

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
10 November 2011 (10.35 am - 12.30 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Linda Trew

Residents' Group Linda Van den Hende

Labour Group

**Independent Residents
Group**

Mr Dean Carr and J Jackson-Cole (representing the applicant).
The Havering Police Licensing Officer Dave Leonard.

The following objectors were present: T Bhalla, B & T Williams, T & G Presland, N & M Walker, B Gray, S French, P Less, D Lees, G Peel, C Hossain, E Leonard, P G Henn, P Mullis, N Sheridan, Cllr Frederick Thompson and Cllr Curtin.

Also present were Paul Campbell (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared.

**1 APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING
ACT 2003 ("THE ACT")**

DETAILS OF APPLICATION

PREMISES

J & B Convenience Store,
182 South Street,
Romford
RM1 1TR

DETAILS OF APPLICATION

Application for a premises licence under the Licensing Act 2003 (“the Act”).

APPLICANT

C S Jacks Limited,
1st Floor,
2 Woodberry Grove,
North Finchley,
London,
N12 0DR

1. Details of the application

Supply of Alcohol (off supplies only)		
Day	Start	Finish
Monday to Sunday	06:00hrs	00:00hrs

Seasonal variations & Non-standard timings

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

2. 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 5 October 2011 edition of the Havering Yellow Advertiser.

3. Details of Representations

Valid representations may only address the four licensing objectives

There were 26 valid representations against this application from interested parties.

There was one representation against this application from responsible authorities (Metropolitan Police).

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): The Metropolitan Police were of the opinion that the applicant had not satisfactorily addressed the steps he intended to take to promote the four licensing objectives particularly when addressing the prevention of crime & disorder and the protection of children from harm. This in turn was likely to lead to further public nuisance and public safety issues arising.

The Police referred to the fact that the premises are located in an area deemed a “saturation zone” by the Local Authority, whereby the presumption is that no further licenses ought to be granted. It was also referred to as a Designated Public Place under s.13 (2) of the Criminal Justice & Police Act 2001, which created powers for Police to deal with possession of and drinking alcohol within the area. It also made it an offence to fail to hand over alcohol to a police officer when so required.

The Police representation raised issues relating to all four of the Licensing Objectives, which they felt would be affected by the granting of the licence. Attached to the representation were documents relating to research carried out by Alcohol Concern detailing the dangers of alcohol, and density of off-licensed premises, to young people.

The Police Representation suggested conditions that they would like to see attached to the License should it be granted, but their contention was that the application should fail unless “exceptional”.

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

4. Determination of Application

Decision

Consequent upon the hearing held on 10 November 2011, the Sub-Committee's decision regarding the application for a Premises Licence for J & B Convenience 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**

Whether the granting of the premises licence would undermine the four licensing objectives.

Councillor Curtin objected to the application under all 4 objectives under the Licensing Act.

He stated that the application was not exceptional, and ought to be rejected, as it falls in the saturation zone as stipulated by the Local Authority's Licensing Policy.

He stated that Romford is improving in reducing crime and increasing public safety, and that the granting of this license would not assist in terms of the cumulative impact of a further licensed premises.

Councillor Curtin referred to the strong level of local interest in the application, reflected by the number of objections received. There is a high level of anti-social behaviour in the area, which would be added to should this application be granted, and there would be an increase in public nuisance.

Mr Carr, on behalf of the applicants, sought an adjournment in order to discuss some of the objections raised with his client. On resumption he stated that in light of the objections in relation to this application his client was withdrawing his application to operate his premise 24 hours a day.

That the premises would be branded under the Premier Store franchise.

He also added that the premises licence for the sale of alcohol was revised to 08:00 hours until 22:00 hours in line with other premises in the vicinity.

He added that the premise will have two personal licence holder, one of whom will be on the premises during the licensable period.

That the premises would also have between four and six part time staff who would receive training that would be documented for inspection every three months.

The premises will display posters warning against proxy sales and that Challenge 25 scheme was in operation.

That the premises was agreeable to all the conditions recommended by the Havering Police Licensing Officer. That the premises would be consulting with the Borough Police on the installation of CCTV coverage within and outside the premises. In response to the percentage of store coverage that would be dedicated to alcohol products, the sub committee was informed that this would be to a capacity of 15%. That the premise would consult with the Police on identifying where in the store the alcohol would be displayed.

Mr Carr stated that in light of these amendments and agreed conditions; the premises would not impinge upon the Licensing Objectives and should be granted. He referred to paragraph 13.33 of the Guidance issued under section 182 of the Licensing Act 2003, which states that It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.

Having heard the applicant's presentation, the Police indicated that the presentation made positive movement, but were disappointed that no consultation was had with them prior to the application. The Police were happy with the reduced hours applied for, but felt that the application still lacked clarity. The Police therefore maintained their position that it was not an "exceptional application" and asked that it be refused.

Having considered the written representations and oral responses, the Sub-Committee was **satisfied** that the applicant had addressed all the issues raised.

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, including the Saturation Policy for Romford Town Centre.

While the premises are within the "saturation zone", and there is therefore a rebuttable presumption that an application will be refused, the Sub-Committee would still need to be satisfied that the grant of the

application would undermine the promotion of one of the licensing objectives, and that necessary conditions would be ineffective in preventing any problems.

While the applicant could be criticised for not consulting with Police earlier, given the reduction in hours applied for, and the acceptance of all conditions suggested, along with other conditions suggested by the applicant at the hearing, the Sub-Committee was not convinced an application subject to those hours and conditions would undermine the promotion of any of the licensing objectives.

The Sub-Committee **granted** the revised application in full subject to the following agreement and conditions recommended by the Police:

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. The training will be refreshed every three months.

The premise will employ at least two personal licence holders, one of whom will be on the premises at all times that alcohol is on display for sale.

Alcohol to make up a maximum of 15% of all good sold at the premises.

The premise will operate a Challenge 25 Scheme. A strict ID protocol will be in operation. A refusal register would be kept and details of persons refused the sale of intoxicating liquor entered in an incident log. That detail will include date and time, description and apparent age of person refused and sale refused.

CDGPG3 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 the premises operates a Challenge 25 Scheme, and of the dangers of proxy sales, and that they may be asked to produce evidence of their age.

CDGPG11 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.

CDGPG12 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

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

CCTV

- 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 premise 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.

The CCTV provision and installation is to be approved by the Police.

That the licence is not to come into operation until the location of the alcohol on display in the premises is identified, and agreed by the Police, and a new shop floor plan submitted to the Licensing Authority.

Chairman