

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
26 March 2012 (10.30 am - 12.05 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Linda Trew

Labour Group Denis Breading

All decisions were taken with no votes against.

There were no declarations of interest.

The Chairman reminded Members of the action to be taken in an emergency.

1 REPORT OF THE LICENSING OFFICER

PREMISES

Costcutter
18a Station Lane
Hornchurch
RM12 6NJ

DETAILS OF APPLICATION

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

APPLICANT

Mr Adnan and Mrs Farida Butt
27 Royston Parade
Ilford
IG1 3SS

1. Details of requested licensable activities

The application was amended by the applicant at the hearing to the following:

Supply of alcohol:		
Monday to Sunday	07:00hrs	23:00hrs

Seasonal variations & non-standard timings:

There were no seasonal variations or non-standard timings requested.

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 Premises Certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 3 February 2012 edition of the Romford Recorder.

3. Details of Representations

There were no valid representations against the application from interested parties.

There were two representations against this application from a responsible authorities; Havering's Trading Standards Service and the Metropolitan Police.

Responsible Authorities

Chief Officer of Metropolitan Police ("the Police"):

The Police had submitted a written representation against the application on the basis that granting the premises licence would likely undermine the licensing objectives seeking the protection of children from harm and the prevention of crime and disorder.

At the hearing, however, the Police withdrew their representation on the basis of having engaged in consultation with the applicants, they were now satisfied that the applicants were willing to accept the conditions and proposals put forward. The applicants had been the proprietors of another establishment in Bethnal Green and checks undertaken had been favourable.

The Police representation was withdrawn.

Trading Standards Service:

Havering's Trading Standards Service made a representation against the application on the basis that granting the premises licence would likely undermine the licensing objectives seeking the protection of children from harm.

At the hearing, Trading Standards advised the Sub-Committee that some of their concerns regarding the premises had been addressed following discussions with the applicants; however concerns remained given the legacy of the premises and questions around the involvement of the former owner.

The premises had failed a series of under-age alcohol supply test purchases which resulted in Trading Standards seeking a review of the licence in September 2011, the licence was then revoked but due to the ongoing appeal process the revocation came into force in February 2012. Whilst the venue was now under new ownership, a reference to the previous parent company of the premises, Fortune of War, raised questions about the distance between the old owner and the new.

Trading Standards sought that the licence contained conditions that would ensure all staff were adequately trained, a Challenge 25 policy was in force, a refusal log would be kept and maintained for 12 months, clear notices to be displayed around under-age sales, a personal licence holder to be present at all times.

All parties had been informed prior to the hearing that the applicants suggested that Mrs Farida Butt, a personal licence holder with four years of experience, would be the DPS for the premises. Trading Standards were satisfied with this proposal.

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

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service: None

The Magistrates Court: None

4. Determination of Application

Decision

Consequent upon the hearing held on 26 March 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Costcutter (Station Lane, Hornchurch) was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

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

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts
Facts/Issues

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

The representative for the applicants explained that many of the issues had been resolved following discussions with the responsible authorities and that the applicants were happy to adopt the proposed conditions to the licence.

The previous owner had given little information to the applicants during their purchase and had indeed neglected to inform them that the former licence had been revoked, the reason why the applicants continued to trade under it. The reference to Fortune of War, the old parent company of the premises, had been made in error by the applicants who had mistaken the company title for the name of the premises.

The applicants had put forward Mrs Butt as the proposed DPS; she was a personal licence holder with four years of experience running an off-licence where there had existed a good relationship with all the responsible authorities and no problems had been reported. Mrs Butt would be present on the premises during all of the trading hours.

The applicants had closed their former business in order to concentrate fully on Costcutter and would seek to ensure that all the licensing objectives were promoted. Another member of staff was within a week

of obtaining a personal licence which would mean to personal licence holders and allowing relief for Mrs Butt.

The premises would have full CCTV coverage and the applicants agreed at the hearing to operate a clear window policy as well as a sign for two weeks indicating that the premises was under new management.

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.

The Sub-Committee were satisfied that the applicants had no connection with the former owner and that they were cognisant of the legacy of the premises and were willing to accept the conditions on the licence in order to tackle that legacy. The applicants had cooperated fully with the responsible authorities and had demonstrable experience of running licensed premises that had seen no problems.

On that basis, the Sub-Committee could not see that the premises were a cause for concern, or likely to add to the cumulative impact upon any of the licensing objectives, and it therefore **granted** the revised application in full subject to the following conditions:

1. All staff shall be suitably trained for their job function for the premises. 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.
2. A premises daily register shall be kept at the premises. This register would be maintained and kept for a minimum of 12 months.
3. A properly specified and fully operational CCTV system shall be maintained to a satisfactory standard including upgrading in line with best practice. The system must have a recording facility and must provide full coverage of the sales area and a member of staff able to operate the system must be on the premises at all times.
4. The premises must operate a Challenge 25 policy.

5. Clear notices to 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.
6. A refusals register to be kept and maintained for 12 months.
7. Clear notices to be displayed advising customers about the supply of alcohol to minors and the relevant offences involved
8. There can be no external advertising on the premises for the sale of alcohol.
9. A personal licence holder will be on duty at all times during licensable activity.

Chairman