

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
10 August 2009 (10.30 am – 11.30 pm)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Georgina Galpin(Chairman) Lynden Thorpe
<b>Rainham Residents' Group</b>	Coral Jeffery

Mr Ranchodbhai Chayhan (applicant) and Mr R Jordan (applicant's representative) were present. Also present were PC Dave Leonard from the Metropolitan Police, Paul Campbell (Licensing Officer), Michael Lynch (Legal Adviser to the Sub-Committee) and Richard Cursons (Clerk to the Sub-Committee) were also in attendance. 5 objectors to the application were present and Lee-Ann Richards from the Romford Recorder.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

**The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.**

**CONSIDERATION OF A PREMISES LICENCE IN RESPECT OF NEWSBOY 263 CHASE CROSS ROAD ROMFORD RM5 3XS**

The Sub-Committee considered an application for a licence for the above premises as follows.

**DETAILS OF APPLICATION**

Application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

**APPLICANT**

Mr Ranchodbhai Chayhan  
26 Westrow Gardens  
Ilford  
Essex  
IG3 9NF

**1. Details of application**

**Supply of Alcohol**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	06:00 hours	21:00 hours
Friday to Sunday	06:00 hours	21:30 hours

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***The Applicant later agreed to commence the supply of alcohol at 10:00 hours***

## **2. Details of Variation**

There has been no application for either seasonal variation or non-standard timings

## **3. Promotion of the Licensing Objectives**

The applicant has completed the operating schedule, which forms part of his application, that he will take the steps set down to promote the four licensing objectives:

### **General (all four licensing objectives)**

CCTV to be maintained, recordings kept for a period to be agreed with the police and offered for inspection if required by a Police officer or authorised officer of the Council. Staff will be given initial training to ensure they are aware of their responsibilities under the Licensing Act. Mr Chayhan had also stated that he was an experienced retailer.

### **The Prevention of Crime & Disorder**

Mr Chayhan had stated that all persons that appeared to be under the age of 21 would be asked for proof of age, CCTV was to be installed and that a policy of not serving persons that appeared to be intoxicated would be observed.

### **Public Safety**

The application had again addressed the issues of persons who were intoxicated would be refused. The applicant would also liaise with the local Safer Neighbourhood Team as appropriate. Signs would also be displayed on the premises advising of no under age sales.

### **The Prevention of Public Nuisance**

The applicant had confirmed that no unusual noise or smells would emanate from the premises and there would be regular refuse removal.

### **The protection of children from harm**

The applicant had confirmed that all persons or persons that appeared to be under the age of 21 would be asked for photographic identification by means of a passport, photo driving licence or PASS card. Also to be aware that adults may on occasions purchase alcohol on behalf of persons under the legal age.

#### **4. Details of Representations**

##### Representations Objecting to the Application from “Interested Parties”

Thirteen valid written representations were received from the following members of the public:

Mr A Mann 380 Havering Road, Romford RM1 4DE  
Dr Carter 19 Bushy Close, Romford RM1 4WL  
Mr M Plock 2 Bushy Close, Romford RM1 4WN  
Ms J Green 15 Green Park Court, Kew Close, Romford RM1 4WJ  
Ms M Insole 20 Green Park Court, 16 Kew Close, Romford RM1 4WJ  
Ms L Mcgregor 33 Bushy Close, Romford RM1 4WL  
Ms C Chinnery 12 Greenpark Court, 13 Bushy Close, Romford RM1 4WL  
Ms E Ellis 2 Hyde Mews, Romford RM1 4WG  
Ms C Mayhew 5 Kew Close, Romford RM1 4WJ  
Miss C Capon 288 Chase Cross Road, Romford RM5 3XR  
Mr F Bay 25 Bushy Close, Romford RM1 4WL  
Mr & Mrs Norman 266 Chase Cross Road, Romford RM5 3XR  
Mr G Higgins 292 Chase Cross Road, Romford RM5 3XR

Each of the written representations based their objections upon one or more of the four licensing objectives.

There were six invalid representations, five of which had not addressed the licensing objectives and one which had arrived after the consultation period had ended.

##### Responsible Authorities

###### **Chief Officer of Metropolitan Police (“the Police”):**

The Police made representations against the application stating that they consider the applicant had not satisfactorily addressed the four Licensing objectives.

It was stated that whilst an effort had been made, the applicant had not satisfactorily addressed the steps he intended to take to promote the four licensing objectives. Virtually every proposal made by the applicant to promote these objectives required further clarification. For example, undertakings given relating to CCTV systems were meaningless if they were not applies to guidelines that were capable of withstanding scrutiny.

A recent premises licence review involving another Collier Row off-licence identified a number of concerns in the area. Indeed, the local ward Safer Neighbourhood Team was frequently tasked to deal with anti-social behaviour and disorder issues caused by youths who have obtained access to alcohol in this area. It was pointed out that current trends did not always point to irresponsible sales. There was as much concern that the youths were obtaining alcohol by ulterior means, be it by theft or proxy sales made by irresponsible adults or older looking group members.

The Police accepted that no current alcohol related disorder was attributable to this particular premises.

However, it was by raising these concerns and encouraging the applicants to adopt as good service the guidelines as set out in the Havering “pool of conditions” that would go some way to ensuring that they do not materialize in the future.

**London Fire & Emergency Planning Authority (“LFEPA”):** None.

**Health & Safety Enforcing Authority:** None.

**Planning Control & Enforcement:** None

**Public Health:** None

**Children & Families Service:** None

**Trading Standards Service:** None

**The Magistrates Court:** None

## 5. Determination

**Consequent upon the hearing held on 10 August 2009, the Sub-Committee’s decision regarding the application for a Premises Licence for Newsboy 263 Chase Cross Road Romford RM5 3XS was as set out below, for the reasons shown:**

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

<b>Agreed Facts</b>	
<b><u>Facts/Issues</u></b>	
<b>Issue 1</b>	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.

<p><b>Issue 1</b></p>	<p><b>Public Nuisance</b></p> <p>The Sub-Committee noted the representations from members of the public outlining the risk of public nuisance at the premises. The Sub-Committee also noted the Police's concerns regarding those debarred from legitimately acquiring alcohol e.g. young persons under the age of 18 approaching adults to purchase alcohol on their behalf</p> <p>The applicant agreed to provide regular training for all staff who worked on the premises to ensure that the licensing objectives were met and adhered to.</p>
<p><b>Issue 2</b></p>	<p>Whether the granting of the premises licence would undermine the public safety objective.</p>
<p><b>Issue 2</b></p>	<p><b>Public Safety</b></p> <p>The Sub-Committee noted the representations from the Metropolitan Police who were concerned that an adequate CCTV system was not installed at the premises.</p> <p>The Applicant stated that he was in the process of installing a suitable CCTV system. The system would allow 8 cameras, one of which was to be situated outside of the shop, to be on display and would have a 31 day recording capability.</p> <p>The Sub-Committee also considered the representations made by members of the public.</p>
<p><b>Issue 3</b></p>	<p>Whether the granting of the premises licence would undermine the crime and disorder objective.</p>
<p><b>Issue 3</b></p>	<p><b>Crime and Disorder</b></p> <p>The Sub-Committee noted the representations from the Metropolitan Police and representations from members of the public who were concerned that the premises was situated in a parade of shops that already suffered with some Anti-Social Behaviour problems</p> <p>The Applicant advised that he would endeavour to discourage customers congregating outside the premises.</p> <p>The Applicant again stated that he was in the process of installing a suitable CCTV system. The system would allow 8 cameras, one of which was to be situated outside of the shop, to be on display and would have a 31 day recording capability.</p>

	<p>The Applicant also stated that he had planned to move the till situated in the shop to the other end of the counter so he monitor the activities within the shop.</p> <p>The Applicant also stated that no more than two children at a time were allowed on the premises.</p>
<p><b>Issue 4</b></p>	<p>Whether the granting of the premises licence would undermine the protection of children from harm objective.</p>
<p><b>Issue 4</b></p>	<p><b>Protection of Children From Harm</b></p> <p>The Sub-Committee considered the discussion around ensuring that under-age purchasing of alcohol did not take place and noted that all operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants. It was suggested that this include the provision of clear notices around the store reiterating the seriousness of under-age drinking and the relevant offences involved.</p> <p>The Applicant stated that he was happy to keep a refusals register on the premises that could be inspected at any time by the responsible authorities.</p> <p>The Applicant had confirmed that all persons or persons that appeared to be under the age of 21 would be asked for photographic identification by means of a passport, photo driving licence or PASS card. Also to be aware that adults may on occasions purchase alcohol on behalf of persons under the legal age.</p>

## 6. Decision

Having considered the oral and written submissions on behalf of the applicant, objector and the licensing officer, the Sub-Committee granted the application subject to the following conditions:

### Conditions on the Premises License:

A personal license holder will be on the premises at all times whilst alcohol is being served to prevent underage sale of alcohol and to protect children and members of staff.

## 6a. CCTV

All CCTV to be approved by Havering Police and is to be fit for purpose with recoverable images.

**CD15** – A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirements shall have coverage appropriate to the risk.

**CD16** - The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

- Site plan showing position of cameras and their field of view.
- Code of Practice.
- Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
- Operational requirement.
- Incident log.

Maintenance records including weekly visual checks.

**CD17** - To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

**CD18** - The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

**CD19** - The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

After 9.00pm all alcohol to be out of public view and safely secured.

All alcohol to be marked in accordance with the Safer Neighbourhood Team.

## 6b. Training

**CD1** – All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.

## **6c. Proof of Age**

The premises is to adopt the challenge 21 policy.

The premises to keep a refusal book, which must be a hard bound book with no loose pages, to be kept on the premises at all times and available for inspection by responsible authorities.

**CDGPG3** - Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

**CDGPG11** - All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

**CDGPG13** - Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

In addition the Sub-Committee also imposed the following the conditions on the premises licence.

- 1) Licensable hours would be from 10:00 hours to 21:00 hours Sunday to Saturday.  
All alcohol stock to be covered or secured behind lockable shutters when the premises are open outside of licensable hours.
- 2) To ensure that there were at least two members of staff present at all times.
- 3) Regular staff training to be carried out in line with Trading Standards guidelines.
- 4) Only two children to be allowed in the retail area at any one time.
- 5) That bottle and can marking take place.
- 6) A hardbound refusal register is to be retained on the premises at all times to be available to the responsible authorities for viewing. Register to be kept for 12 months.
- 7) The applicant is to adopt and support a challenge 21 scheme.
- 8) This application for a premises licence is granted subject to the till being re-positioned to give enhanced viewing of the alcohol display and a suitable



CCTV system , that met with approval from the local Crime Prevention Officer, being installed and being fully operational. A period of six weeks from 10 August 2009 would be allowed for these changes to be made.

The Sub-Committee also asked that consideration be given to the display of alcohol with a suggestion that “alco-pops” be situated close to the shop counter

### **Reason for Decision**

The Sub-Committee’s decision made its decision in accordance with the representation made by the Police and noted that the premises is located in a retail hot-spot area. The area is also extremely busy, with a bus stop outside the premises and close to a main railway station frequented by school children and those using the night time economy in Romford, together with day time shoppers and market visitors.

### **7. Right of Appeal**

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates’ Court may:

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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**CHAIRMAN**

**Date: ..... 2009**