

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
2 August 2010 (10.30am – 11.20am)**

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

Peter Gardner (Chairman)

Robert Benham

Labour

Denis Breading

Mr Gardeep Singh Hopal attended on behalf of the applicant. The Police were represented by PC Dave Leonard. LB Havering Licensing Officer, Mr Paul Jones (on behalf of Paul Campbell), 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.

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF LONDIS, 219 PETTITS LANE NORTH, ROMFORD, RM1 4NU

The Sub-Committee considered an application to vary the licence for the above premises as follows:

DETAILS OF APPLICATION

Application to vary a premises licence under section 34 of the Licensing Act 2003 ("the Act").

APPLICANT

Ms Gurbakash Kaur Hopal
c/o 219 Pettits Lane North
Romford
RM1 4NU

1. Details of existing licensable activities

Sale of alcohol (Off sales only)		
Day	Start	Finish
Monday to Sunday	09:00hours	21:00hours

2. Details of requested licensable activities

Sale of alcohol (Off sales)		
Day	Start	Finish
Monday to Sunday	09:00hours	23:00hours

Change of premises name from Londis to Pettits Lane Convenience Store.

Seasonal variations & non-standard timings:

There were no seasonal variations or non-standard timings requested

3. Promotion of the Licensing Objectives

The applicant had completed the operating schedule, which form part of his application, that he would take the steps set down to promote the four licensing objectives

The Prevention of Crime and Disorder

Staff training to ensure staff are aware of their social responsibilities associated with the sale of intoxicating liquor.

Ensure there is no consumption of alcohol on the premises.

Use of CCTV in-store and external to the store subject to the Data Protection Act 1998.

Proof of age required to purchase alcohol if customer looks under 21.

Presence of Personal Licence holder at time of sale.

Co-operating with police initiatives to discourage crime and disorder.

Public Safety

Refuse to serve customers who may appear to be a danger to the public.

Train staff to deal with awkward customers.

Use of CCTV as a deterrent to protect public from drunken behaviour.

The Prevention of Public Nuisance

Discourage people from gathering at the entrance to cause a nuisance to the public on the streets as well as nearby businesses.

The Protection of Children from Harm

Keep alcohol away from confectionary so as not to encourage young persons to consume alcohol.

Training of staff in checking ID to ensure the sale of alcohol to persons 18 or over. In addition to this training if they suspect the adult customer to be purchasing on behalf of a child to refuse the sale.

Advertising to the effect of "challenge anyone who looks under 21" to deter underage purchases as well as remind staff of their obligations.

The use of a refusal register recording underage attempts which can then be checked with the CCTV if need be.

4. 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. An advertisement was placed in the Yellow Advertiser on Wednesday 9 June 2010 however this was prior to the application being received by the Licensing Authority. The applicant subsequently advised the Licensing Authority that a second advert was then

placed in the Yellow Advertiser on Wednesday 23 June 2010, a copy of which had been seen by the Licensing Department and was considered valid.

On 26 March 2010, an inspection of the premises was made by Paul Campbell, Licensing Officer. He found that the licence holder was not keeping to the conditions imposed on the premises licence. A copy of the letter sent to the applicant listing the failings was included within the agenda.

On 1 May 2010, an observation of the premises was made by Paul Campbell, Licensing Officer. Alcohol was seen to be sold outside of the permitted hours and CCTV coverage was not available for inspection. A copy of the first formal warning sent to the applicant was included within the agenda.

A further observation of the premises was made on 19 June 2010. A customer was seen to take alcohol from the premises outside of the permitted hours and CCTV coverage was not available for inspection to prove or disprove Mr Hopal's account of the circumstances. A copy of the final warning sent to the applicant was included within the agenda along with an e-mail sent to Mr Hopal from SCT, a CCTV firm, who gave details of the capacity and operation of the premises' CCTV system.

5. Details of Representations

Valid representations may only address the four licensing objectives

There were two valid representations (from one address) against this application from interested parties. Both representations referred to the prevention of public nuisance.

There was one valid representation against this application from the Metropolitan Police. The representation related to Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Prevention of Children from Harm.

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police"): One

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

6. Determination of Application

Decision

Consequent upon the hearing held on 2 August 2010, the Sub-Committee's decision regarding the application to vary a Premises Licence for Londis 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	
Facts/Issues	
	Whether the granting of the premises licence would undermine the four licensing objectives.
	<p>The written representations submitted by interested parties suggested that the applicant had been selling alcohol outside of the permitted hours. The representations also mentioned that the area where the premises was located was a meeting place for youths who engaged in anti-social behaviour, and was litter-strewn with glass bottles and empty beer cans.</p> <p>The representation submitted by the Police focussed on the failings by the applicant in complying with the conditions of the licence granted in November 2009. The representation pointed to 3 separate incidents, one of which concerned a very serious incident, where CCTV footage but not provided by the applicant upon request. The repeated failure by the applicant to comply with the conditions of the licence left the Police with no option but to object to the application. Mention was also made of concerns raised by the Pettits Safer Neighbourhood Team that an increase in hours for the sale of alcohol would have an adverse impact on public nuisance within the area, particularly as youths congregated along the parade of shops where the premises was located.</p> <p>At the hearing, the Police representative voiced concerns regarding</p>

the continued absence of the designated premises supervisor from the premises. He remarked that on the occasions when he had visited the premises, Ms Hopal was nowhere to be seen; all discussions had been with Mr Hopal, her son, who was a personal licence holder. The Police representative suggested that the premises supervisor should regularly be in attendance at the premises, particularly given the recent problems experienced.

The Police representative stated that he had no reservations with the transfer of the name of the premises to Pettits Lane Convenience Store.

The Sub Committee was assured by the applicant that the problems referred to by the Police representative and the licensing officer concerning the CCTV system were being addressed and significant monies had been spent to bring the CCTV system in line with the conditions of the licence granted in November 2009. He gave reasons as to why the CCTV footage couldn't be provided when requested. The applicant explained that he wanted to increase the hours he could sell alcohol as he regularly had to turn away customers and point them to a rival operator who had a licence which permitted the sale of alcohol to later in the evening. He admitted to selling outside the premises licensed hours on one occasion, but claimed that the assertions made by the licensing officer and local residents that alcohol was otherwise sold outside of the permitted hours were not true. On the second occasion where the licensing officer observed alcohol being taken from the premises outside of the permitted hours, the applicant stated that the purchase had been made earlier in the evening but the customer had returned to collect the alcohol later in the evening.

He explained that preparations were underway for the transfer of the designated premises supervisor and that he would take over the role from Ms Hopal. He added that his familiarity with the operation of the business and compliance with the conditions of the licence was greatly improved and he was working hard to make the business a success. He advised that four members of staff were now in possession of personal licences and an application for a fifth person was due to be made.

The applicant stated that as this was a fairly new business, he was still in the process of sorting everything out, but that this would get easier. He admitted to "teething problems", but stated that the CCTV system was now up and running properly.

With regard to the change of the premises name, he explained that the cost of the Londis franchise had become too expensive, hence the reason why he sought to change the name.

Having considered the written representations and oral responses, the Sub-Committee resolved to grant the application in part.

The Sub-Committee found no reason as to how the changing of the name of the premises from 'Londis' to Pettits Lane Convenience Store' would undermine any of the four licensing objectives and accordingly granted this request.

However, with regards to the request for the variation of increased hours for the supply of alcohol as outlined in the application, the Sub-Committee considered that in view of the repeated breaches of the conditions of the licence with regards to CCTV and the sale of alcohol on at least one occasion outside of the permitted hours, it could not be satisfied that any assurances given by Mr Hopal, on behalf of the applicant, would be honoured; therefore the application was refused.

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CHAIRMAN

Date: 2010