

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
31 August 2007 (10.30pm – 11.20pm)**

Present:

COUNCILLORS:

Conservative

Peter Gardner (Chairman)
Pam Light

Labour

Tom Binding

Mr Mustafa Arslan, the applicant was present, as were Mr Hali Arslan, the applicants son, Paul Jones the LB Havering Licensing Officer and several objectors. 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 NEW PREMISES LICENCE IN RESPECT OF YOUR LOCAL SUPERMARKET & DISCOUNT STORE, 1 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

Mr Mustada Arslan
1 Crown Parade
Upminster Road South
Rainham
RM13 9BD

2. DETAILS OF EXISTING LICENSABLE ACTIVITIES

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

3. DETAILS OF REQUESTED LICENSABLE ACTIVITIES

Licensable Activities:

- Sale of alcohol (off sales)

Supply of alcohol:

Monday to Sunday: 07:00 hours until 22:00 hours

4. 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 down to promote the four licensing objectives:

5. DETAILS OF REPRESENTATIONS

Representations Objecting to the Application from “Interested Parties”

Four valid representations were received from the following members of the public:

Four valid representation were received from the following members of the public:

Mr & Mrs Beasley, 168 Upminster Road South, Rainham RM13 9BB
Mr Derek Dorman, 164 Upminster Road South, Rainham RM13 9BB
Mrs Sharla Patel, 267 Upminster Road South, Rainham RM13 9RE
Mrs Sandra Storey, Flat above 188 Upminster Road South, Rainham RM13 9SQ

The written representations related to the potential for public nuisance. The interested parties alleged that there was an existing problem with youths congregating in this vicinity and contended that a premises license, if granted at this site, would exacerbate the problem.

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

An objection was submitted concerning a lack of clarity in the original application as to how the applicant was proposing to address the licensing objectives and a request was made that the applicant respond to police concerns about the lack of detail provided about the proposed CCTV system. The police representation did note, however, that there was no current alcohol related disorder attributed to the proposed venue. Following the applicant accepting additional conditions, the Police withdrew their objection.

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

Consequent upon the hearing held on 31 August 2007, the Sub-Committee’s decision regarding the application for a new Premises Licence for Your Local Supermarket & Discount Store 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	
Issue 1	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
Decision	
Issue 1	Public Nuisance The Sub-Committee noted that the representations from a number of

	residents emphasised potential problems and drew its justification for this from observations relating to local incidents that were unconnected with the present applicants. 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 the additional steps proposed by the applicant (the purchasing and setting up of a “Mosquito” deterrent, would address the prevention of public nuisance objective.
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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 full, the application as follows:

Licensable Activities:

Sale of Alcohol (Off Sales)

Monday to Sunday: 07:00 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.

The Sub-Committee further agreed to the following conditions being placed 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.

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.

Relating to Identity of consumers

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.

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.

The Sub-Committee further accepted the offer of the applicant to install and operate noise generating equipment known as “Mosquito” to act as a localised, controlled deterrent that was known to be effective against younger people who would register a harmless, but unpleasant sensation and – as demonstrated in other trials and installations – would act to move those young people away from the source of the sound.

7. 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.

Chairman

Date: