

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
7 March 2007 (10.30am – 11.55am)**

**Present:**

**COUNCILLORS:**

**Conservative**

Edward Cahill (Chairman)  
Pam Light  
Melvin Wallace

Mr A Patel, the applicant and Mr G Bell, legal representative for the applicant, were present. Also present was PC D Leonard representing the Metropolitan Police. Two members 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.**

Councillor Wallace declared an interest prior to the start of the hearing as he knew the applicant and left the hearing. All parties agreed to continuing with two Councillors.

**APPLICATION FOR A PREMISES LICENCE IN RESPECT OF MR ANIL PATEL T/A COSTCUTTERS, 84/86, STRAIGHT ROAD, HAROLD HILL, RM3 8AB.**

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

**1. DETAILS OF APPLICATION**

**APPLICANT**

Mr Anil Patel  
168d Main Road  
Romford  
RM2 5HS

**Details of existing licensable activities**

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

## **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 Saturday	07:00 hours until 23:00 hours
Sunday	07:00 hours until 22:00 hours

## **2. 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:

## **3. Details of Representations**

### Representations Objecting to the Application from “Interested Parties”

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

Mr A Humphreys  
Ms J Allen  
Ms E Waslear  
Mrs K Ellis-Parks  
Mr & Mrs Thomas Shelton  
Mr & Mrs D Heath

The written representations by members of the public related to the potential for anti-social behaviour from inebriated customers. Reference was also made to the potential for young people to congregate outside the shop and that this may lead to increased instances of anti-social behaviour in the locality.

### Responsible Authorities

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

The written representation from the Metropolitan Police suggested that,

although, since the premises were not yet open, none of the issues could be attributed to the premises, they did wish the applicant to be more specific in addressing the four licensing objectives. The Police made a number of recommendations for the Sub Committee to consider as possible conditions on the premises licence if granted.

These suggested conditions related to areas including the use of CCTV, restrictions on sales to persons under 18 years of age and the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

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

**Health & Safety Enforcing Authority:** None.

**Planning Control & Enforcement:** None.

**Public Health:** None

**Children & Families Service:** None

**Trading Standards Service:** None

**The Magistrates Court:** None

#### 4. **Determination of Application**

##### **Decision**

**The Sub-Committee’s decision regarding the application for a Premises Licence for Mr Anil Patel t/a Costcutters 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

<b>Agreed Facts</b>	
<b>Facts/Issues</b>	
<b>Issue 1</b>	Whether the granting of the premise licence would undermine the prevention of crime & disorder nuisance objective.
<b>Issue 2</b>	Whether the granting of the premises licence would undermine the prevention of public safety and disorder objective.
<b>Issue 3</b>	Whether the granting of the premises licence would have a detrimental effect of the prevention of public nuisance objective.
<b>Issue 4</b>	Whether the granting of the premises licence would undermine the protection of children from harm objective.
<b>Decision</b>	
<b>Issue 1</b>	<p><b>Crime and Disorder</b></p> <p>The Sub-Committee noted that the representations had emphasised potential problems from drunkenness and other criminal behaviour but accepted that this could not be linked to this specific premises. They noted that the applicant has installed nine CCTV cameras at the premises.</p>
<b>Issue 2</b>	<p><b>Public Safety</b></p> <p>The Sub-Committee noted concerns raised by residents about people parking in a dangerous manner whilst visiting the shop, particularly as there was a bus stop and pedestrian crossing nearby. The Sub-Committee also took note that the applicant had arranged for four off-road parking bays to be made available for the use of the Costcutters shop..</p>
<b>Issue 3</b>	<p><b>Prevention of Public Nuisance</b></p> <p>The Sub-Committee noted the evidence that the sale of alcohol from the shop may contribute to noise, graffiti and other anti-social behaviour already present in the local area. The Committee also noted the recommendations made by the Police for possible conditions on the licence that could deal with these matters.</p>
<b>Issue 4</b>	<p><b>Protection of Children from Harm</b></p> <p>The Sub-Committee noted evidence pertaining to the possibility of</p>

	under-age sales of alcohol at the venue as well as the recommended conditions on this area from the Police. The Sub-Committee also noted the applicant's statements that staff at the shop would not sell alcohol to any persons under 18 years of age.
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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 the application as follows:

Licensable Activities:

Sale of Alcohol Off Premises

Monday to Saturday: 07:00 hours until 23:00 hours  
Sunday: 07:00 hours until 22:00 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 premises. 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.

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**