

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE**  
**7 August 2007 (10.30pm – 11.45pm)**

**Present:**

**COUNCILLORS:**

**Conservative**

Melvin Wallace (Chairman)  
Peter Gardner

**Labour**

Tom Binding

Ms Hardeep Dhanoa, the applicant was present, Mr S Lane, the applicant's legal representative, PC D Leonard the police representative and Paul Jones the LB Havering Licensing Officer. Yagazie Nwaigwe the legal advisor to the Panel and Richard Cursons 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  
MAGNUM WINES 210 LYNDHURST DRIVE, HORNCHURCH RM11 1JW.**

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

**1. DETAILS OF APPLICATION**

**APPLICANT**

Mr J Singh & Ms H Dhanoa  
210A Lyndhurst Drive  
Hornchurch  
RM11 1JW

**2. DETAILS OF EXISTING LICENSABLE ACTIVITIES**

Although the off licence has a current licence this was an application for a new Premises Licence.

Sale of alcohol (off sales)

Monday to Thursday	15:00 hours until 22:00 hours
Friday	15:00 hours until 22:30 hours
Saturday	12:00 hours until 22:30 hours
Sunday	12:00 hours until 21:00 hours

There were further authorised hours for Bank Holidays, Christmas Eve, Christmas Day and New Years Eve.

### **3. DETAILS OF REQUESTED LICENSABLE ACTIVITIES**

#### **Licensable Activities:**

- Sale of alcohol (off sales)

#### Supply of alcohol:

Monday to Saturday: 10:00 hours until 23:00 hours  
Sunday 10:00 hours until 22:30 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”

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

- Mr & Mrs Denison, 195 Lyndhurst Drive, Hornchurch RM11 1JN
- Mr & Mrs Walker, 221 Osborne Road, Hornchurch RM11 1HQ
- F Owens, 229 Osborne Road, Hornchurch RM11 1HN
- Mr & Mrs Wright, 223 Osborne Road, Hornchurch RM11 1HQ
- Mr & Mrs Feltham, 227 Osborne Road, Hornchurch RM11 1HN

The written representations related to the potential for a dramatic increase in anti-social behaviour, crime and disorder (a number of representations referred to a recent attempted robbery of the premises), a threat to public safety – many of the representations came from residents who were clearly concerned that the sale of alcohol would attract young people to what is a quiet suburban residential area and that this could change its character and create an atmosphere in which they felt intimidated; Public nuisance – instances were given of existing problems of litter, graffiti and misbehaviour. Residents close to the store cited problems with youths urinating in the street and threats from verbal abuse.

## Responsible Authorities

### **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.

**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 7 August 2007, the Sub-Committee’s decision regarding the application for a new Premises Licence for the Magnum Wines 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.
- Issue 2** Whether the granting of the premise licence would undermine the prevention of crime and disorder objective.
- Issue 3** Whether the granting of the premise licence would undermine the public safety objective.
- Issue 4** Whether the granting of the premise licence would undermine the protection of children from harm objective.

**Decision  
Issue 1**

**Public Nuisance**

The Sub-Committee noted that the representations from a number of residents emphasised *potential* problems. No evidence was provided to demonstrate that there were existing problems at the location. 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 it accepted that the conditions would address the prevention of public nuisance objective.

**Decision  
Issue 2**

**Crime and disorder**

The Sub-Committee noted that several representations cited *potential* problems. No evidence was provided to demonstrate that there were existing problems at that location. The Sub-Committee observed that the applicant had addressed this licensing objective in the application and had agreed to the conditions being suggested by the police and it accepted that the conditions imposed and the additional steps proposed by the applicant, would address the crime and disorder objective. The Sub-Committee accepted the applicants assurance that the CCTV would be programmed to run 24 hours per day and every day and that the applicant would upgrade the system to ensure a minimum of 21 days footage is stored and that it had sufficient storage capacity to ensure that any anti-social or criminal activity caught within range of its cameras (mounted outside as well as indoors), would be of a sufficiently high enough quality to provide evidence for the police.

**Decision  
Issue 3**

**Public Safety**

The Sub-Committee noted that a number of representations cited problems that currently existed in the area and which residents felt would be exacerbated if the applicant were to be granted additional hours to sell alcohol. The Sub-Committee observed that the applicant

had addressed this licensing objective in the application and had agreed to the conditions being suggested by the police and it accepted that the conditions imposed and the additional steps proposed by the applicant, would address the public safety objective.

## **Decision**

### **Issue 4**

### **Protecting Children from harm**

The Sub-Committee noted that there were some representations from residents who were concerned that children might be tempted to try to obtain alcohol and this would increase problems that currently existed in the area and which they felt would be exacerbated if the applicant were to be granted extended hours to sell alcohol. It was noted that the applicant intended to apply "Challenge 21" The Sub-Committee observed that the applicant had addressed this licensing objective in the application and had agreed to the conditions being suggested by the police and it accepted that the conditions imposed and the additional steps proposed by the applicant, would address the public safety objective.

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 Saturday: 10:00 hours until 23:00 hours  
Sunday 10:00 hours until 22:30 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.

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.'

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.

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.

## **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.

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Chairman

Date: