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LICENSING SUB-COMMITTEE (SNAX)

AGENDA

10.30 am	Monday 22 August 2011	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman) Linda van den Hende Frederick Thompson

> For information about the meeting please contact: Richard Cursons 01708 432430-richard.cursons@havering.gov.uk

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DECLARATIONS OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 **REPORT OF THE CLERK** (Pages 1 - 6)

5 **REPORT OF LICENSING OFFICER** (Pages 7 - 46)

Application to vary a premises licence for Snax, 24 Southend Arterial Road, Emerson Park, RM11 3UB

Ian Buckmaster Committee Administration & Member Support Manager

Agenda Item 4



4 REPORT

LICENSING SUB-COMMITTEE 22 August 2011

Subject Heading:

Report Author and contact details:

Procedure for the Hearing: Licensing Act 2003

Richard Cursons e-mail: richard.cursons@havering.gov.uk

Members are advised that, when considering application for a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.
- A members of the Licensing Committee will be excluded from hearing an application where he or she:

has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or

is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or

is a Ward Councillor for a Ward which is likely to be affected by the application or;

has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.

7. Failure of parties to attend the hearing:

7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
 - Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
 - Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
 - Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being received. In default of a decision not being made within this period the application will be treated as being granted;

• Review of premises licences following closure orders where the Subcommittee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
 - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

Agenda Item 5

Licensing Sub-Committee

- Section 1 Licensing Officers Report
- Appendix 1 Copy of the Application
- Appendix 2 Map of local area
- <u>Appendix 3</u> Representations
- <u>Appendix 4</u> Representations from Responsible Authorities

Licensing Sub-Committee

Section 1 - Licensing Officers Report

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5 REPORT

LICENSING SUB-COMMITTEE

22 08 2011

Subject Heading:

Report Author and contact details:

Application to vary the premises licence Snax 24 Southend Arterial Road, Hornchurch RM11 3UB Paul Campbell – Licensing Officer 01708 432777 licensing@havering.gov.uk

This application for a variation to a premises licence is made by Snax 24 Limited under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 30th June 2011.

Geographical description of the area and description of the building

The premises is a small single story detached shop as part of a petrol station selling a range of convenience store goods and confectionary as well as alcohol.

The premises is located on the south side of the Southend Arterial Road a duel carriageway (west bound) at the junction with Ash Lane this is directly opposite the Palms Hotel on the opposite side of the duel carriageway and is 245 metres east of Wingletye Lane. All neighbouring buildings are residential properties.

There are no public transport links within easy walking distance of the premises.

A map of the area is attached to assist the committee.

There is some confusion on the post code for the premises council records show it as RM11 3UB the till receipt at the premises show RM11 2SE however all information relates to the same premises indicated on the map provided.

Details of the application

Current premises licence conditions Supply of Alcohol (Off supplies only) Start Finish Day Monday to Saturday 23:00hrs 08:00hrs 22:30hrs 10:00hrs Sunday 22:30hrs Good Friday 08:00hrs Christmas Day 12:00hrs 15:00hrs 19:00hrs 22:30hrs

Variation applied for:

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

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

Also to remove the conditions in Annex 2 of the current licence

1. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

2. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.

b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

d. On Good Friday, 8 a.m. to 10.30 p.m.

3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Seasonal variations & Non-standard timings

There are no seasonal variations or non-standard timings applied for in this application..

Comments and observations on the application

The news paper advertisement was Placed in the Havering addition of the Yellow Advertiser on Wednesday 6th July 2011. The notice on the premises was inspected by licensing officers to be in place.

Summary

There were no representations against this application from interested parties.

There was one representation against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

The prevention of crime and disorder The prevention of public nuisance The protection of children from harm Public safety

Responsible Authorities' representations

The Metropolitan Police licensing officer for Havering PC Dave Leonard states that he feels the applicant has not satisfactorily addressed the additional steps they intend to take to promote the four licensing objectives and outlines his concerns.

There were no representations from the following responsible authorities:

Public Health The London Fire and Emergency Planning Authority The Health & Safety Enforcing Authority The Trading Standards Service Planning Control & Enforcement Children & Families Service



Page 12



Premises licence number

001247

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Snax 24 Limited Southend Arterial Road Hornchurch RM11 3UB

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30 Good Friday – 08:00 to 22:30 Christmas Day – 12:00 to 15:00 & 19:00 to 22:30

The opening hours of the premises

Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30 Good Friday – 08:00 to 22:30 Christmas Day – 12:00 to 15:00 & 19:00 to 22:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off supplies only

Part 2

1 of 3

Signed Paul Campbell, Licensing Officer

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Snax 24 Limited Acer House, 11-15 William Road, London, NW1 3ER

Registered number of holder, for example company number, charity number (where applicable)

02787265

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Gnanasundaram Nathaniel Navaratnam 7 May Place Avenue, Crayford, kent, DA1 4PY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

London Borough of Bexley – 05/01355/BEXLEY/LI

Mandatory Conditions

1. 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.

- 2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the operating schedule

1. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

2. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:

a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.

b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

d. On Good Friday, 8 a.m. to 10.30 p.m.

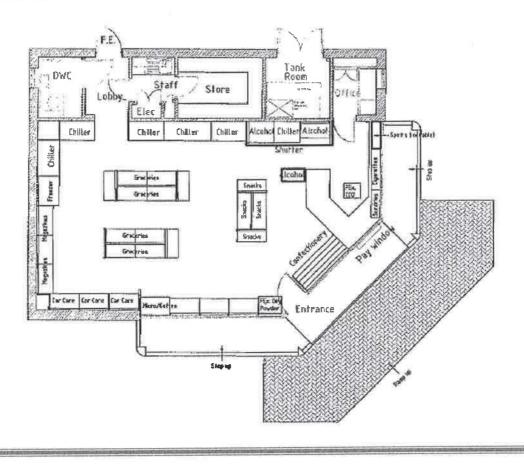
3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

No Hearing

Annex 4 – Plans

Full plans held by the London Borough of Havering licensing section Plans shown not to scale



3 of 3

Signed Paul Campbell, Licensing Officer



Part B

Premises licence summary

Premises licence number

001247

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

Snax 24 Limited Southend Arterial Road Hornchurch RM11 3UB

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30 Good Friday – 08:00 to 22:30 Christmas Day – 12:00 to 15:00 & 19:00 to 22:30

The opening hours of the premises

Monday to Saturday – 08:00 to 23:00 Sunday – 10:00 to 22:30 Good Friday – 08:00 to 22:30 Christmas Day – 12:00 to 15:00 & 19:00 to 22:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off supplies only

Name, (registered) address of holder of premises licence

Snax 24 Limited Acer House, 11-15 William Road, London, NW1 3ER

1 of 2

Signed Paul Campbell, Licensing Officer

Registered number of holder, for example company number, charity number (where applicable)

02787265

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Gnanasundaram Nathaniel Navaratnam

State whether access to the premises by children is restricted or prohibited

Contractor in the local data and the local data

N/A

Licensing Sub-Committee

<u>Appendix 1</u> - Copy of the Application

10460

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Snax 24 Limited

(Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises	licence	number
001247		

Part 1 – Premises Details

Postal addr Snax 24	ess of premises or, if none, ordn	ance survey map reference or	description	
Southend Arterial Road				
			1	
Post town Hornchurch Post code RM11 3UB				
		· · · · · · · · · · · · · · · · · · ·		

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£31,250

Part 2 – Applicant details

Daytime cont telephone nu		01442 861000		
E-mail addres	ss (optional)			
Current post different fron address		Registered office: Acre House 11-15 William Road All correspondence to: Winckworth Sherwood LLP (Ref: AAP/21655/35/RPB) Minerva House 5 Montague Close London SE1 9BB		
Post Town	London		Postcode	NW1 3ER

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Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

 \boxtimes

If not do you want the variation to take effect from

Day	Month	Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1) A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Snax 24, Southend Arterial Road, Hornchurch, RM11 3UB to be varied as follows:

- 1. Extension of the hours for the sale of alcohol to 24 hours daily.
- 2. Provision of late night refreshment between the hours of 2300 and 0500 daily.
- 3. To remove the conditions in Annex 2 of the licence.
- 4. To include in Annex 2 the conditions in boxes b to e of Section P of the operating schedule.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<u>Pro</u>	vision of regulated entertainment	Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
<u>Pro</u>	vision of entertainment facilities:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Pro	vision of late night refreshment (if ticking yes, fill in box L)	\boxtimes
Sale	e by retail of alcohol (if ticking yes, fill in box M)	\boxtimes

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ce note 6			Outdoors	
Day	Start	Finish	-	Both	
Mon			Please give further details here (please read guid	dance note 3)	
Tue			-		
Wed			State any seasonal variations for performing pl guidance note 4)	ays (please rea	ad
Thur					
Fri			Non standard timings. Where you intend to us the performance of plays at different times to the column on the left, please list (please read guida	hose listed in	<u>s for</u> the
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)		ead	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
guiuai		1		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guid	dance note 3)	
Tue					
Wed			State any seasonal variations for the exhibition read guidance note 4)	of films (pleas	Se
Thur					
Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those column on the left, please list (please read guida	e listed in the	s for
Sat			content on the tert, please list (please lead guida	nce note 5)	
Sun					

С

Indoor sporting events Standard days and timings (please read guidance note 6)		nd read	Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

entert Standa timings	g or wres ainments ard days a s (please r ice note 6	ind read	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue	-				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to us boxing or wrestling entertainment at different listed in the column on the left, please list (plea	times to those	
Sat			note 5)	ase reau guldar	ice
Sun					

Ε

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
			(please read guidance note 2)	Outdoors	
Day	Day Start Finish			Both	
Mon			Please give further details here (please read gui	dance note 3)	
Tue					
Wed	ed		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	-		a .		
Fri	Fri		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

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Recorded music Standard days and timings (please read guidance note 6)		ind read	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
		,		Outdoors		
Day	Start	Finish		Both		
Mon Tue Wed			Please give further details here (please read guidance note 3)			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat			picase read g	and ance hole :	,	
Sun						

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Performances of dance Standard days and timings (please read guidance note 6)		ind	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Start Finish		Both	
Mon			Please give further details here (please read gui	dance note 3)	
Tue					
Wed			State any seasonal variations for the performance of dan (please read guidance note 4)		
Thur					
Fri	Non standard timings. Where you intend to use the premise the performance of dance at different times to those listed in column on the left, please list (please read guidance note 5)		those listed in	s for the	
Sat				,	
Sun			-		

descr falling (g) Standa timing	iing of a s iption to f within (e ard days a s (please ince note 6	that e), (f) or and read	Please give a description of the type of enterta providing	inment you w	<u>ill be</u>
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors	
- and the second second	Please give further details here (please read gu	Both			
Wed Thur			State any seasonal variations for entertainmen description to that falling within (e), (f) or (g) (p note 4)	<u>t of a similar</u> blease read gui	dance
Fri					
Sat	Non standard timings. Where you intend to use the premises the entertainment of a similar description to that falling within (f) or (g) at different times to those listed in the column on the please list (please read guidance note 5)				n (e).
Sun					

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for ma Standa timings	ion of fac king mus and days a condease r conote 6)	nd ead	Please give a description of the facilities for ma will be providing	king music yo	<u>ou</u>
			Will the facilities for making music be indoors or outdoors or both – please tick (please read	Indoors	
			guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon Tue			Please give further details here (please read guid	dance note 3)	
Wed			State any seasonal variations for the provision making music (please read guidance note 4)	of facilities fo	<u>)r</u>
Thur			-		
Fri			Non standard timings. Where you intend to us provision of facilities for making music at differ listed in the column on the left, please list (plea	rent times to t	hose
Sat			note 5)		
Sun			*		

J

Provision of facilities for dancing Standard days and timings (please read quidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	
				Outdoors	
	guidance note 6)			Both	
			Please give a description of the facilities for da providing	incing you wil	l be
Day	Start	Finish			
Mon			Please give further details here (please read gu	idance note 3)	
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to us the provision of facilities for dancing at differe listed in the column on the left, please list (plea	Non standard timings. Where you intend to use the premises the provision of facilities for dancing at different times to those listed in the column on the left places list (places read middle)	
Sat			note 5)		
Sun					

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for ent similar that fa Standa timings	ion of fac ertainme descript lling with rd days a (please r ce note 6)	nt of a tion to in i or j nd read	Please give a description of the type of entertai will be providing	nment facility	<u>you</u>	
Day	Start	Finish	Will the entertainment facility be indoors or	Indoors		
Mon	on		<u>outdoors or both – please tick</u> (please read guidance note 2)	Outdoors		
				Both		
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for the provision entertainment of a similar description to that fa (please read guidance note 4)	of facilities fo Illing within i o	<u>r</u> ori	
Fri						
Sat	-		Non standard timings. Where you intend to us the provision of facilities for entertainment of a description to that falling within i or j at differe listed in the column on the left, please list (plea note 5)	a similar nt times to tho	se	
Sun						

L

Stand timing	Late night refreshmentStandard days and timings (please read guidance note 6)DayStartFinishMon00000500		Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
guidar				Outdoors	
Day	Start	Finish		Both	
Mon 0000 (0500	Please give further details here (please read gu	idance note 3)	
	2300	2400			
Tue	0000	0500			
	2300	2400			
Wed	0000	0500	State any seasonal variations for the provision of refreshment (please read guidance note 4)	of late night	
	2300	2400			
Thur	0000	0500			
	2300	2400			
Fri	0000	0500	Non standard timings. Where you intend to us	e the premise	s for
	2300	2400	the provision of late night refreshment at differ listed in the column on the left, please list (please	rent times, to those	
Sat	0000	0500	note 5)	ing ingra Anigal	106
	2300	2400			
Sun	0000	0500			
	2300	2400			

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Supply of alcohol Standard days and timings (please read guidance note 6)		and	Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	
Mon	0000	2400	State any seasonal variations for the supply of read guidance note 4)	alcohol (pleas	se
Tue	0000	2400	-		
Wed	0000	2400			
Thur	0000	2400	Non-standard timings. Where you intend to use the supply of alcohol at different times to those column on the left, please list (please read guida	listed in the	s for
Fri	0000	2400	boldini on the left, please list (please lead guida		
Sat	0000	2400			
Sun	0000	2400			

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

The premises sell alcohol and other age restricted products.

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	Non standard timings. Where you intend the premises to be open
Thur	0000	2400	to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

1. The hours for the sale of alcohol are currently restricted to:

Monday to Saturday (other than Christmas Day):	0800 to 2300
Sunday (other than Christmas Day)	1000 to 2230
Good Friday	0800 to 2230
Christmas Day	1200 to 1500 and 1900 to 2230.

2. The conditions stated in Annex 2 of the licence.

The above restrictions would be removed as a consequence of the proposed variation.

Please tick yes

 \boxtimes

 \square

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

- 1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- 2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be recorded or digitally on to CD/DVD or other equivalent medium.
- 3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- 4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- 5. The system will display, on any recording, the correct time and date of the recording.
- 6. A system will be in place to maintain the quality of the recorded image.
- 7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce (before being sold alcohol) identification bearing their photograph, date of birth and a holographic mark.

	Please ticl	k yes
•	I have made or enclosed payment of the fee	\bowtie
•	I have sent copies of this application and the plan to responsible authorities and others where applicable	\boxtimes
•	I understand that I must now advertise my application	\boxtimes
•	I have enclosed the premises licence or relevant part of it or explanation	\boxtimes
•	I understand that if I do not comply with the above requirements my application will be rejected	\boxtimes

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	. RU
Date	29 June 2011
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note12). If signing on behalf of the applicant please state in what capacity.

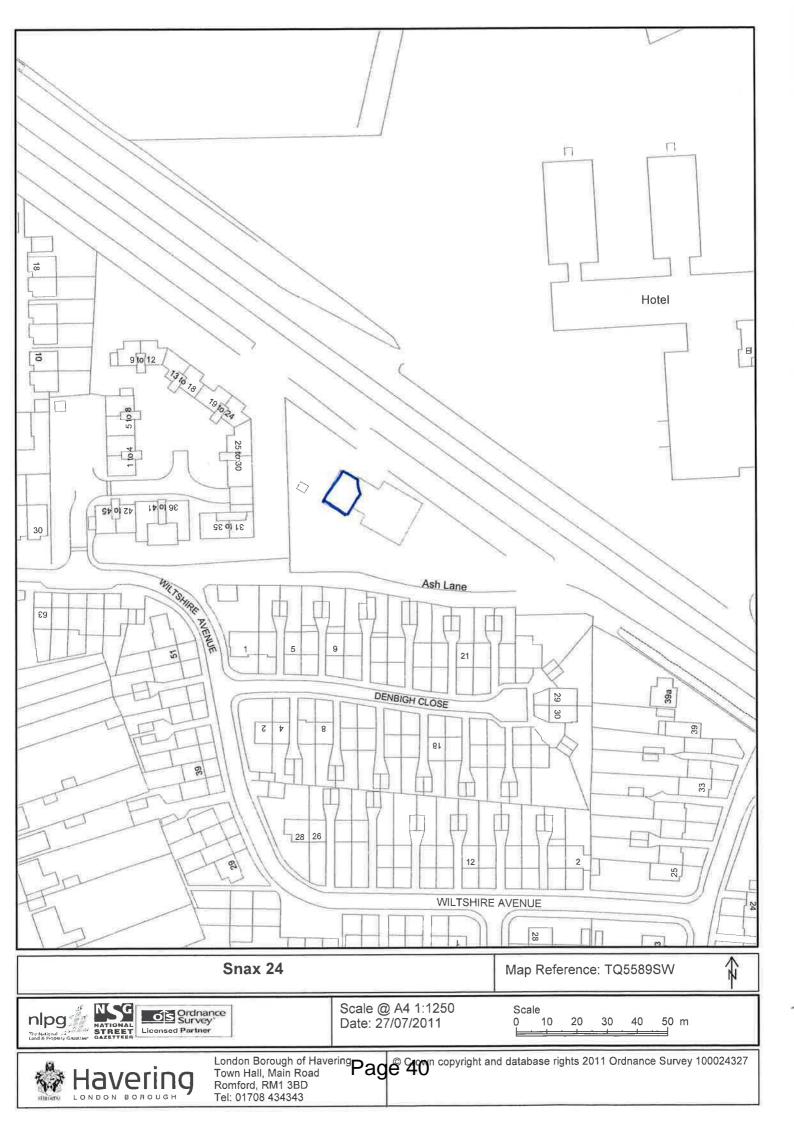
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

AAP/21655/35/RPB Winckworth Sherwood LLP Minerva House 5 Montague Close						
Post town	London		Post code	SE1 9BB		
	number (if any)	020 7593 0234				
If you would prefer us to correspond with you by e-mail your e-mail address (optional) apourshirazi@wslaw.co.uk						

Licensing Sub-Committee

<u>Appendix 2</u> - Map of local area



Licensing Sub-Committee

<u>Appendix 3</u> – Representations

Licensing Sub-Committee

<u>Appendix 4</u> - Representations from Responsible Authorities



Working together for a safer London

The Licensing Authority London Borough of Havering Mercury House, Mercury Gardens, Romford, Essex RM1 3SL Your Reference:

Our Reference:

Dave Leonard PC231KD Romford Police Station 19 Main Road Romford, Essex RM1 3BJ

 Telephone:
 01708
 432781

 Fax:
 01708
 432554

Email: haveringpolice@met.police.uk Dave.Leonard@met.police.uk Date: 26th July 2011

Dear Sir,

<u>Re- Application To Vary A Premises Licence</u> <u>SNAX 24, Southend Arterial Road, Hornchurch RM11 2SE</u>

With reference to the above, Police *wish to make representation* against the application received on 4th July 2011 to vary a premises licence registered by Snax 24 Ltd.

Figures released by the Home Office following a 'Know Your Limits' National Awareness Campaign showed that **7/10** A&E peak time admissions, **8/10** pedestrian road deaths on Friday and Saturday nights and **1/2** of **all** violent crime is alcohol related. In the recent Home Office Alcohol Misuse Enforcement Campaign, the Trading Standards Office conducted a number of test purchase exercises on off-licenced premises resulting in a **21%** failure rate.

The applicant has not satisfactorily addressed the additional steps they intend to take to promote the four licensing objectives. In fact, for a premises seeking to effectively trade 24 hours a day, it is naively dismissive of the applicants to believe that a CCTV system and 'adequate levels of staff' is all that is required to address the licensing objectives. And, where proposals are made by the applicant to promote these objectives, there is a need for further clarification. For example, undertakings given relating to CCTV systems can be meaningless if not applied to guidelines that are capable of withstanding scrutiny.

Havering Borough's Safer Neighbourhood Teams are frequently tasked to deal with anti-social behaviour and disorder issues caused by youths who have obtained access to alcohol on their Ward. It must be pointed out that the current trends don't necessarily always point to irresponsible sales. There is just as much concern that the youths are obtaining alcohol by ulterior means, be it by theft or by proxy sales made by irresponsible adults or older looking group members.

However, it is by raising these concerns and encouraging applicants to adopt as good practice the guidelines as set out in the *Havering 'Pool of Conditions'* (*below*) that will go some way to ensuring they do not materialize in the future.

Prevention of Crime and Disorder & Public Safety. - CCTV

The presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It will also assist in the investigation and identification of those involved should an incident occur immediately outside or inside licensed premises. Conditions may not just require CCTV on the premises, but also specify the precise location of each camera, *the requirement to maintain all equipment in working order, retain a System File and to secure recordings for an appropriate period of time*.

An 'Operational Requirement' (OR) should be drawn up for each *CCTV system to ensure that it is fit for purpose.* Advice on how to complete an 'OR' can be found in the Home Office Scientific Development Branch (HOSDB) publication 55/06 'CCTV Operational Requirements Manual'. The Havering Police Crime Prevention Office will provide individuals conducting risk assessments when preparing operating schedules with advice relevant to current standards. At the time of publication these are provided for in the HOSDB publication 09/05 'UK Police Requirements for Digital CCTV Systems.

CD16 A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. 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' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

CD17 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which is readily available for inspection by the relevant authority; Site plan showing position of cameras and their field of view. Code of Practice. Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position Operational requirement. Incident log. Maintenance records including weekly visual checks.

- CD18 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.
- CD19 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored 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 & fully operational throughout the hours that the premises are open for any licensable activity.
- CD20 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.
- CD21 A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Prevention of Public Nuisance

The potential for public nuisance arises with the concerns that those debarred from legitimately acquiring alcohol e.g young persons under the age of 18 years will approach adults to purchase alcohol on their behalf.

The police have no issue with the responsible sale of alcohol in line with the premises operating hours. However, the quality of the staff training and security at this premise needs to be of a capable standard that positively addresses the promotion of the four licensing objectives.

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 RELEVEANT RESPONSIBLE AUTHORITY WHEN CALLED UPON.

Protection of Children from Harm.

Proof of Age

All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.

- <u>CDGPG3</u> Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
- <u>CDGPG11</u> 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 **25*** 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.
- <u>CDGPG12</u> All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

<u>CDGPG13</u> Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.

THE POLICE ARE ENCOURAGED TO SEE THE APPLICANT IS ADOPTING A CHALLENGE 25 POLICY & ACCEPTING PHOTOGRAPHIC IDENTIFICATION. A REFUSALS REGISTER SHOULD BE KEPT AND DETAILS OF PERSONS REFUSED THE SALE OF INTOXICATING LIQUOR ENTERED IN AN INCIDENT LOG. DETAILS TO INCLUDE DATE & TIME, DESCRIPTION & APPARENT AGE OF PERSON REFUSED AND SALE REFUSED.

Observations and Recommendations

As the Borough Licensing Officer with over a decade of experience in the role, I have on many occasions dealt with applications submitted by the agent representing the applicant. I would consider this association to be good and professional in all of these instances. They have a good and well-earned reputation and always submit their presentations with a fine attention to detail. However, a professional template application package being produced does not always reflect the actual reality of the application in question nor does it guarantee the capabilities of their client.

There is **no** reference in the application to **any** level of staff training or responsibility attached. There is no mention of minimum staff numbers present throughout the 24hr period. Experience has shown that the smaller service stations tend to operate with minimal staffing, ie. one person, through the night. Allowing the provision to supply alcohol during a nightshift period does cause the police concern. Located on the A127, opposite Palms Hotel and close to the M25, any additional responsibilities heaped on a lone member of staff may lead to an increase in crime in the form of thefts or drive-outs. Many local off-licences suffer at the hands of anti-social and unruly youths and it is **imperative** that all staff members are able to operate in a confident and robust manner. If the Committee are minded to grant a premises licence in this instance, the police recommend that there is at least one personal licence holder present on the premises at all times it is open to supply alcohol.

The police have absolutely no issue with the applicant providing refreshment throughout the night and would actually endorse the facility to provide hot drinks and refreshment where the venue is situated so close to the junction of the A12 into London and the M25.

I visited the premises on 26th July and spoke with the manager and DPS, Mr Gnanasundaram Nathaniel Navaratnam, and was advised that daytime coverage consisted of two members of staff and at 11pm the venue is single-manned with all trading is conducted through a serving hatch. The staff member working the night shift is not a personal licence holder. Indeed, the only staff member with a personal licence is the DPS. The service station building itself is a modest size with a very modest amount of alcohol on display. Hot drinks are dispensed from a dated machine situated in a corner at the back of the shop. There are eight pumps on the forecourt that are not switched off whilst the member of staff may be engaged in serving goods to the customer. As a comparison, I also visited the BP / Marks & Spencer Service Station adjacent to Snax 24 on the A127. The police accept that every application must absolutely be dealt with on its own merits but note that the much larger BP venue, with increased staffing, security (including ANPR CCTV), and product availability & 24-hour opening has elected not to sell alcohol between 11pm & 8am.

The Police cannot consider supporting this application before any satisfactory assurances concerning the quality & standard of security and staffing at the premises - especially throughout the night - are forthcoming. Having spoken with the applicant's representative and expressed police concerns, I am confident that the compromise of withdrawing alcohol sales throughout the nightshift will allay some of our concerns and *may* lead to police withdrawing their representation.

If I can be of any further assistance in this matter please do not hesitate to contact me in the Licensing Office at Mercury House on **01708 432781**.

Yours sincerely,

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Dave Leonard Licensing Officer Havering Borough Police