr Barnes has spoken to the Designated Premises Supervisor, Mr HOSSEN, and discussed the recent application for review and the purposes for attending that day. Mr Hossen appeared genuinely concerned regarding the findings of the Trading Standards check and what a review would mean and what would happen. He was able to show the CCTV working including clips that he recorded of any age related sales since the check and was able to show staff checking for IDs and was now routinely checking these against till transactions to ensure there are no further breaches.

In considering this review Essex Police have had sight of the current licence which has no Annex 2 conditions.

As such it is Essex Police's position that the current operation of the business has led to an undermining of the licensing objectives of Prevention of Crime and Disorder and the Protection of Children. Essex Police has considered the conditions being put forward by Trading Standards in their application for review and are content that these will somewhat allay police concerns regarding the Protection of Children. In regard to the Crime and Disorder objective it is our position that we would request that the Licensing Sub-Committee agree to the following further amendments to the licence:

- Addition of the following conditions:
  - The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
    - CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality particularly facial recognition;



- CCTV cameras shall cover all entrances and the areas where alcohol sales take place;
- 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.
- Signs must be displayed at all entrances 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.

These conditions will provide clarity on the CCTV requirement and support the objective as well as providing assurance regarding the Protection of Children objective as any further instances of underage sales will be captured and retained on CCTV which will act as a deterrent.

In accordance with paragraph 9.37 of the Statutory Guidance, Essex Police may amplify its representation at the subsequent hearing. Essex Police may also produce further documentary or other information in support of this representation ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours faithfully,

Simon Barnes 82011  
Licensing Officer – Brentwood & Thurrock  
Essex Police