


Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 27 April 2017

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

<p>A1</p>	<p>APPLICATION FOR A VARIATION TO A PREMISES LICENCE - TESCO, AIRFIELD WAY</p>	<div style="text-align: center;">  <p>Havering LONDON BOROUGH</p> </div> <p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Tesco Stores Ltd Airfield Way Hornchurch Essex RM12 5AF</p> <p>APPLICANT Licensing Team Tesco Stores Ltd 5 Falcon Way Shire Park Welwyn Garden City Hertfordshire AL7 1TW</p> <p>1. Details of Application</p>
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		<table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday</td> <td align="center">08:00</td> <td align="center">23:00</td> </tr> <tr> <td>Sunday</td> <td align="center">08:00</td> <td align="center">22:30</td> </tr> <tr> <td>Christmas Day</td> <td align="center">12:00</td> <td align="center">15:00</td> </tr> <tr> <td></td> <td align="center">19:00</td> <td align="center">22:30</td> </tr> </tbody> </table> <p>Variation applied for:</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td align="center">07:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the application. The required public notice was installed in the 22 March 2017 edition of the Havering Yellow Advertiser.</p> <p>The essence of the application was primarily to remove the embedded condition with regards to Christmas Day and Good Friday opening, which was imposed under the Licensing Act 1964 and was therefore no longer relevant.</p> <p>The applicant was seeking to regularise the hours which would increase by 1 hour each day on Monday to Saturday. Although the applicant had sought to increase the Sunday hours; it would still be subject to Sunday Trading hours and could open but only for 6 consecutive hours between 10am and 6pm and must close on Easter Sunday and Christmas Day.</p>	Supply of Alcohol			Day	Start	Finish	Monday to Saturday	08:00	23:00	Sunday	08:00	22:30	Christmas Day	12:00	15:00		19:00	22:30	Supply of Alcohol			Day	Start	Finish	Monday to Sunday	07:00	23:00
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		<p>2. Details of Representations</p> <p>There were two (2) representations against this application from interested persons one of whom had wished to remain anonymous.</p> <p>There were no representations against the application from responsible authorities.</p> <p>Details of representations</p> <p>Valid representations may only address the following licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • The prevention of public nuisance • The protection of children from harm • Public safety <p>The two written representations objected to the application on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.</p> <p>3. Applicant’s response.</p> <p>The applicant’s agent, Mr Barr, addressed the Sub-Committee and advised that the applicant was looking to regularise the hours of the licence.</p> <p>The premises were open from 07.00 hrs in the morning and were currently closing at 22.00hrs.</p>

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		<p>Alcohol sales only accounted for approximately 5-7% of the turnover of the premises.</p> <p>Mr Barr also advised that Tesco operated both Think 25 and Challenge 25 policies and provided comprehensive staff training on underage sales, dealing with intoxicated customers and proxy sales.</p> <p>Mr Barr commented that he believed that the representations received were of an erroneous nature and that the interested parties had slightly misread what was being applied for as there had been mention of later trading hours which was not part of the application.</p> <p>In response to a question relating to proxy sales Mr Barr commented that Tesco worked very closely with the local police in sharing information relating to possible Anti-Social Behaviour in the area. Tesco also provided limited security provision to the premises and the company also employed a Community Champion who liaised with local residents.</p> <p>Mr Barr also confirmed that the Store Manager Mr Bond was also happy for his telephone number to be given to any local residents with any concerns relating to the operation of the premises.</p> <p>4. Determination of Application</p> <p>Consequent upon the hearing held on 27 April 2017, the Sub-Committee’s decision regarding the application for a variation of the premises licence for Tesco Stores Ltd was as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the</p>

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		<p>licensing objectives.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>5. Decision</p> <p>Having considered the oral and written submissions of the applicant and having regard to the licensing objectives, the Sub-Committee decided to grant the application, on the grounds that the modest extension of hours sought – principally in the morning from 7.00 a.m. to 8.00 a.m. - would not undermine the licensing objectives.</p> <p>Although there were written representations regarding noise and anti-social behaviour in the area, the Sub-Committee was not of the view that an extra 30 minutes on a Sunday evening and an extra hour on Monday to Saturday mornings would have any significant impact on this.</p> <p>The Sub-Committee noted that other similar premises in the area have licences up to 23.00 or midnight on the same days and that the hours sought in the case did not exceed those considered generally appropriate in the Council’s statement of licensing policy.</p> <p><u>Reasons:</u> The application for a variation of the premises licence was granted because the extension to the licensing hours sought for this premises would not undermine the licensing objectives.</p>

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		<p>Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
A1		
A2		