

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
15 February 2007 (10.30am – 11.45am)**

Present:

COUNCILLORS:

Conservative

Edward Cahill (Chairman)
Pam Light

Labour Group

Tom Binding

Mr C Bruder, legal representative of the applicant and Mr S Mahoney and Mr M Blake, representing the applicant, were present. Also present were PC D Leonard representing the Metropolitan Police. One member of the public, the LB Havering` Licensing Officer, the legal advisor to the Panel and the clerk to the Panel 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.

**APPLICATION FOR A PREMISES LICENCE IN RESPECT OF MARTINS,
26 STATION ROAD, UPMINSTER RM14 2UB**

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

DETAILS OF APPLICATION

PREMISES

Martins
26 Station Road
Upminster
RM14 2UB

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

APPLICANT

Martin McColl Limited
Martin McColl House
Ashwells Road
Brentwood
Essex
CM15 9ST

1. **Details of existing licensable activities**

There was no current licence in force permitting the sale of alcohol from this premises.

2. **Details of requested licensable activities**

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

Licensable Activities:

- Sale of alcohol off premises

Supply of alcohol:

Monday to Sunday: 06:00 hours until 20:00 hours

3. **Promotion of the Licensing Objectives**

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

4. **Details of Representations**

Representations Objecting to the Application from “Interested Parties”

Two written representations were received from the following members of the public:

Ms H Reid

Ms D Rivers

Ms D Rivers submitted additional information to support her representation which was circulated to all parties in advance of the hearing.

The written representations by members of the public related to the potential for anti-social behaviour and violence from inebriated customers, the risk to children who shop at the premises prior to school starting time and concerns that staffing at the premises would be inadequate to cope with the sale of alcohol.

Responsible Authorities

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

The written representation from the Metropolitan Police suggested that, although none of the issues could be attributed to the premises, the locality

had historically suffered with youth nuisance and crime and disorder problems, particularly in the summer months, attributed to alcohol abuse by young persons. The police acknowledged that the application had addressed the licensing objectives. The representation proposed a range of conditions to be attached to the licence relating to the prevention of public nuisance, crime and disorder and the protection of children from harm. A police officer was present at the hearing to present these representations orally.

London Fire & Emergency Planning Authority (“LFEPA”): Representation (published) withdrawn prior to the hearing.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service:

Trading Standards Service: None

The Magistrates Court: None

3. **Determination of Application**

Decision

The Sub-Committee’s decision regarding the application for a Premises Licence for Martins 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

Agreed Facts	
Facts/Issues	
Issue 1	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
Issue 2	Whether the granting of the premises licence would undermine the prevention of crime and disorder objective.
Issue 3	Whether the granting of the premises licence would have a detrimental effect of the protection of children from harm objective.
Decision	
Issue 1	<p>Public Nuisance</p> <p>The Sub-Committee noted that the police representation had emphasised that the neighbourhood had historically suffered with youth nuisance problems attributed to alcohol abuse but noted that this was not attributed to the premises. They observed that the applicant had addressed the licensing objectives in the application and had agreed to the conditions being suggested by the police. The Sub-Committee also noted the evidence from other interested parties of anti-social behaviour in the vicinity and decided that the conditions recommended by the police would address the prevention of public nuisance objective.</p>
Issue 2	<p>Prevention of Crime and Disorder</p> <p>The Sub-Committee noted that the applicant was proposing a range of measures to address the prevention of crime and disorder, including the provision of CCTV at the premises, the operation of a “Challenge 21” policy, operational measures to reduce crime and staff training. They considered that the conditions which had been recommended by the police and accepted by the applicant would address the prevention of Crime and Disorder objective.</p> <p>The Sub-Committee noted the applicant had informed that the DPS named in the application would not be commencing in that role and noted that, under Section 19 of the 2003 Act, no supply of alcohol may be made under the Premises Licence;</p> <p>(a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or</p> <p>(b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.</p>
Issue 3	<p>Protection of Children from Harm</p> <p>The Sub-Committee noted the evidence that school children were</p>

	customers of the premises prior to 9.00am and decided that alcohol should not be offered for sale prior to that time.
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Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee granted in part the application as follows:

Licensable Activities:

Sale of Alcohol Off Premises

Monday to Sunday: 9:00 hours until 20:00 hours

The Sub-Committee placed the following mandatory conditions on 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.

The Sub-Committee further imposed the following conditions on the 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.

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.

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.

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.’

CD40 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.

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.

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CHAIRMAN

Date: 2007