

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
22 August 2011 (10.30 - 11.30 am)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Peter Gardner (Chairman) and Frederick Thompson

**Residents' Group**            Linda Van den Hende

**Labour Group**

**Independent Residents  
Group**

Mr Navaratnam (the applicant), was represented by Ms Sabrina Cader (Legal Representative) and Mr Paul Suchodolski (Health & Safety Manager for Snax24) . The Police were represented by PC Dave Leonard. The LB Havering Licensing Officer, Mr Paul Campbell, the legal advisor and the clerk to the Sub-Committee 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.

**1      APPLICATION TO VARY A PREMISES LICENCE UNDER THE  
LICENSING ACT 2003 ("THE ACT") - SNAX24**

**PREMISES**

Snax24  
Southend Arterial Road  
Hornchurch  
Essex  
RM11 3UB

**DETAILS OF APPLICATION**

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

**APPLICANT**

Snax24, Acre House  
11-15 William Road  
London  
NW1 3ER

**1. Details of existing licensable activities**

<b>Supply of Alcohol (Off supplies only)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Saturday	08:00hrs	23:00hrs
Sunday	10:00hrs	22:30hrs
Good Friday	08:00hrs	22:30hrs
Christmas Day	12:00hrs 19:00hrs	15:00hrs 22:30hrs

**2. Details of requested licensable activities**

<b>Supply of Alcohol (Off supplies only)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	00:00hrs	24:00hrs

<b>Provision of Late Night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	23:00hrs	05:00hrs

The application also requested the removal of the following conditions from the existing licence

1. Alcohol should not be sold or supplied unless it was paid for before or at the time when it was sold or supplied.
2. Alcohol should not be sold or supplied except during permitted hours. In this condition permitted hours meant
  - a On weekdays, other than Christmas Day, 8.am to 11pm
  - b On Sundays, other than Christmas Day, 10am to 10.30pm
  - c On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm
  - d On Good Friday, 8am to 10.30pm
- 3 Alcohol should not be sold in an open container or be consumed in the licensed premises

**Seasonal variations & non-standard timings:**

There were no seasonal variations or non-standard timings applied for in the 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 regulations 25 and 26 of The Licensing Act 2003 (Premises Licences and Club Certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 6 July 2011 edition of the Havering Yellow Advertiser.

#### **4. Details of Representations**

Valid representations may only address the four licensing objectives

There were no representations concerning this application from interested parties.

There was one representation against the application from responsible authorities.

##### Responsible Authorities

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

In summary, the Police Licensing Officer stated in his representation that the applicant had not satisfactorily addressed the additional steps they intended to take to promote the four licensing objectives

**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 22 August 2011, the Sub-Committee’s decision regarding the application for a variation of the premises licence for Snax24 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.

The written representation by the Police explained that the applicant had not satisfactorily addressed the additional steps they intended to take to promote the four licensing objectives

At the hearing PC Leonard informed the sub-committee that he had met with the applicant on 26 July to discuss the variation to the licence.

PC Leonard informed the sub-committee that the current licence had been "Grandfathered" over with no extra conditions placed on the licence.

PC Leonard advised that the local Safer Neighbourhood Team had responded to the application with concerns over the possible increase of anti-social behaviour and possible thefts and drive outs.

PC Leonard advised the sub-committee that the premises backed onto the County Park Estate where there was already an off-licence.

The sub-committee was also advised that there had been no complaints or incidents of crime related to the applicant's premises.

PC Leonard advised that he was encouraged by the inclusion of a Challenge 25 policy being implemented at the premises but still had concerns regarding the staffing levels and level of training provided to staff.

PC Leonard also advised that the Police fully supported the applicant's wish to provide late night refreshment as the premises were situated very close to the junctions of several main artery roads in and out of the borough.

PC Leonard advised that the Palms Hotel situated opposite was currently closed but this situation could change at any time in the future. There had previously been a fatality when someone had tried to cross the A127 seeking to purchase refreshment from the applicant's premises and he

believed that the offering of later alcohol sales could tempt customers to do the same again.

PC Leonard advised that a high number of domestic violence incidents were alcohol related and the possibility of people obtaining alcohol late into the night could lead to an increase in such incidents.

PC Leonard advised that after 23.00 hours the premises' doors were locked and the premises were single manned with trading being carried out through a serving hatch. The Police concern was that any distraction to the sole cashier, for example in preparing hot beverages or any other refreshment, could lead to incidents of crime and disorder taking place.

PC Leonard again advised the sub-committee that he had concerns with the level of training and the amount of staff that would be manning the premises when alcohol was on sale.

**Applicant's response:**

The applicant, represented by Ms Sabrina Cader, his legal advisor, and Mr Paul Suchodolski, Health & Safety Manager for Snax24, sought to address the concerns raised by PC Leonard.

Ms Cader advised the sub-committee that Snax24 had 40 licensed premises throughout the country and that 38 of these were licensed for 24 hour alcohol sales.

Ms Cader advised that the Snax24 company was a very well run organisation where senior management took an active role in the day to day management of their sites.

Ms Cader advised that Snax24 had operated the application site as a 24hour petrol station for 15 years.

The sub-committee was advised that between 23:00 hours and 05:00 hours the entrance doors to the premises were locked shut and all trading was done through a serving hatch. Ms Cader confirmed that the doors could be locked at anytime during trading hours. Petrol pumps could also be switched off from behind the desk should there be any trouble on the forecourt.

Ms Cader confirmed that there had been no incidents of anti-social behaviour associated with the premises and the applicant had not failed any test purchase initiatives. There was also no evidence of any crime related problems associated with the premises.

The sub-committee was also advised that the premises was also a convenience store that was also used by local residents living on the nearby County Park Estate. Ms Cader confirmed that the applicant had stated that he had not seen people crossing the A127 to visit the premises.

Ms Cader confirmed that the old coffee machine, situated inside the filling station, had recently been replaced with a new Costa Coffee machine that was operated by customers during the day and by the cashier during hours when the doors were locked. This was essentially the extent of the late night refreshment sought for the premises.

Ms Cader also confirmed that the Current Designated Premises Supervisor had been in post for approximately a year and there was also six other members of staff.

The applicant confirmed that there was no need for more than one member of staff to be on duty after 23.00hours. This was the way all Snax24 outlets were run, and in fact the way most petrol stations work. The premises was by no means to become an off-licence, alcohol would only make up a small proportion.

Ms Cader advised that Snax24 were happy to train all members of staff so that they could become personal licence holders. At present all staff members were trained to operate the Challenge 25 promotion and all staff were used to operating a refusals register.

Ms Cader also advised that Snax24 were members of the Retail Alcohol Standards Group (RSAG). The RSAG met on a regular basis to discuss strategies to increase retailer determination to sell alcohol responsibly.

The sub-committee was advised that the fuel sold at the premises was supplied by BP and BP as a company carried out customer satisfaction surveys of all premises that sold their products.

In summation Ms Cader believed that the company had submitted a comprehensive application and that there was no evidence of any crime related incidents being attributed to the premises. Ms Cader also confirmed that the company and the applicant were willing to work closely with the responsible authorities to ensure this remained the case.

In summation PC Leonard advised that at present only the large supermarkets in the borough had the provision to sell alcohol for a twenty four period and expressed concern that by granting the variation to the licence may draw more people to the premises given the limited availability of alcohol during those hours, and could set a precedent that others would follow.

PC Leonard also expressed concerns regarding the current CCTV system that was in place at the premises and questioned as to whether the serving hatch was covered by the camera system.

In reply Mr Suchodolski confirmed that the current system in place was an up to date system that allowed for thirty one days of footage to be stored and copies of the footage could be burnt onto DVDs. The cameras also

covered the carwash& jetwash area and all of the retail area with monitors situated at the cash desk and in the back office.

Having considered the written representations and oral responses, the Sub-Committee decided the application as follows:

Having regard to the company's good record and the history of the site, it having no problems with either anti-social behaviour or incidents of crime, partly due to its location; and having received assurances about the security at night and the willingness to allow the serving hatch area to be covered by the CCTV system in place; and also the low level of alcohol on sale at he premises the sub-committee agreed to grant the licence subject to the following conditions.

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.

All staff to hold personal licences.

The Premises shall adopt a "Challenge 25" policy, and keep a refusals register recording the details of all incidents where persons are refused the sale of alcohol. Details to include date and time, description and apparent age of person refused, and details of sale refused.

CCTV to cover the serving hatch.

The above conditions were to be in place before the new licence could be implemented.

The sub-committee also agreed to the removal of the conditions in Annex 2 of the current licence.

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.

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**Chairman**