

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
23 February 2012 (2.30 - 3.20 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Peter Gardner (Chairman) and Robert Benham

**Residents' Group**            Linda Van den Hende

**Labour Group**

**Independent Residents  
Group**

An apology for absence was received from Councillor Denis Breading.

+Substitute Member: Councillor Robert Benham (for Denis Breading).

Present at the hearing were Mr Les Rosewarne (for applicant), Havering Police Licensing Officer PC Dave Fern and John Giles, Environmental Health, Health and Safety.

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 at this meeting.

**1      APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING  
ACT 2003 ("THE ACT") - FAMILY BARGAIN, UNIT 6A THE BREWERY  
SHOPPING CENTRE, WATERLOO ROAD, ROMFORD, RM1 1AU**

**PREMISES**

Family Bargains  
Unit 6A, The Brewery Shopping Centre  
Waterloo Road  
Romford  
RM1 1AU

## **DETAILS OF APPLICATION**

Application for a premises licence under section 17 the Licensing Act 2003 ("the Act").

### **APPLICANT**

99p Stores Limited  
Style Way  
Pineham, Northampton  
Northamptonshire  
NN4 9EX

### **1. Details of the application**

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	08:00hrs	23:00hrs

### **Seasonal variations & Non-standard timings**

No seasonal variation or non standard timing was 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 had complied with the Licensing Act 2003 (Premises Licences etc) Regulations 2005, regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement had appeared in the Yellow Advertiser on Wednesday 11<sup>th</sup> January 2012.

### **3. Details of Representations**

Valid representations may only address the four licensing objectives

Councillor Frederick Thompson, an interested party, made a written representation against this application on the following grounds that:

- 1) Romford Town Centre already had too many licensed premises as evident from the Havering Alcohol Saturation Zone Policy.

- 2) The proposed hours would facilitate pre-loading where visitors to nightclubs buy and consume usually high strength alcohol prior to entering night clubs. This had an impact on Public Safety as it caused quick inebriation and longer term health effects
- 3) the whole store being licensed enabled display of alcoholic beverages right up to the front of the shop which may encourage impulse buying which would have a similar impact on public safety
- 4) unlike nearby Sainsbury with a different type of clientele, this outlet may facilitate street drinking despite the Town Centre being a controlled zone and thereby cause public nuisance. The main trouble spots were on South Street and that would be the main focus for police efforts to control the Town Centre
- 5) the store entrance and exit directly in to an open plaza adds more pressure on passing adults being pressured by children to make illegal purchases on their behalf and the increased risk of young shoplifters if alcoholic drink was displayed too close to the front of the premise, which impacted on the protection of children from harm objective.

Cllr Thompson did not attend the hearing.

### **Responsible Authorities**

Two Responsible Authorities made representations against this application. The Metropolitan Police and Environmental Health, Health and Safety who outlined a number of points relating to the licensing objectives and the Saturation Policy.

**Chief Officer of Metropolitan Police (“the Police”):** The Metropolitan Police were of the opinion that the application had not covered the licensing objectives to a satisfactory standard. That the premise was within the saturation policy area and allowing the application would only add to further cumulative impact in the area which was already under stress. PC Fern attended to confirm the written representations.

The representation detailed the following:

- that the premises was inside the saturation area set out in Havering’s licensing policy

- That it was not always the selling of alcohol that caused problems, that the availability of alcohol and theft also related to the impact on the area.
- That there was a supermarket within metres selling alcohol along with various off licensed premises within walking distance.
- That there was already a competitive market and adding a further premise would often relate to heavy discounting amongst retailers who were unaware of the consequences that this created.
- The Police would have expected to see a plan of the area where alcohol was intended to be sold along with control measures regarding theft, CCTV, storage, details of staff training, personal licence holder and DPS.
- That the Police were not able support this application that intended to seek a license for the entire lower floor that was within a saturation zone. If the Sub Committee were minded to grant the license the Police would want the alcohol display area to be subject to the approval of the police.
- It would allow a bargain booze store with a huge square footage. There were concerns that bargain stores employ a minimum amount of staff which would impede on the prevention of crime objective unless adequate measures were put in place such as security staff and security tagging and labelling. If the Sub Committee were minded to grant a license then the police would want a condition that only multi packs be sold as these were more difficult to steal from a store compared to a single bottle.
- There was no information as to how display design could play a key role in prevention of theft
- Concerns about a mezzanine floor on the premises where items could be consumed on the premises or stolen
- Concerns about the location of the alcohol display areas. This had not been identified but the police would be concerned about displays near any door areas.
- The location of a cinema, bowling, McDonalds, and Kids Zone in the immediate vicinity all appealed to youth and there was therefore a number of associated youth crime and nuisance issues in the area
- Alcohol related issues for youth and adults were on the increase within the Borough and the police needed to be satisfied that there were sufficient control measures in place to prevent further crime taking place in the Brewery area
- Assaults within the area were predominately high. In his oral representation PC Fern indicated that for the half term week 13-17 February 2012 there had been a large increase in reported crimes of robbery and theft in the Brewery area

The Police licensing officer stated that the impact on crime and disorder along with resources within the borough were intensive with Havering being the 4<sup>th</sup> highest borough of the 32 borough in London for alcohol related offences.

The Police were of the opinion that the application had failed to provide reassurance to the Police concerns and detailed how it intended to meet the licensing objectives.

**Environmental Health, Health and Safety:** The Havering Health & Safety Officer made a written representation and also attended the hearing to confirm the content of his objection against the application namely that the premises was in the saturation zone identified in the Borough's Licensing Policy and did not set out any exceptional circumstances nor offer conditions to promote the Licensing objectives.

The representation also detailed that the premises was in a retail/leisure area which specifically attracted young people. It added that Bargain stores generally had low staffing volumes to cut overheads and that there was no specific area on the plan that was designated for the sale of alcohol. The representation raised also raised safety concern for staff especially late at night as the premises plans to remain open till 23:00 hours which was later than any of the neighbouring retail shops.

**London Fire & Emergency Planning Authority ("LFEPA"):** None.

**Planning Control & Enforcement:** None.

**Children & Families Service:** None

**Trading Standards Service:** None

**The Magistrates Court:** None

Mr Rosewarne, the Health and Safety Manager for the applicant company represented the applicant and in addition to the written representations addressed the sub committee on the following steps that the applicant had taken to address the licensing objectives:

- That the premise had arranged a rigorous electronic training package for staff members. That in addition they had plans for refresher training every four weeks
- That the company arranges its own test purchases in other stores only one of which had failed many years ago
- There will be a total of 25 staff employed in this premises, with a maximum at any one time of 15 staff members on the shop floor.

- The area initially identified for alcohol display was indicated to the sub committee as being near the new passenger lift behind the stairs and this was stated to be in good view of the cashier
- That alcohol will take up a maximum of 3% of sales
- Some other premises in the chain have a security guard on the premises
- That alcohol will not be allowed in the mezzanine area of the premises and that signage would be displayed indicating this.
- The sub committee was assured that the premises would seek Police authorisation before any change of location for the alcohol display was effected
- That there were no plans to go into volume sales or to offer promotional drink prices
- That there are currently two Personal Licence holders and the applicant was prepared to increase this number as requested
- That the applicant was only planning to open for the following hours:

Monday – Wednesday	08:00 to 20:00 hours
Thursday – Friday	08:00 to 21:00 hours
Saturday	09:00 to 20:00 hours
Sunday	11:00 to 17:00 hours

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

##### **Decision**

**Consequent upon the hearing held on 23 February 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Family Bargain 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.

### **Facts/Issues**

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

### **Prevention of crime and disorder**

The Sub-Committee accepted that the location on the Brewery site was a high crime area, particularly in the evening. It attracted a lot of youth because of the cinema, bowling lanes, McDonalds and kids zone. It was within the saturation zone set out in the Licensing policy which exhibited crime figures for the Central Romford area. Access to alcohol was an incentive to crime and once obtained in turn fuelled other crime. The Sub Committee accepted that it was likely that the applicant's premises would be the subject of shoplifting for alcohol, proxy sales on behalf of young people, or in the event of alcohol legitimately purchased it was likely to be cheaper than available in the nightclubs and therefore an attraction for adults intent on becoming inebriated. The control measures suggested by the applicants did not give sufficient confidence to the Sub committee that unlawful sales/thefts would be prevented. For instance it had not been proposed that security tagging would take place. The applicant's representations about the numbers of staff on duty and the employment of security staff was not precise or compelling enough to satisfy the Sub Committee that it was taking these issues seriously enough. The Sub Committee was aware that as a bargain store the level of staffing was likely to be kept to a minimum. No control measures would be possible to prevent legitimate bulk purchasing to adults intent on obtaining cheap alcohol.

Whilst the Sub committee were satisfied that there were significant concerns about crime and disorder in any event, insofar as the saturation zone was concerned the applicant had not sought to establish that there were exceptional circumstances in this particular case.

### **Public Safety**

The Sub Committee considered that because of the congregation of large numbers of young people and adults in the Brewery area particularly in the evenings access to alcohol in the ways set out above was also likely to have an impact on public safety. By way of example the Sub Committee noted the increased number of robberies and thefts during half term week and considered the situation was likely to worsen further with the availability of alcohol from the applicants premises.

### **Public Nuisance**

The link between access to alcohol and public nuisance was well established. The Sub Committee was satisfied that with the prevalence of alcohol and youth, it was likely that anti social behaviour and public nuisance would increase if this application were granted.

### **Protection of Children from Harm**

As noted above the Sub Committee were satisfied that the Brewery shopping area was an attraction for young people particularly in the evenings and therefore a significant risk that young people would be at risk of the temptations to commit shoplifting offences to obtain alcohol, the risks to their health in consumption of excess alcohol and then as victims of crime and anti social behaviour.

The application was not well thought through. The application for the entire shop floor would present difficulties for the Sub Committee in being satisfied that the particular display area was going to reduce the risk of shoplifting etc. The proposed security measures were not considered sufficient or precise enough. The application had not addressed the four licensing objectives sufficiently. The application was for a license until 23:00 each day. Despite the applicant's verbal representations that they only proposed opening the store until much earlier in the evenings the application was not amended accordingly.

Having considered the written and oral representations, the sub-committee decided that it was **not prepared to grant a premise licence** for the reasons set out above.

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**Chairman**