

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 30 April 2018

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 - 168-170 ST MARY'S LANE, UPMINSTER, RM14 3BS</p>	<div style="text-align: center;">  <p>Licensing Act 2003 Notice of Decision</p> </div> <p>PREMISES Shell Service Station 168-170 St Mary's Lane Upminster Essex RM14 3BS</p> <p>DETAILS OF APPLICATION</p> <p>This application for a (new premises licence) was made under section 17 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Shell UK Oil Products Limited Shell Centre</p>
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		<p>London SE1 7NA</p> <p>1. Licensable Activities applied for:</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Late night refreshment</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">23:00</td> <td align="center">05:00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3">Off-supply of alcohol; hours premises open to the public</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">00:00</td> <td align="center">24:00</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 30 March 2018 edition of the Romford Recorder.</p> <p>2. Details of Relevant Representations</p> <p>There were two representations against this application from nearby residents.</p> <p>There were no representations against this application from responsible authorities.</p>	Late night refreshment			Day	Start	Finish	Monday to Sunday	23:00	05:00	Off-supply of alcohol; hours premises open to the public			Day	Start	Finish	Monday to Sunday	00:00	24:00
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		<p>The objection from Mr Finnis objected under the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>The objection from Mr Griffin also objected under the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>3. Applicant’s response</p> <p>Mr Charalambides representing the applicant advised that the applicants operated a vast number of sites across the UK.</p> <p>The premises would be well lit with CCTV in place and that the alcohol products that would be sold would be at a premium price point.</p> <p>The Sub-Committee was advised that all sprit products would be located behind the sales counter and that an independent licensing consultant would provide training to members of staff at regular intervals.</p> <p>During the period of 23:00hrs and 05:00hrs then sales would be made using a serving hatch.</p> <p>4. Decision</p> <p>In considering and making its decision, the Licensing Sub-Committee had regard to the Guidance issued under Section 182 of the Licensing Act 2003, the Council’s Licensing</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 30 April 2018

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		<p>Policy and the promotion of the licensing objectives.</p> <p>The Sub-Committee considered an application for a new premises licence for the Shell Service Station situated at 168-170 St Mary's Lane, Upminster, RM14 3BS.</p> <p>The Sub-Committee was advised of similar establishments operating similar licence conditions within the area.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy.</p> <p>The Sub-Committee heard from the applicant, Shell UK Oil Products Limited, through its counsel, Mr Leo Charalambides, and the franchise holder, Mr Corrigan Lockett.</p> <p>Having considered and heard all of the evidence listed above, the Sub-Committee was of the view that licence had been granted as follows:</p> <p><u>The conditions were as follows:</u></p> <p>Premises Opening and Closing Times:</p> <p>Monday to Sunday, 00.00 to 24.00 hours</p> <p><u>Licensable Activities:</u></p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 30 April 2018

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		<p>Sale of alcohol (off premises) - Monday to Sunday, 00.00 to 24.00 hours</p> <p>Late night refreshment – Monday to Sunday, 23.00 to 05.00 hours</p> <p>In reaching this conclusion, the Sub-Committee had taken into account the following conditions which must be abided by, by the Applicant:</p> <ol style="list-style-type: none"> 1. A suitable and sufficient CCTV system with recording facilities would be in place at the site and would operate at all times during which the premises was open for licensable activities. Images would be retained for a period of no less than 31 days. Access to the equipment and recordings would be provided to the police or other relevant officers of a responsible authority within 24 hours of the request being made. 2. Staff would be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training would also be undertaken (minimum of every 6 months). Training records shall be made available for inspection upon request by the police or other relevant officers of a responsible authority. 3. A refusals log would be operated and maintained and would be produced to a relevant officer of the police or other relevant officers of a responsible authority upon request. 4. An incident log would be operated and maintained and would be produced to a relevant officer of the police or other relevant officers of a responsible authority upon request. 5. A challenge 25 policy would be operated at the premises. Acceptable forms of the

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		<p>identification were a passport, photo-card driving licence and PASS accredited identification card.</p> <p>6. Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.</p> <p>If concerns were raised by the police, or any other responsible authority, about the operation of the licence, then the matter would be referred for a review to the Licensing Sub-Committee.</p> <p>These conditions had been added to the premises licence to promote the licensing objectives of the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the prevention of harm to children as the Members considered it was appropriate and proportionate to do so. The Sub-Committee were aware that there were circa 10 service stations operating in the borough area which had a 24 hour a day alcohol service licence. Some of these were within residential areas.</p> <p>Right of Appeal</p> <p>The Applicant, Premises Licence holder or any interested person or Responsible Authority, who 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; 2. Substitute another decision which could have been made by the Sub Committee;

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 30 April 2018

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		<p>3. Remit the case to the Licensing Sub Committee to dispose of it in accordance with the direction of the Court;</p> <p>4. Make an order for costs as at its discretion.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
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A2		