

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
15 September 2009 (10.30 am – 1.08 pm)

Present:

COUNCILLORS:

Conservative Group Georgina Galpin(Chairman)

Labour Group Tom Binding

Residents' Group John Mylod

Mr Anil Patel (applicant), Mr Raj Vora, Mr Vijay Patel and Mr Bhadresu Patel (Partners) and Mr R Jordan (applicant's representative) were present. 12 members of the public were also in attendance.

Also present were PC Dave Leonard from the Metropolitan Police, Paul Campbell (Licensing Officer), Marianna Rodopoulus (Legal Adviser to the Sub-Committee) and James Goodwin (Clerk to the Sub-Committee) were also in attendance.

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 COSTCUTTER, 45 MAWNEY ROAD, ROMFORD, RM7 7HL

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 Anil Patel,
168D Main Road,
Romford,
RM2 5HS

1. Details of application

Supply of Alcohol

Day	Start	Finish
Monday to Sunday	07:00 hours	22:00 hours

Hours Premises are open to the Public

Day	Start	Finish
Monday to Sunday	07:00 hours	22:00 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, which shows the steps he will take to promote the four licensing objectives:

4. Details of Representations

Representations Objecting to the Application from "Interested Parties"

Eight valid written representations (relating to six different addresses) were received from the following members of the public:

Mr & Mrs D Burness-Smith, 36 Mawney Road, Romford, RM7 7HR,
Mr & Mrs J Leigh, 40 Mawney Road, Romford, RM7 7HR,
Sunil Patel, Growlers Newsagents, 35 Mawney Road, Romford, RM7 7HL,
Mr B Porter, 51 Mawney Road, Romford, RM7 7HL,
Mr & Mrs J Roberts, 41 Mawney Road, Romford, RM7 7HL,
Linda Andrews, 43 Mawney Road, Romford, RM7 7HL

The representations from interested parties fell mainly under the headings of the prevention of crime and disorder and prevention of public nuisance.

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police")

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

The Police stated that in a recent Home Office Alcohol Misuse Enforcement Campaign, the Trading Standards Office had conducted a number of test purchase exercises on off-licences which had resulted in a 21% failure rate.

All of the Borough's Ward Safer Neighbourhood Teams were currently tasked to deal with anti-social behaviour and disorder issues caused by youths who had obtained access to alcohol. The representation stressed that the current trends did not necessarily always point to irresponsible sales. There was just as much concern that the youths were obtaining alcohol by ulterior means, be it by theft or by proxy sales made by irresponsible

adults or older looking group members.

The Police accepted that no current alcohol related disorder issues were attributable to this premises.

However, there were objectives that required clarification. For example, undertakings given relating to CCTV systems could be meaningless if not applied to guidelines that were capable of withstanding scrutiny. It was by raising these concerns and encouraging applicants to adopt as good practice the guidelines as set out in the Havering Pool of Conditions that would go some way to ensuring they did not materialise in the future.

In the light of the current community issues relating to alcohol related anti-social behaviour the Police were recommending that Alcohol products should be labelled to show details of the shop from which it was bought. They accepted, however, that to label all alcohol products could be viewed as disproportionate and this objective would be satisfied if the applicant worked with the Safer Neighbourhood Team to target specific products.

The Sub-Committee was informed that the Police would have no objection to the applicant opening at 07:00 hours and start to supply of alcohol at that time providing the premises implemented the measures it proposed to have in place and staffed correctly. The Sub-Committee were also informed that the problems occurred in the evening and not in the morning.

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 14 August 2009, the Sub-Committee’s decision regarding the application for a Premises Licence for Costcutter, 45 Mawney Road 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.

Agreed Facts	
<u>Facts/Issues</u>	
Issue 1	Whether the granting of the premise licence would undermine the prevention of Crime & Disorder objective.
Issue 1	<p>Crime & Disorder</p> <p>The Sub-Committee noted that the representation from the Police referred to the presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It would also assist in the investigation and identification of those involved should an incident occur immediately outside or inside the licensed premises. Local residents focused on problems and sufferings of the local community caused by anti social behaviour from youths who would be encouraged to congregate outside the premises if it was allowed to open to 10.00pm. The Sub-Committee added there was evidence that these groups of youths, some underage were consuming alcohol and becoming noisy, aggressive, verbally abusive and intimidating towards the community.</p> <p>The Sub-Committee was informed that one of the local residents had had their window broken on three successive nights because they had the audacity to challenge a drunken youth.</p> <p>In response, the applicant stated that he had 20 years experience in the trade and he would be the Designated Premises Supervisor. He had 2 partners one of whom would be applying for a Personal Licence. A scheme for the installation of a suitable CCTV system had been prepared which would utilise 16 cameras with digital recording. The cameras would be capable of taking 25 frames per second. Two of the cameras would be outside the shop.</p>
Issue 2	Whether the granting of the premise licence would undermine the Public Safety objective.
Issue 2	Public Safety

	<p>The Sub-Committee noted that the representation from the Police referred to the presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It would also assist in the investigation and identification of those involved should an incident occur immediately outside or inside the licensed premises.</p> <p>Residents concern relate to the flow of traffic and are concerned that this application will encourage more traffic to come in cars and stop outside, reducing the traffic flow. It could also create further problems who are already experiencing problems trying to get on and off their drives.</p> <p>The applicant advised the Sub-Committee that there was room for five cars to park on the forecourt of the premises off the road. He would be having deliveries on 4 days per week, the main delivery being on Mondays, with other deliveries on Tuesday, Thursday and Saturdays. Whilst he could not control the time of deliveries he did not anticipate too much disruption as the Monday delivery would be by pallet and the other deliveries by cage.</p>
Issue 3	Whether the granting of the premise licence would undermine the Prevention of Public Nuisance objective.
Issue 3	Public Nuisance
	<p>The Police have no issue with the responsible sale of alcohol in line with the premises operating hours. However, the quality of the staff training and security at this premises needs to be a capable standard that positively addresses the promotion of the four licensing objectives. However, as the Licensing Officer involved in numerous test purchase initiatives with the Trading Standards Office, P C Leonard has found the Costcutter premises in this Borough to have a notoriously poor success rate when called upon to challenge underage volunteers.</p> <p>The applicants indicated that in consultation with P C Leonard they had prepared a manual specifying the types of training appropriate for all staff. They also agreed to accept an appropriate condition if the licence was granted. The applicant also indicated how he and his staff would deal with problems both inside and outside the premises.</p>
Issue 4	Whether the granting of the premise licence would undermine the Protection of Children from Harm objective.
Issue 4	Protection of Children from Harm

	<p>The Police indicated they would wish to ensure that all operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.</p> <p>The applicant indicated that he would be adopting the Challenge 21 scheme and would only accept either a passport or photographic driving licence as identification.</p>
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6. Decision

Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee granted the application as follows:

Supply of Alcohol (Off Sales)

Day	Start	Finish
Monday to Sunday	07:00 hrs	21:00 hrs

Hours premises are open to the public

Day	Start	Finish
Monday to Sunday	07:00 hrs	21:00 hrs

Reason for Decision

The Sub-Committee had listened and taken into account all that has been represented today, and considered the relevant information from the written representations relating to the licensing objectives. The Sub-Committee, have decided to grant this premises licence.

The Sub-Committee appreciated that this is a new premises and the application is for a new premises licence to sell alcohol. It was really important that we support local businesses, especially in the present day culture and the recession that is affecting the country.

The Sub-Committee have taken on board all the policies that the applicant has offered.

The Sub-Committee have huge concern that the shop is opposite a Primary School, and within a residential area. Residents already suffer from noise and anti-social behaviour and the Sub-Committee understand the concerns of local residents that a new shop selling alcohol until 10.00pm may increase noise nuisance and exacerbate the problems of anti-social behaviour. The Sub-Committee took particular note of the concerns of Mr & Mrs Roberts who felt that the existence of activities taking place at the school until 9.00pm, many involving young people, could entice trouble. If the shop was open until 10.00pm it could encourage young people to congregate outside the premises when they leave the activities being run at the school having an impact on public nuisance and public safety.

Accordingly the Sub-Committee have imposed conditions restricting both the opening hours and sale of alcohol to 7.00am to 9.00pm.

The Sub-Committee have decided to grant the licence to sell alcohol from the premises and be open to the public between 7.00am to 9.00pm Monday to Sunday, with the following conditions:

1. CD15

A properly specified and fully operational CCTV system shall be installed. 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 Requirement shall have coverage appropriate to the risk, including a camera to cover the exterior of the premises.

2. 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.

3. 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.

4. 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.

5. 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.

6. CD1

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

7. 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.

8. 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 21 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport or a photographic driving licence..

9. CDGPG12

All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

10. CDGPG13

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

The Sub-Committee noted that the applicant has elected to adopt and support a Challenge 21 Scheme & accept either Passport or Photographic Driving Licence identification and agreed to liaise with the local safer neighbourhood team with regard to the labelling of alcohol products.

CHAIRMAN

Date: 2009