

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
23 February 2010 (10.30am – 11.30am)**

Present:**COUNCILLORS:****Conservative**

Georgina Galpin (Chairman)
Lynden Thorpe

Labour

Tom Binding

Mr Anup Patel the Applicant. The LB Havering Licensing Officer, Mr Paul Jones, the legal advisor and the clerk to the Sub-Committee 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.

PREMISES

Sonrup News
367-369 South End Road
Hornchurch
Essex
RM12 5NA

DETAILS OF APPLICATION

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

APPLICANT

Mr Anup Patel
367-369 South End Road
Hornchurch
Essex
RM12 5NA

1. Details of requested licensable activities

Hours premises open to the public:		
Day	Start	Finish
Monday to Saturday	06:00hrs	19:00hrs
Sunday	07:00hrs	15:00hrs

Supply of alcohol (off-sales only):		
Day	Start	Finish
Monday to Saturday	06:00hrs	20:00hrs
Sunday	07:00hrs	15:00hrs

Seasonal variations and : Non-standard timings

There were no seasonal variations and no non-standard timings:

2. Promotion of the Licensing Objectives

The applicant had completed an operating schedule which formed part of the application, that he would take steps set down to promote the four licensing objectives. The original steps set out had been non-specific, but after liaising with the Metropolitan Police, the applicant agreed to take on a number of specific steps, which were added as conditions to the premises license.

3. Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement appeared in the Romford Recorder on 8 January 2010.

4. Summary

There was 1 valid representation against this application from an interested party.

5. Details of representations

Valid representations may only address the following licensing objectives:

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

6. Interested parties' representations

The interested party's representations fell under the headings of all four of the licensing objectives.

The valid representation was received from:

Mr & Mrs T J Clarke
365 South End Road
Hornchurch
Essex
RM12 5NA.

Mr & Mrs Clarke did not attend the hearing.

7. Responsible Authorities' representations

There were no representations from the following responsible authorities:

Metropolitan Police
 Public Health
 The London Fire and Emergency Planning Authority
 The Health & Safety Enforcing Authority
 The Trading Standards Service
 Planning Control & Enforcement
 Children & Families Service

The Licensing Officer presented his report and concluded that the objections received in this instance related to concerns from a single resident that covered the four licensing objectives.

8. Determination of Application

Decision

Consequent upon the hearing held on 23 February 2010, the Sub-Committee's decision regarding the application for a Premises Licence for Sonrup News 367-369 South End Road, Hornchurch Essex RM12 5NA was as set out below, for the reasons shown:

Having considered the oral and written submissions on behalf of the applicant the written submission of the interested party and the licensing officer, the Sub-Committee **granted** the application with variation as set out below.

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	
Facts/Issues	
Issue 1	Whether the granting of the premises licence would undermine the prevention of public nuisance objective. Raised by the interested party <ul style="list-style-type: none"> • The issue of increased rubbish i.e empty bottles and cans being discarded in the street as opposed to the rubbish bin.
Issue 2	Whether the granting of the premises licence would undermine the protection of children from harm objective Raised by the interested party <ul style="list-style-type: none"> • Concerns with regards children passing by the shop if people were consuming alcohol in the street outside the premises.
Issue 3	Whether the granting of the premises licence would undermine the crime and disorder objective Raised by the interested party <ul style="list-style-type: none"> • Concerns with regards to alcohol related crime and anti-social behaviour.
Issue 4	Whether the granting of the premises licence would undermine the public safety objective Raised by the interested party <ul style="list-style-type: none"> • Concerns with regards traffic congestion and potential increase of traffic accidents.
Decision	
Issues 1 - 4	Prevention of public nuisance, the protection of children from harm, crime and disorder and public safety The Sub-Committee considered the applicant's replies to the above concerns. It accordingly granted the license with applied conditions as set out below.

Supply of alcohol (off-sales only):		
Day	Start	Finish
Monday to Saturday	06:00hrs	20:00hrs
Sunday	07:00hrs	15:00hrs

The underlying rationale for this decision was as follows:

The applicant and his family had over 25 years trading experience at the premises. The applicant stated that he had never had any trouble in or outside his shop, and knew most of his customers. The applicant had also informed the Sub-Committee that plans were in place for the business to become part of a national chain of grocery shops. The applicant advised that he had a good relationship with the younger generation in the area and planned to continue this to help alleviate any possible future problems with regards to underage sales and any associated anti-social behaviour. The applicant also pointed to

a good relationship with the local Safer Neighbourhood Team, who are prominent in the area.

The Sub-Committee was pleased to note that the applicant lived above the premises. Alongside a long association with the area, the applicant had, and displayed, a vested interest in ensuring the licensing objectives were promoted. He satisfied the Sub-Committee that this was the case, and allayed the concerns of the interested party. The applicant was in possession of a personal license and planned to add an additional personal licence holder. The Sub-Committee was also pleased to note that he had agreed not to engage in irresponsible alcohol promotions, to have clear signs within the premises, to operate a Challenge 21 policy, and to work with the police concerning the positioning and operation of CCTV.

The Sub-Committee in making its decision had taken into account the proposed store plan provided.

The additional conditions to be added to the licence were:

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, authorises the exhibition of films 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.

NON-MANDATORY CONDITIONS

- 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.

CCTV

- 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 Requirement 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.

The Sub-Committee was pleased to accept the applicant's assurance that Police advice and assistance would be sought and that the CCTV system would comply to their recommendation.

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.

Off sales

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 be a passport or photographic driving licence.

CDGPG12 All occasions when persons have been refused service shall be recorded in writing in a hard-back book and kept at the premises for six months.

CDGPG13 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved and that Challenge 21 be adopted.

No sale or display of alcohol shall take place when there is no personal licence holder on the premises.

9. 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: 2010