

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 2 October 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 TO VARY A PREMISES LICENCE - HARROW SERVICE STATION</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Harrow Service Station 132 Hornchurch Road Hornchurch RM11 1DR</p> <p>DETAILS OF APPLICATION</p> <p>The application to vary a premises licence was made under section 34 of the Licensing Act 2003 ("the Act).</p> <p>APPLICANT Sectorure Limited Greenhills Estate Office Tilford Road Farnham Surrey GU10 2DZ</p> <p>1. Details of requested licensable activities</p> <p>Details of the application</p> <p>This variation application seeks to extend alcohol supply hours from the currently permitted</p>
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		<p>hours of 08:00 to 23:00 Monday to Sunday to a 24 hour a day alcohol supply seven days a week in line with the premises' 24-hour opening hours.</p> <p>The s.182 Guidance to the Licensing Act 2003 indicates at paragraph 10.15:</p> <p align="center"><i>Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.</i></p> <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 Yellow Advertiser of the 1 September 2017.</p> <p>3. Details of Representations</p> <p>There was a representation against the application from an interested party.</p> <p>4. Determination of Application</p> <p>The variation sought was an increase in the hours for the sale of alcohol to 24 hours, 7 days per week, in line with the premises' opening hours. No representations were received from the Responsible Authorities.</p> <p>A written representation was received from an Interested Party, Mr Colin Edwards, objecting to</p>

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		<p>the variation on the ground that it would not promote the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance.</p> <p>The grounds of the objection was that granting a 24 hour license would not promote the licensing objectives, particularly the prevention of crime/disorder and antisocial behaviour/public nuisance.</p> <p>The objection raised the following concerns:</p> <p>1). The Harrow Pub was immediately next door to the Harrow Service Station and the interested party was of the opinion that after leaving the pub at closing time, people would be able to increase their alcohol levels and re-enter the pub gardens by stepping over the low picket fence thus causing disorder and public nuisance. The objector indicated that the public house had the following closing times - 11.30pm Monday -Thursday and Sunday, and 12.00 midnight Friday and Saturday.</p> <p>2). That people would be drawn to our residential area because of the attraction of the 24 hour sale of alcohol not available anywhere else in the immediate area therefore increasing the likelihood of public nuisance, public disorder, crime and also non-reportable crime such as noise, litter etc.</p> <p>In response the Sub-Committee heard oral representations from Chris Mitchener on behalf of the applicant, to the effect that the concerns expressed by the Interested Party, though legitimate, were not evidence based and were not likely to happen in practice. There was no bar to a 24 hour licence and the application was consistent with the criteria in the Statutory Guidance.</p> <p>The Sub-Committee was informed that the objector had not any issue on the operation of the</p>

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		<p>premises likewise no objection from the Landlord of the Harrow Public House.</p> <p>Mr Mitchener indicated that based on their research the area becomes quiet to foot trade but the intention was to meet the needs of vehicular customers</p> <p>Decision</p> <p>The Sub-Committee must promote the licensing objectives and must 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>On an application for review of a premises licence the sub-committee may take either of the following steps pursuant to section 35(4) of the Licensing Act 2003:</p> <p>(a) to modify the conditions of the licence; (b) to reject the whole or part of the application;</p> <p>In determining the application, the Sub-Committee took into account in particular paragraphs 10.11 – 10.13 of the Guidance and policy 7 of the Council’s Statement of Licensing Policy.</p> <p>The Sub-Committee considered that although there were concerns about possible difficulties in the future raised by the Interested Party, these were essentially speculative. The extension of hours sought was consistent with the Statutory Guidance. No concerns had been expressed by the Responsible Authorities. If any problems occurred in future a review could take place.</p>

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		<p><u>The Reasons</u></p> <p>The Sub-Committee decided pursuant to section 35(4) (a) of the Act that the application should be granted and the conditions of the licence should be varied by extending the licensed hours to 24 hours as sought. Although the Sub-Committee does have concerns about possible future difficulties, these are speculative and not at this stage sufficient to persuade the Sub-Committee that granting the application would undermine the licensing objectives. No concerns have been raised by the Responsible Authorities. If the extension of hours does lead to problems in practice, the Sub-Committee would expect a review of the licence to take place.</p> <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.
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A2		