

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
9 November 2010 (2.30pm – 4.20pm)**

Present:**COUNCILLORS:**

Conservative	Peter Gardner (Chairman)
Residents'	Brian Eagling
Labour	Denis Breading

Ms Hatice Sapkur the applicant was accompanied by her husband F Tubau and Rose Munday a friend of the applicant. The applicant was represented by Mr Graham and Mrs Teresa Hopkins. The Havering Police Licensing Officer PC Dave Leonard was present. The LB Havering Licensing Officer, Mr Steve Bromley, the legal advisor and the clerk to the Sub-Committee were also in attendance. 31 members of the public listed as objectors 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.

Councillor Peter Gardner declared a personal interest as the applicant's representative was known to him.

At the beginning of the hearing the Chairman announced that three out of the four objectors who had expressed a preference to speak at the hearing had requested that their addresses be made anonymously.

The Chairman addressing the applicant's representative, enquired as to whether their client objected to this request. The applicant representative indicated that there was no objection to the representations being made anonymously. Accordingly the sub committee granted the request and those objectors were identified by numbers only.

PREMISES

Park Lane Food Centre
77 Park Lane
Hornchurch
RM11 1BH

DETAILS OF APPLICATION

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

APPLICANT

Ms Hatice Sapkur
77 Park Lane
Hornchurch
RM11 1BH

1. Details of existing licensable activities

There was no current licence at the premises.

2. Details of requested licensable activities

Supply of Alcohol		
Day	Start	Finish
Sunday to Wednesday	08:00hrs	24:00hrs
Thursday to Saturday	08:00hrs	01:00hrs

Seasonal variations & non-standard timings:

Seasonal variations

None applied for in this application

Non-standard timings

There are no non-standard timings applied for in this application

3. Promotion of the Licensing Objectives

The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The Licensing Officer inspected the notices on the premises and found them to be in place. The required newspaper advertisement was installed in the Romford Recorder on Friday 10 September 2010.

4. Details of Representations

Valid representations may only address the following four licensing objectives:

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

There were 35 valid representations and 2 petitions containing 20 and 30 signatures respectively against this application from interested parties.

Interested parties' representations

The representations from interested parties covered all of the licensing objectives and most stressed that the premises was in a residential area.

Responsible Authorities' representations

One representation was received from the Licensing Officer for the Metropolitan Police.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): One

The Police Licensing Officer stated in his address that the service contention was that the applicant had not satisfactorily addressed the steps they intend to take to prevent noise nuisance and anti-social behaviour, which in turn likely to lead to crime and disorder and public safety issues arising.

The representation went on further to highlight that the Romford Town Centre Safer Neighbourhood Team was frequently tasked to deal with anti-social behaviour and disorder issues caused by youth who have obtained access to alcohol on their ward. That there was concern that the youth are obtaining alcohol by ulterior means and making themselves a nuisance in the town centre and Hylands Park. It was accepted that no alcohol related disorder currently attributed to this premises but by raising these concerns and encouraging applicants to adopt as good practice as set out in the Havering Pool of Conditions.

The Police representation was of the opinion that the application with regard to detailing the premises' opening hours was very ambiguous. As a late-night convenience store situated in a modest shopping parade in a predominantly residential location, the premises was always likely to be associated with anti-social behaviour the later that it was open. The Police position is that it is very difficult to support an application wishing to conduct licensable activity on a twenty-hour basis in a built-up residential location. There were very few licensed premises in Havering that had this facility and, even then, some cannot trade in accordance with these hours due to planning permission. The nearest example of this was Tesco Roneo Corner which trades to 10pm. Another factor to consider was that nearby Romford town centre, a recognised crime hot-spot, (and whose ward this premises was situated on) does not entertain any off-licensed shops after midnight. A concern would be that those refused alcohol in the town may see this venue as an easy alternative and, therefore, attract the wrong kind of late-night customer. The police are of the view that it was the prerogative of those living nearest to the Park Lane Food Centre - and perhaps, those most likely to be affected - that would determine the level of support this application received.

The Police representative stated that Police cannot consider supporting this application before a satisfactory address of the four licensing objectives had been made. There are two local parks, Hylands and Maygreen nearby, and this automatically lends the premises to being a potential source for young people to obtain alcohol to consume in the parks. It was imperative that robust measures were taken to ensure the responsible supply of all age restricted products in this vicinity. Also with Frances Bardsley School situated nearby it was the Police contention that the conditions they recommended in their representation should be applied in any case. The Police were of the opinion that many of the operating proposals submitted by the applicant possibly exceed the level of requirement from the Havering 'Pool of Conditions', however when offers being made appear

too good to be true, they usually are, and recent experiences had shown that the submission of an extensive licensing template does not guarantee the product.

The Police therefore suggested a number of conditions in view of the borough wide community issues relating to alcohol related anti-social behaviour. The Police also recommended that alcohol products should be labeled to show details of the premise from which it was bought. This would provide evidence of unlawful sales if the products were found commonly in the possession of persons under eighteen years of age.

The Police representative referred to the substantial local concern about the application, and the fact the premises are in a residential area. Weight ought to be given to this, because the local residents are the ones who have to live there.

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 of Application

Decision

Consequent upon the hearing held on 9 November 2010, the Sub-Committee’s decision regarding the application for a Premises Licence at Park Lane Food Centre 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>Four of the interested parties addressed the sub committee stating their objections to the application advertised by the applicant. A resident stated to the sub committee that he had lived in the area since 1984, that the area had experienced alcohol related problems for some time, but that with the cooperation of the current local convenience outlet and off-licensed premises a 20.00 hours closure had been agreed. He now felt that with this application providing alcohol until 1.00am would attract young people to the area and increase noise levels with car engines, car door slamming and raised voices. He stated that the applicant currently closed at 8p.m. and that it therefore appeared that the only reason they would want a license later than that was that selling alcohol was to be the reason they would remain open later. Another resident stated that the application would lead to an increase in noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the late evening and early morning. He felt this would be unacceptably detrimental to the amenities of occupiers of adjacent and opposite properties. The resident stated that alcohol problems in the area had substantially increased in the last few years and that residents had endured anti-social behaviour as a result. The resident had asked the local safer neighbourhood patrol team to increase their patrol to deter anti-social behaviour from youths. Two other residents who addressed the sub committee raised concerns addressing the four licensing objectives, including that the current off licence in the area shut its doors relatively early to deter youths congregating in the area and now feel if this new application was allowed to remain open till late, there would be youths hanging about on numerous nights of the week. They felt that the local community was likely to suffer into the early hours of the morning from noise and disruption of people who have been drinking and noise from large crowds purchasing alcohol. They felt that most residents were working families who do not wish for the noise late at night to disturb their sleeping patterns as this could lead to added stress, harm their health and sleep deprivation. That many of the families in the area had young children and would not want noise and disturbance coming from the applicant's premises and around the area to upset their routines. The area already experienced nuisance from youths fuelled by alcohol in local parks, damage to cars, and urinating in gardens, and felt that it would be exacerbated by a further off-license open till later hours..</p> <p>Mr Hopkins, the applicant's agent addressed the sub committee on behalf of the applicant stating that his client had accepted all the conditions recommended by the Police that also included alcohol labelling and adopting challenge 25. He stated that his client had also requested to revise his application for a licence until 23.00 hours all week, and that it would be Mr Sapkur, the applicant's husband, who</p>

	<p>would be DPS, and that he is a personal license holder. He confirmed that alcohol would account for a maximum of 30% of the shop floor with spirits behind the counter, and all alcohol within sight of the till. All these areas would also be covered by CCTV. All three persons who would share running of the premises were experienced licence holders who previously ran a premises in Bishop Stortford. That the premises intend to have at least two persons on duty during night sales, and that all employees would receive appropriate training, both on beginning employment, and ongoing. He assured the Sub-Committee that the premises would be run responsibly, and hoped that the reduction in hours would allay the fears of the local residents. In reply to concerns raised by objectors, the applicant representative stated that none of the issues raised could be linked directly to the premises, that these problems already existed, and his client's application would not be adding to it. He clarified that no music or late night dispersal of bottles were envisaged hence noise would be non-existent from the premises. He suggested that some of the noise could possibly be attributed to people returning home from the town centre, rather than those buying alcohol from the area, and that problems with young people attempting to buy alcohol was a fact of life and something the applicant would have to deal with, and there were deterrents the applicant would put in place in that respect.</p>
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The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

Having considered the written representations and oral responses, the Sub-Committee was **satisfied** that the applicant had addressed the issues raised. However, given the high level of local concern, particularly about public nuisance in what is a residential area, and having heard from the public and the police in relation to all four licensing objectives, the Sub-Committee were minded to limit the hours for supply of alcohol, and to add certain conditions.

The Sub-Committee **granted** the application as follows subject to the conditions listed below:

Supply of Alcohol		
Day	Start	Finish
Sunday to Wednesday	08:00hrs	20:00hrs
Thursday to Saturday	08:00hrs	20:00hrs

1. 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.

2. 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.
3. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. CDGPG12 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.
13. CDGPG13 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.
14. That the premises shall adopt a Challenge 25 policy. This means that the premises would challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 21 and will not sell to such a person unless they can prove they are over 18 by a passport or photographic driving licence.
15. That the premises shall undertake to label all alcohol that is to be sold.

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CHAIRMAN

Date: 2010