

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
16 March 2012 (10.35 - 11.20 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Pam Light

Labour Group Denis Breading

Present at the hearing were: Mr G Chopra (Applicant), Mr G Hopkins (on behalf of the applicant), Mr S Lamba and Ms L Potter,
Objector: Mr A Patel

In addition: Havering Police Licensing Officer PC D Fern.

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

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

There were no declarations of interest by Members.

PREMISES

Romford Mini Market
84 South Street
Romford
RM1 1RX

DETAILS OF APPLICATION

An application to vary a premises licence under s.34 of the Licensing Act 2003 ("the Act").

APPLICANT

Mr Gul Chopra
24 Cains Lane
Feltham
TW14 9RH

1. Details of the current premises licence:

Supply of Alcohol (Off Supply Only)		
Day	Start	Finish
Monday to Sunday	08:00hrs	19:00hrs

2. Details of Variation applied for:

Supply of Alcohol (Off Supply Only)		
Day	Start	Finish
Monday to Sunday	08:00hrs	23:00hrs

Seasonal variations & Non-standard timings

There were no seasonal variations or non-standard timings applied for in this variation.

3. Promotion of the Licensing Objectives

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 1 February 2012.

4. Details of Representations

There was one valid representation against this application from an interested party.

This covered several points under public safety and the prevention of public nuisance

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

The Metropolitan Police representative outlined his concerns over the proposed extended hours.

There were no representations from the following responsible authorities:

London Fire & Emergency Planning Authority ("LFEPA"):
Health & Safety Enforcing Authority:
Planning Control & Enforcement:
Public Health:
Children & Families Service:

Trading Standards Service:
The Magistrates' Court:

5. Determination of Application

Decision

Consequent upon the hearing held on 16 March 2012, the Sub-Committee's decision regarding the application to vary a Premises Licence for Romford Min Market 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.

The Sub-Committee was asked to consider whether the granting of the variation to the premises licence would undermine the licensing objectives.

Agreed Facts

Facts/Issues:

PC Fern stated that the Metropolitan Police had concerns about the application because:

- The premises was within the saturation policy area and allowing the additional time would only add to the cumulative impact in the area which was already under stress.
- He argued that there were a number of other premises near by providing off-license alcohol and it was known that a proportion of visitors to the area "pre-loaded" their evening drinking by purchasing and consuming alcohol before getting to a club or pub or other venue.
- PC Fern referred to crime and disorder statistics gathered from the area surrounding the town centre and argued that granting the variations requested would increase the burden on the police to

manage crime and disorder and that Havering was one of the worst areas for alcohol related offences in London. Providing extended off-sales would add to the problem.

- PC Fern made reference to the number of incidents in which members of the public had been stopped and open containers of alcohol had to be confiscated. He added that quite apart from the direct effects of alcohol consumption, there was the problem of litter – discarded bottles and cans in the street and the more unpleasant side-effects of alcohol abuse, all of which had an impact of the borough's cleansing and medical services.
- PC Fern advised that although the Romford Town Centre was a controlled drinking zone, premises operators tended not to advise customers of that fact for fear of losing a sale.

He concluded by saying that anything which could be done to reduce disorder should be done, and asked that the application be rejected.

The interested party, Mr Patel, stated that:

- He owned a premises offering off-sales of alcohol not far from the Applicant and he was objecting to the request to extend the time for the sale of alcohol by the Applicant as it had been rejected not that long ago.
- The Town Centre already had problems and that a further outlet open late at night would simply add to them

In reply, Mr Hopkins, on behalf of the Applicant explained that:

- Since June 2011, his client had fully complied with the conditions placed on his licence by the Magistrates' Court.
- He had held a personal licence for the past three years and that there were three people with personal licences who would be on the premises.
- In light of the concerns raised, the Applicant wished to reduce his application to 9.30pm Monday to Sunday. Statistics provided by the police showed an increase in trouble from around 10:00pm.
- In addition, he could assure the Sub-Committee that there would be a personal licence holder on the premises from 7.00pm to closure on Thursday, Friday, Saturday and Sunday.
- Furthermore, his client was intending to continue his current practice of closing the premises at the end of the licensable activity period (currently he closed at 7.00pm. This would become 9.30pm if the licence variation was granted).
- He argued that the police's contention that another outlet for alcohol would simply allow more people to drink in the streets ahead of going into a club or pub, was questionable. He argued that if people intended to "pre-load", they were more likely to do so at home, or away from the town centre where there was extensive CCTV surveillance.
- He submitted that it was the responsibility of the police to stop people drinking in the street and that it could not be the responsibility of the licence holder; however, in this instance the

Applicant would advise customers that they should not do so, and would display notices to that effect.

- He reminded the Sub-Committee that South Street and the town centre generally was far more residential than it had been a few years ago and that off-licences allowed residents to purchase alcohol for legitimate local home consumption.
- Mr Hopkins said that his client – along with the other premises offering off-sales – already had a regular customer base. It was this customer base to which his client wished to provide extended facilities.
- He stated that there was no evidence linking any concerns to the premises, and no evidence that the modified application would add to the cumulative impact upon the licensing objectives. He pointed out that no residents had objected, that the Applicant was a responsible operator, and that there were strict conditions on the licence that had to be adhered to.
- His client was aware that in the town centre there was a need to be circumspect. Accordingly, he had offered to reduce his hours from those requested and had said that he would close at 9.30pm. There would be personal licence holders available and on site during the busiest times of the week and in addition to operating “Challenge 25”, he was willing to display notices informing customers that it was a criminal offence to open alcohol containers in the street.

In conclusion he stated that over Christmas, New Year and Valentine’s Day, his client had applied for – and was granted without objection – temporary event licences and no problems had ensued.

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.

Given the reduction in the scope of the application, and the conditions offered by the applicant, along with the conditions already attached to the licence, and given there had been no evidence to suggest the applicant was anything other than a responsible operator, the Sub-Committee could not see that the application would infringe any of the licensing objectives, or that the cumulative impact upon those objectives would be added to.

On that basis the Sub-Committee granted the amended application, subject to conditions, as follows:

Supply of Alcohol (Off Supply Only)		
Day	Start	Finish
Monday to Sunday	08:00hrs	21:30hrs

Licensing Sub-Committee, 16 March 2012

1. A personal licence holder to be at the premises from 7:00pm to the end of the period of licensable activity on Thursday, Friday, Saturday and Sunday.
2. Notices to be displayed within the premises warning customers that it is illegal to open and consume alcoholic beverages within the prohibited zone in the town centre.