


Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 20 July 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 PREMISES LICENCE - DAVID NEWSAGENT, 65 PARK LANE, HORNCURCH, RM11 1BH</p>	<div style="text-align: center;">  <p>Havering LONDON BOROUGH</p> </div> <p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES David News Agent 65 Park Lane Hornchurch RM11 1BH</p> <p>DETAILS OF APPLICATION</p> <p>The application for a premises license was made under section 17 of the Licensing Act 2003 ("the Act")</p> <p>APPLICANT Mrs Iwona Rahman 65 Park Lane Hornchurch RM11 1BH</p>
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		<p>1. Details of requested licensable activities</p> <p>The application is to permit:</p> <p>Details of the application</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol (off Supply only)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">08:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertisements of the application. The required public notice was installed in the Romford Recorder on 16 June 2017.</p> <p>3. Details of Representations</p> <p>There was a representation against the application from a responsible authority; Havering’s Licensing Authority.</p> <p>There were three representations against this application (relating to five people) from local residents.</p>	Supply of Alcohol (off Supply only)			Day	Start	Finish	Monday to Sunday	08:00	23:00
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		<p>4. Determination of Application</p> <p>Mr Paul Jones, Havering Licensing Officer, attended the hearing and outlined his representation to the application. The Sub-Committee was informed that the application for a premises licence was not unreasonable as far as alcohol supply hours were concerned; the hours sought were within those guideline hours as indicated by Licensing Policy 7.</p> <p>The concern for Havering’s Licensing Authority was the steps the applicant intended to take in order to promote the licensing objectives as indicated in section M of the application. The Authority contended that the applicant had not given full and proper consideration to the promotion of the licensing objectives and that the proposals contained in section M were insufficient for this purpose.</p> <p>The Sub-Committee was informed that the premises is located in a parade of shops which has historically been subject to anti-social behaviour issues. The Licensing Authority had concern that should the sale of alcohol at the premises be permitted in line with the provisions contained in section M there was a likelihood that anti-social behaviour problems would result.</p> <p>Mr Jones informed the Sub-Committee that the premises plans provided with the application suggested that one half of the premises would be given over to alcohol display and sales. The Authority could then conclude that approximately 50% of the premises’ future business would derive from alcohol sales and as such the Licensing Authority might reasonably expect an operating schedule to be submitted which was suitably robust and appropriate to such an operation at the location. Havering’s Licensing Authority was of the opinion that the application</p>

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		<p>as submitted did not provide the necessary reassurance that alcohol supplies would be made without the likelihood of licensing objective failures resulting.</p> <p>The Sub-Committee was informed that the Licensing Authority recognised that the applicant had yet to sell any alcohol at the premises so any anti-social behaviour issues which may currently exist at the location and which directly resulted from the supply of alcohol cannot be attributed to the premises.</p> <p>The Licensing Authority had reservations, based upon the submissions contained within the operating schedule, that the applicant appears to have an insufficient understanding of the responsibilities placed upon a premises licence holder further to the supply of alcohol.</p> <p>Councillor Thompson attended the hearing and reiterated his representation that was based on the four licensing objectives.</p> <p>The Sub-Committee was informed that the applicant had not given much thought to the completion of the application, that it had been so casually completed that it gave little confidence that the applicant had an understanding of the conditions needed to promote the licensing objectives.</p> <p>Councillor Thompson stated that the location of the premises was in an area known as a potential nuisance spot such as the steps up from the pavement to the shops which has attracted street drinkers in the past. He added that the local park also had a casual drinking problem made easier by the ready supply of alcoholic drinks.</p> <p>The Sub-Committee was informed that the premises did not indicate what level of ID would be needed such as Challenge 25 and how refusals to sell alcohol will be made to protect children from harm.</p>

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		<p>Councillor Thompson concluded that if a licence were to be granted it should be for the same hours as Hornchurch Food and Wines, i.e. 08.00 to 20.00 hours, in order to lessen the impact of a third alcohol outlet on the parade.</p> <p>Mrs Brooks attended the hearing to present her objection to the application for a premises licence.</p> <p>The Sub-Committee was informed that Mrs Brooks' family have lived on Park Lane opposite the shops for over ten years and had first hand experience of the potential impact of a premises licence upon the local community.</p> <p>Mrs Brooks stated that there were worries that more alcohol being available on the parade, particularly late into the evening until 11pm, would lead to further anti-social behaviour and crime in the area. This would also have an impact on the overall health, personal anxiety and Mrs Brooks' family's sleep patterns which would be disturbed due to an increase in noise levels and disruption from a late opening off-licence.</p> <p>The Sub-Committee was informed that in the past local residents, councillors and Police Licensing Officers had objected to previous applications for an extension of licensing hours by Hornchurch Food and Wines. As a result, Hornchurch Food and Wines had been granted a licence to sell alcohol until 8pm, the other off-licence on the parade Red Rose Wines, also closes early.</p> <p>The area had an issue with 'poppers' along the side of the shop in Park Crescent and a strong smell of weed at times directly by this shop and Hillcrest Road has had problems with drunks along the back parade/garages of the shops. There was the potential for a late-opening off-licence to lead to an increase in anti-social behaviour.</p>

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		<p>Mrs Brooks concluded that she was also concerned that Right Move Estate Agent was advertising the shop for sale as an off licence with a late licence.</p> <p>Councillor Thompson read out the representation on behalf of Mrs Janet Haworth, the representation objected to a third off-licence on the small parade in a highly residential area stating the representation was based on the grounds of anti-social behaviour and crime in the area.</p> <p>The representation also mentioned an allegedly misleading advertisement on “rightmove.co.uk/commercial-property-for-sale/property” detailing “a well-established Newsagents/off licence” with “extended hours for off licence” and “stocked with alcohol”.</p> <p>In response the applicant Mr Mahbub Rahman & Mrs Iwona Rahman attended the hearing. Mr Rahman addressed the Sub-Committee stating that the premises would adhere to all conditions that might be imposed on the licence. He confirmed that the premises had a CCTV system in place that was operational 24 hours a day and recorded for a month.</p> <p>In response to the Sub-Committee’s questions, Mr Rahman stated that the premises was not currently trading in the sale of alcohol and that the premises was not up for sale.</p> <p>Decision</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder

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		<ul style="list-style-type: none"> • Public safety • The prevention of public nuisance • The protection of children from harm <p>The Licencing Sub-Committee has considered the application for a premises licence for David Newsagent.</p> <p>Written and oral representations were received from one Responsible Authority, namely the Council's licensing team.</p> <p>Written representations from three local residents, objecting to the grant of a licence on the grounds of the prevention of public nuisance, and the prevention of crime and disorder were also received. Oral representations were heard for two of these residents.</p> <p>The Sub-Committee heard evidence from the applicant and considered the submissions made by the applicant.</p> <p>The Sub-Committee reminded itself that it must promote the licensing objectives and have regard to the Statutory Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.</p> <p>Having considered all the evidence the Sub-Committee is of the view that the licence application should be refused.</p> <p>The Sub-Committee was of the view that the application failed to properly address the promotion of the licensing objectives in its operating schedule.</p>

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		<p>The Sub-Committee was concerned that the applicant had an insufficient understanding of the responsibilities placed upon a premises licence holder to such an extent that if a licence were granted, even subject to conditions, in all likelihood there would be a licensing objective failure.</p> <p>The Sub-Committee was concerned that the applicant had not robustly shown how he would address the licensing objective further to the prevention of public nuisance. The Sub-Committee noted that the area has been beset with problems in the past with regards to public nuisance and whilst the Sub-Committee was conscious that it should not refuse a licence because there are other licensed premises in the area providing a similar service, the Sub-Committee was concerned that the applicant failed to address how he would ensure that he did not add to the problems of the area.</p> <p>The Sub-Committee was concerned that in relation to the licensing objective relating to the protection of children, the applicant did not provide sufficient detail as to how he would prevent the potential sale of alcohol to under aged persons. The Sub-Committee noted that the applicant failed to proffer an appropriate series of steps as to how he would address this objective e.g. via the adoption of a Challenge 25 scheme.</p> <p>The Sub-Committee noted that in relation to the prevention of crime and disorder, the applicant simply said that he would prevent drinking on the premises. The Sub-Committee noted that as the application is for an off-licence, this in itself would not successfully address the promotion of this licensing objective. The Sub-Committee was of the view that the applicant failed to address how he would deal with drinking directly outside his shop once a sale has been made which appears to be a problem associated with this area.</p> <p>The application was therefore refused.</p>

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		<p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit. <p>Taiwo Adeoye Clerk to the Licensing Sub-Committee</p>
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