

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
1 June 2007 (10.30am – 10.45am)**

**Present:**

**COUNCILLORS:**

**Conservative**

Edward Cahill (Chairman)  
David Charles

**Labour**

Tom Binding

Mr T Wijyaratnam, the applicant was present. Also present was the LB Havering Licensing Officer. The legal advisor to the Panel and the clerk to the Panel were also in attendance.

The Chairman advised those present of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

There were no declarations of interest.

**APPLICATION FOR A PREMISES LICENCE IN RESPECT OF MR THABESH WIJAYARATNAM T/A TRT CONVENIENCE, 3, CROWN PARADE, UPMINSTER ROAD SOUTH, RAINHAM RM13 9BD.**

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

**1. DETAILS OF APPLICATION**

**APPLICANT**

Thabesh Wijyaratnam  
TRT Convenience  
3 Crown Parade  
Upminster Road South  
Rainham  
RM13 9BD

**Details of existing licensable activities**

There is no current licence in force authorising any licensable activity at this venue under the Licensing Act 2003.

**2. Details of requested licensable activities**

An application has been made for the provision of licensable activities as set out below:

### **Licensable Activities:**

- Sale of alcohol (off sales)

### Supply of alcohol:

Monday to Sunday: 08:00 hours until 21:00 hours

### **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:

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

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

One written representation was received from the following member of the public:

Ms N Reilly

The written representation related to the potential for anti-social behaviour and violence from local youths who might congregate outside the premises and intimidate passers-by as has happened outside the shop in Rainham Village and ... at the junction with Wennington Road/Lambs Lane and Ingrebourne Road.

#### Responsible Authorities

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

An objection was originally submitted, but this was withdrawn before the hearing after the applicant accepted conditions proposed by the Police and which are stated in full later in this notification letter.

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

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

**Planning Control & Enforcement:** None.

**Public Health:** None

**Children & Families Service:**

**Trading Standards Service:** None

**The Magistrates Court:** None

## 5. Determination of Application

The member of the public who had submitted a valid written objection was not present.

The Licensing Officer presented his report and during the course of it, advised the Sub-Committee that the applicant was proposing to open his premises at 6.30am, but that his application to sell alcohol did not commence until 8.00am. He noted that the applicant had, at the time of the hearing, not indicated how he intended to ensure that the area designated for the off sales of alcohol were obscured from the public between 6.30am and 8.00am.

The Licensing Officer reported that the Police had originally objected to the application but that this had been withdrawn on the basis of the applicant's acceptance of the conditions proposed by the police for inclusion on his operating schedule. No other responsible authorities had objected.

Members of the Sub-Committee invited the applicant to explain how he intended to ensure that alcohol was kept out of sight of the public outside the licensed hours. In response, Mr Wijyaratnam stated that at present he could not say specifically, but as he was currently engaged in refurbishing the whole shop, blinds or some other form of screening would be acquired and installed prior to his opening.

The Chairman reminded him that this would have to be in place before he could begin trading. Mr Wijyaratnam accepted this.

A Member asked about the training provision that Mr Wijyaratnam had stated, in his application, would be provided for his staff. In response, Mr Wijyaratnam replied that in this case "staff" meant himself and his wife and the training would be provided by a recognised external body.

### Decision

**Consequent upon the hearing held on 1 June 2007, the Sub-Committee's decision regarding the application for a Premises Licence for TRT Convenience 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.

## Decision

<b>Agreed Facts</b>	
<b>Facts/Issues</b>	
<b>Issue 1</b>	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
<b>Decision</b>	
<b>Issue 1</b>	<p><b>Public Nuisance</b></p> <p>The Sub-Committee noted that the representation from the member of the public had emphasised <i>potential</i> problems and drew its justification for this from observations within Rainham Village and another site some distance from the parade of shops in which the applicant's premises is located. No evidence had been provided to demonstrate that there were existing problems at that location. The Sub-Committee observed that the applicant had addressed the licensing objectives in the application and had agreed to the conditions being suggested by the police and accepted that the conditions imposed and the additional steps proposed by the applicant, would address the prevention of public nuisance objective.</p>

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

Licensable Activities:

### Sale of Alcohol (Off Sales)

Monday to Sunday: 8:00 hours until 21:00 hours

The Sub-Committee agreed that the following conditions - proposed by the police and accepted by the applicant – be added to the operating schedule of the licence:

## **MANDATORY CONDITIONS**

It is a requirement of the 2003 Act that certain mandatory conditions must be included on Premises Licences where the licence authorises the sale of alcohol, or where there is a condition requiring the use of security staff.

**Section 19 Licensing Act 2003, Mandatory conditions: where the licence authorises the sale of alcohol**

- M1 No supply of alcohol may be made under the Premises Licence;
- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
  - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 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.
- CD2 All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.

Relating to Off Sales

- CD49 High strength lagers or ciders or fortified wines or Sherries shall not be stocked or sold from the premises.

*Note. High strength implies 8% or higher.*

- CD51 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.
- CD52 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.
- CD53 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

- CP16 The premises shall comply with the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and with the Portman Group's Retailer Alert Bulletins.

Relating to Identity of consumers

- CP17 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 or consume alcohol on the premises. 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.

#### Relating to CCTV

CD38 At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Havering Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004).

CD39 A CCTV system shall be installed or the existing system maintained. 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.'

CD41 The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner 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 tape shall be used on no more than 12 occasions to maintain the quality of the recorded image.

The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of, Havering Police and the Licensing Authority.

CD42 The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of, Havering Police and the Licensing Authority.