

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

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Pam Light

Apologies were received for the absence of Councillors Robert Benham.

Present at the meeting were Graham Hopkins and Linda Potter (representing the applicants), Prince Joseph and Willieshan Somasundaram (applicants) and Councillors Andrew Curtin and Frederick Thompson (Objectors).

Also present were Paul Jones (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.

1 SMART, 8 NORTH STREET, ROMFORD - APPLICATION FOR A PREMISES LICENCE.

PREMISES

Smart,
8 North Street,
Romford,
RM1 1bh

DETAILS OF APPLICATION

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

APPLICANT

Smart Shan Ltd.,
8 North Street,
Romford,
Essex,
RM1 1BH

1. Details of the application

The premises are a single unit end of terrace shop with the public area on the ground floor and living accommodation or offices above.

Supply of Alcohol (Off supplies only)		
Day	Start	Finish
Monday to Sunday	06:00hrs	23:00hrs

(amended at the start of the hearing to 08:00hrs to 23:00 hrs on Monday to Sunday)

Seasonal variations & Non-standard timings

No seasonal variation or non standard timing were 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 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 28th March 2012.

The premises are situated inside the Romford Ring Road and falls within Havering's saturation area for Romford.

3. Details of Representations

Valid representations may only address the four licensing objectives

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The protection of children from harm; and
- Public Safety.

There were two (2) valid written representations against this application from interested parties.

There were seven (7) representations supporting the application.

Both written representations referred to the fact that the premises fall within the area covered by the saturation policy in the town. The first suggests the

application is not exceptional and believes the application would be likely to contribute to crime and disorder. The second application objects on the grounds of Public Safety, prevention of public nuisance and the Protection of Children from Harm.

Councillors Thompson and Curtin attended the hearing to confirm their written representations. Councillor Thompson added that anything to mitigate the devastating effect of alcohol consumption would be good. Councillor Curtin stated that the application infringed the saturation policy, and to the cumulative impact upon all four licensing objectives.

The seven representations supporting the application comprise a standard letter signed by individuals who use the shop on a regular basis. They believe the applicants will promote the licensing objectives, that it will provide a good service to locals, and the hours applied for are not excessive.

Responsible Authorities

Metropolitan Police: -.had made a representation against the application because:

- The premises fell within the saturation area of the Town Centre; and
- They felt that the application should be refused on the grounds of saturation policy and cumulative impact; and that allowing this application would not promote the four licensing objectives, with particular reference to crime and disorder, and public nuisance.
- They also believe the application is not exceptional.

Supporting grounds of saturation

- The Police report that there were 13 licensed premises within close proximity, i.e. less than 500m.
- Havering was amongst the highest areas within the Metropolitan Police for alcohol fuelled violence.

Designated area

- The saturation zone within the Town Centre is a designated area.
- Designated Drinking Areas are an effective tool to tackle the problems of nuisance, annoyance to the public and disorder associated with the consumption of alcohol.

The Prevention of crime and disorder.

- Section 27 of the Violent Crime Reduction Act 2006 introduced a power for a constable in uniform to issue a direction to leave a locality to an individual aged at least 16 who are in a public place and who present a risk of alcohol related crime or disorder.

- Section 27 notices can effectively target people who were drinking out in the streets, thus presenting later drunkenness and disorder in venues.
- These are used more in Havering than anywhere else.

Public Safety and the Protection of children from harm.

- The town centre has a high ratio of licensed premises, within the saturation zone.
- The police deal robustly with disorder in the Town Centre and use fixed penalty notices for public order offences, including urination in the street.

Other schemes implemented to assist in promotion of the licensing objectives.

- Among the schemes run in the Town Centre is Banned from One, Banned from All. In the last 12 months 279 banning notices had been issued.

In the light of the above the police were asking the Committee not to grant a further licence in the saturation area of the Town Centre and maintained that there were no conditions which could prevent the issues mentioned in the representation.

Public Health: - None.

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

Planning Control & Enforcement: None.

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

4. Applicant’s response.

Graham Hopkins, for the applicants advised the Panel that his clients were both experienced operators of off licences. Their record was good and they had operated the Aforda Off-Licence in South Street, Romford without any problems.

They had opened the shop in North Street recently and currently sell groceries. The application is designed to allow them to sell a limited range of alcohol to local residents and passing trade. North Street was not an area frequented by school children nor was it the worst part of the saturation area.

The applicants had obtained letters of support from their users. Additional flats were being built in the area and there were no other shops which would be open these hours.

The applicants accepted the need for screening and shutters outside of hours.

The comments from the police did not make any specific reference to Smart. The shop had been open a while and there have not been any issues. No crime statistics could be attributed to these premises. The hours applied for are those of a traditional off-licence and mean the premises would stop selling alcohol before the clubs open.

No representations opposing the application had been received from local residents or local businesses.

5. Determination of Application

Decision

Consequent upon the hearing held on 11 May 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Smart, 8 North Street, Romford 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.

Inspector Blackledge advised the Panel that this application was not exceptional and did not offer anything that was not already available, in abundance, in the Town Centre. The London Borough of Havering

was amongst the highest areas within the Metropolitan Police for alcohol fuelled violence. Off-licences play a key role in fuelling the availability of alcohol and were often cheaper than pubs and bars. She made specific reference to pre-loading where off-licences sell cheap alcohol to customers who consume the alcohol, often in the Town Centre before proceeding to the pubs and clubs.

The Panel felt that the suggested closing time of 23:00 would be ideal for those customers who wished to 'pre-load.'

The result of alcohol abuse in the Town Centre was beginning to impact on local Accident and Emergency facilities.

Whilst Town Centre off-licences might advise customers that the alcohol should not be consumed in the street, the responsibility for policing this rested with the police.

Designated Drinking Areas were an effective tool to tackle the problems associated with anti-social consumption of alcohol in public places. Whilst most clubs and pubs employ door supervisors to prevent alcohol leaving the premises this is not the case with off-licences, although Tesco's are required to employ security whenever alcohol is available for sale.

Inspector Blackledge informed the Panel that Havering has the smallest work force in the Metropolitan Police area. At weekends, 60% of the available workforce is dedicated to police Romford Town Centre. There is a dedicated team who police Romford Town Centre which comprises one Inspector, one sergeant and eight constables. This team aim to police the risk times. Support is available from the Response Teams. Romford has the 3rd largest Night Time Economy in London.

Inspector Blackledge advised that the Romford Town Centre creates 40% of the crime in Romford. This is a real problem and they do not want it getting any worse as they cannot police it with the limited resources at the Police's disposal.

In partnership with the local authority the town centre operates a Banned from One, Banned from All scheme. There have been more banning notices

issued in Havering than in any other borough in the Metropolitan area. The scheme is well supported by all parties.

The Sub-Committee, having considered the various representations, and in light of the saturation policy in place in this area, accepted that it is clear that Romford Town Centre is a serious concern with regard to alcohol fuelled crime and disorder. The Sub-Committee heard how much of the police resource is committed to the area in the late evening and night time, particularly at weekends, to tackle this problem.

The problem is exacerbated by the practice known as 'pre-loading'.

The application, for a small off-licence in the saturation zone, was presented as a convenience store seeking to add a limited range of alcohol for the amenity of local residents and passing trade. However the Sub-Committee felt that the plan submitted as part of the application suggested that alcohol would make up a significant percentage of the goods offered for sale. It could therefore not accept that the application is in fact intended to merely add alcohol to a convenience stores inventory.

The hours proposed, i.e. opening until 11.00pm, are rightly pointed out by the police as being perfect for 'pre-loading' and the Sub-Committee were satisfied that this practice adds to the cumulative impact of crime and disorder and public nuisance in an already saturated area. The Police had stated that their resources are already stretched and they are struggling to police the area. The Sub-Committee were not satisfied that the application as submitted had shown that it would not negatively impact upon one or more of the licensing objectives, and, therefore, could not rebut the presumption that, as it is within the saturation zone, it ought to be refused.

The Sub-Committee were therefore not prepared to allow the application in its current form.

Chairman

