

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
28 March 2012 (10.30 - 10.55am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Lynden Thorpe

Residents' Group Linda Van den Hende

Labour Group

**Independent Residents
Group**

Present at the hearing were Mr David Sawtell (Applicant's Solicitor), Mr Ali Bektasoglu (Applicant) and Mr Daniel Aramide (Member of public)

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 SECTION 17 OF
 THE LICENSING ACT 2003 ("THE ACT")**

PREMISES

Albe Limited
111 Upminster Road South
Rainham
RM13 9AA

DETAILS OF APPLICATION

APPLICANT

Albe Limited
111 Upminster Road South
Rainham
RM13 9AA

1. Details of requested licensable activities

Supply of Alcohol (Off Supplies 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 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 complied 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 two valid representations from Mr Rust and Mr Norman and a petition against the application from interested parties. The two representations fall under the heading of public nuisance.

The written representations against this application outlined the following reasons:

- 1) That there were already too many premises selling alcohol
- 2) That due to these premises there was trouble on the street with teenagers congregating outside, fighting, drinking and causing general public nuisance.
- 3) That as his car and property had been damaged, CCTV was installed.
- 4) In general Mr Rust raised concern about public safety and the level of nuisance already experienced in the area.
- 5) Mr Norman raised concern about youths converging outside Flames Kebab and causing a public nuisance late in to the evening.

- 6) That his rear yard had become a local corner dust bin due to the youths throwing wraps of food, beer bottles and other cans over his fence.
- 7) That fights often break out between rival groups under the influence of alcohol and drugs.
- 8) That there was a Junior and Infants school in the vicinity of the proposed premise.

The petition referred to public nuisance and under age drinking in the area.

The two interested parties did not attend the hearing.

There were no representations against this application from responsible authorities.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): None.

Trading Standards Service: None.

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

The representative for the applicants made the following submissions with regards the application:

- 1) That the supermarket already existed and operated
- 2) That the premise was not seeking to increase its floor space
- 3) That the applicant and the Police had agreed a reduced area for the display of alcoholic beverages area that was submitted at the hearing
- 4) That the premises had an arrangement not to undertake delivery between the hours of 22:00 – 08:00 hours

- 5) That there were no real concerns in this part of the borough to refuse the application. There were no police objections.
- 6) That the applicant was a responsible Director who also owned Flames Kebab in the area
- 7) That there was no concern in respect of the Premise Supervisor

4. Determination of Application

Decision

Consequent upon the hearing held on 28 March 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Albe 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 Sub Committee accepted the applicant's oral submissions and the matters set out in section P of the application (pages 20-21 of the Agenda Papers)

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 considered that the objections were too general in nature and did not relate to this premises and in the light of the absence of representations from the police and environmental health were

satisfied that the licensing objectives would not be undermined by the granting of the application.

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 therefore **granted** the application for a premises licence **for the reduced area agreed between the applicant and the police** in full with the compulsory conditions and subject to the following additional conditions:

1. The premises must operate a Challenge 25 policy.
2. All staff must be trained in responsible retailing of alcohol including challenge 25 and in conflict management and such training to be certified.
3. A hard bounded refusal register to be kept and maintained in English on the premises and made available for inspection on request by Responsible Authorities.
4. A properly specified and fully operational CCTV system shall be maintained to a satisfactory standard in accordance with the recommendations of the police 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.
5. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 31 days and made available for inspection on request by Responsible Authorities.
6. That no alcohol product will be sold, offered for sale or advertised as a loss leader, in other words at less than its cost price or offered either free of charge or at a reduced price if bought at the same time as a product that does not contain alcohol.
7. That no sign or advertisement shall be displayed either inside or outside the premises that compares the price of any alcoholic product with a previous or future price and/or the price at which the same product may be purchased at other premises.

Chairman