

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 3 August 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>A2</p>	<p>APPLICATION TO VARY A PREMISES LICENCE - SHELL GARAGE - ROMFORD</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Shell Garage, 203 Brentwood Road, Romford Essex RM1 2SL</p> <p>APPLICANT Motor Fuel Limited, Building 2, Abbey View, Everard Close, St Albans, Herts, AL1 2QU</p> <p>1. Details of Application</p> <p>Current premises licence hours:</p> <table border="1" data-bbox="842 1347 1800 1426"> <thead> <tr> <th colspan="3">Supply of Alcohol – off supplies</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Supply of Alcohol – off supplies			Day	Start	Finish			
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		<table border="1"> <tr> <td>Monday to Sunday</td> <td>05:00</td> <td>23:00</td> </tr> </table> <table border="1"> <tr> <th colspan="3">Late Night Refreshment</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> <tr> <td></td> <td>23:00</td> <td>05:00</td> </tr> </table> <p>The premises were currently open 24 hours per day retailing fuel, groceries and providing the licensable activity of late night refreshment.</p> <p>Variation applied for:</p> <table border="1"> <tr> <th colspan="3">Supply of Alcohol off supplies</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> <tr> <td>Monday to Sunday</td> <td>00:00</td> <td>24:00</td> </tr> </table> <table border="1"> <tr> <th colspan="3">Hours premises open to the public</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> <tr> <td>Monday to Sunday</td> <td>00:00</td> <td>24:00</td> </tr> </table> <p>Additionally, the premises plan sought to be modified to the layout included with the application.</p> <p>The applicant had 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 application. The required public notice was installed in the 28 June 2017 edition of the Yellow Advertiser.</p>	Monday to Sunday	05:00	23:00	Late Night Refreshment			Day	Start	Finish		23:00	05:00	Supply of Alcohol off supplies			Day	Start	Finish	Monday to Sunday	00:00	24:00	Hours premises open to the public			Day	Start	Finish	Monday to Sunday	00:00	24:00
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		<p>2. Details of Representations</p> <p>There were three (3) representations against this application from interested persons all of whom lived in close proximity to the application premises.</p> <p>Details of representations</p> <p>Mr & Mrs Cox were looking for a reduction in the current opening hours to 06:00 to 22:00 hours because of concerns about noise.</p> <p>The other two respondents were concerned about ASB and public nuisance and were concerned that the sale of alcohol 24 hours per day would exacerbate the situation.</p> <p>3. Applicant's response.</p> <p>The applicant's agent, Mr Mitchener, reminded the Sub-Committee that the premises were already open 24 hours per day and the application would only see changes for 6 hours per day. He reiterated that there were no representations from responsible authorities.</p> <p>He addressed the issues raised by Mr & Mrs Cox which in his opinion related to the existence of the filling station rather than the variation applied for.</p> <p>The other two representations related to alleged ASB of those using the filling station. He had advised the Sub-Committee that having spoken to the Manager of the filling station he did not recognise any of the incidents reported by the residents.</p> <p>The representatives had complained about tanker deliveries in the early hours. He advised that in the last six months all deliveries had been during the day.</p>
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		<p>The premises would be run by a contract manager, responsible for employing staff but Motor Fuel Limited would undertake all training which would include 3 monthly refresher training.</p> <p>4. Determination of Application</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>The Licencing Sub-Committee has considered an application for a variation of the premises licence for Shell Garage, 203 Brentwood Road, made by Motor Fuel Ltd.</p> <p>Written representations were received from three interested parties, objecting to the variation to the licence, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm.</p> <p>The Sub-Committee heard Mr Mitchener acting on behalf of Motor Fuel LTD and considered his submissions.</p> <p>The Sub-Committee reminded itself that it must promote the Licensing objectives and have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, and the</p>

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		<p>Council's Statement of Licensing Policy.</p> <p>Common to all three of the objectors (the interested parties) was the concern that, by increasing the time during which alcohol can be sold from the premises, there was likely to be a corresponding increase in the number of customers arriving by vehicle or on foot. This increase in traffic would cause an increase in noise associated with vehicles (i.e. noise from engines, horns, and vehicle radios) and an increase in the noise from customers, either drawn from the surrounding area seeking to purchase alcohol follow the ending of normal licensing hours, or from street drinkers drawn to the location because of the availability of alcohol outside of normal licensing hours who were unlikely to disperse following any purchase. Additionally, there would be a corresponding risk of public disorder associated with this increase in foot and/or vehicular customers.</p> <p>Having consider the written representations of the interest parties and the representations on behalf of the applicant, the Sub-Committee has concluded there is an ongoing problem emanating from customers attending the petrol station.</p> <p>The Sub-Committee noted that the interested parties lived in close proximity to the petrol station and therefore were in the best position to explain what was occurring and was likely to occur if the variation was granted. Whilst the Sub-Committee noted that no responsible authority had objected to the application, the committee was of the view that this was only one factor to weigh into the balance however was not a bar to taking into account the objections of the interested parties.</p> <p>The Sub-Committee was conscious of the fact it must not refuse an application simply because there was an ongoing problem and should only consider the impact of the licensable activity (e.g. the sale of alcohol) carried on from the premises, and as this was an application for a variation, it must confine itself to the impact of the licensable activity between 11pm and 5am.</p>

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		<p>Having considered all the evidence the Sub-Committee was of the view that there would be an increase in the volume of people attending the premises solely to purchase alcohol between 11pm and 5am. The Sub-Committee was also of the view that owing to this increase, there was a real risk of an increase in public nuisance and/or public disorder. The Sub-Committee concluded that the premise would become a draw to people looking to buy alcohol after most off-licences in the area were shut or from people from the town centre looking to continue drinking after 11pm; the Sub-Committee noted that the premises is only ¼ of a mile from the cumulative impact zone.</p> <p>The Sub-Committee reminded itself of its obligation to promote the licensing objectives and therefore it considered whether there were any further conditions which could be added to the licence to reduce the risk that it had identified however the conclusion of the Sub-Committee was that the granting of the variation would undermine the licensing objectives, in particular the prevention of crime and disorder, and public nuisance, and it was impossible to remedy this by granting the variation even with addition conditions.</p> <p>The application to vary the licence was therefore refused.</p> <p>Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision.</p> <p>James Goodwin</p>

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		Clerk to the Licensing Sub-Committee
A1		
A2		