

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
2 July 2012 (10.30 - 11.50 am)**

**Present:**

**COUNCILLORS**

**Conservative Group** Peter Gardner (Chairman), Linda Trew and  
Melvin Wallace

Mr Graham Hopkins (agent for the applicant), Mr Poole (the applicant), PC David Fern (Metropolitan Police), Paul Campbell (Havering Licensing Authority), Councillor Frederick Thompson, Paul Jones (Licensing Officer), the Legal Advisor and the Clerk to the Sub-Committee were present for the meeting.

All decisions were taken with no votes against.

There were no disclosures of pecuniary interest.

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

**1 REPORT OF THE LICENSING OFFICER**

**PREMISES**

Bargains Galore  
7A Western Road  
Romford  
Essex  
RM1 3LD

**DETAILS OF APPLICATION**

An application for a premises licence made under section 17 of the Licensing Act 2003 ("the Act").

**APPLICANTS**

Mr David Poole  
c/o Bargains Galore  
7A Western Road  
Romford  
Essex  
RM1 3LD

**1. Details of the application:**

<b>Supply of alcohol (off sales)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	09:00hrs	20:00hrs

**Seasonal variations**

There were no seasonal variations applied for in the application.

**Non-standard timings**

There were no non-standard timings applied for in the application.

**2. Promotion of the licensing objectives:**

The applicant acted in accordance with premises licence regulations 25 and 26 of the Licensing Act 2003 Regulations 2005 relating to the advertising of the application. The required public notice was installed in the Yellow Advertiser on 16 May 2012.

It was noted that the premises was located in Havering's Romford Town Ward. Havering's 2011 Licensing Policy designates certain stress areas within the borough as saturation zones suffering from the cumulative impact of the number of licensed premises in the vicinity. It was reported that the ring road within Romford Town ward was just such a saturation zone and thus the application was subject to consideration of the appropriate policy. Licensing Policy 018 states:

*"It is the LLA's policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with the regard to licensing policy 012."*

**3. Details of representations**

Valid representations may only address the following licensing objectives:

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

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

There were two representations received against the application from responsible authorities.

### **Representation from the interested party**

The interested party representation largely addressed the 'public safety' licensing objective, as well as public nuisance and the protection of children from harm. It was contended, in summary, that the addition of another premises licence within the Romford Town Centre saturation zone would increase the availability of alcohol to persons who 'pre-load' on cheap alcohol before heading to the pubs and clubs of central Romford. By granting the licence, it increases the threat to public safety causing by excessive alcohol consumption. In addition, given its location the shop could be subject to attempted underage proxy sales.

Councillor Frederick Thompson explained at the hearing that the representations made by the Police and the Licensing Authority had covered many of the reports he wished to raise. One point which had not been addressed was the possibility of proxy purchases made by adults on behalf of children. He urged the Sub-Committee to uphold the saturation policy and refuse the application.

### **Representations from Responsible Authorities**

#### **Licensing Authority:**

The representation from the Licensing Authority was based upon perceived failures in the application to adequately promote the four licensing objectives, particularly as the application site was located within the Romford Town Centre saturation zone where it is considered that granting the licence would increase the cumulative impact of premises selling alcohol.

Mr Paul Campbell, speaking on behalf of the Licensing Authority, explained that the cumulative impact of the proposal would merely add to the alcohol-related problems experienced in Romford Town Centre and undermine the prevention of crime and disorder, the prevention of public nuisance and public safety licensing objectives.

Mr Campbell commented that he had witnessed on numerous occasions young persons over the age of 18 purchasing alcoholic shots or small bottles of spirits from off sale premises and consuming them in the street before moving on to the bars and clubs of Romford; a practice known as 'pre-loading.' Consuming alcohol in this way increases the likelihood of violence and disorder in the town centre. He had also witnessed younger people asking at off-licences what the offers on alcohol were, clearly just seeking the cheapest alcoholic drinks available. With such a large number of off-licences in the area, the share of business is split further, and the pressure to offer cheap alcohol increases.

He added that the proliferation of licensed premises within the saturation zone had not resulted in increased numbers of visitors to the town

centre, rather operators had to attract the existing visitor base into their premises to purchase alcohol. The increased supply of alcohol undermined the objectives of the saturation policy and would in increased instances of public nuisance given the number of intoxicated persons on the streets of central Romford.

### **Metropolitan Police:**

The representation from the Metropolitan Police, in summary, addressed the 'prevention of crime and disorder' and 'prevention of public nuisance' licensing objectives. In addition, the representation contended that granting the licence would contravene the saturation policy designated for the Romford zone and increase the cumulative impact on the town centre.

PC David Fern, representing the Metropolitan Police, echoed many of Mr Campbell's sentiments, arguing that the proliferation of off-licensed premises within the town centre had increased the availability of cheap alcohol which was in-turn linked to a rise in violence and disorder in the Romford Town Centre. PC Fern remarked that the saturation policy had been introduced to prevent further deterioration of alcohol-related crime and disorder in the town centre. The application before the Sub-Committee was not exceptional and offered nothing different to any of the off-licensed premises in Romford Town Centre of which there were many. By granting the application, it would merely increase the cumulative impact of premises selling alcohol and likely result in increased instances of public nuisance and disorder which would place members of the public and the Police at risk from intoxicated individuals at all times of the day. He added that street drinkers were visible throughout the day and that those individuals had purchased their alcohol from off-licensed premises.

PC Fern commented that the Police had extensive powers with which to tackle alcohol-related crime and disorder including banning notices, alcohol restriction areas and saturation zones. However, by granting additional premises licences such initiatives were undermined and caused additional difficulties for the Police in their fight against alcohol-related crime and violence.

### **Response of the Applicant:**

Mr Graham Hopkins, speaking on behalf of the applicant, explained that his clients were fully aware of the existence of the saturation policy and had accordingly submitted an application with that in mind. The applicants were experienced premises operators who had recently passed a trading standards test for an attempt to purchase cigarettes by an underage person. He commented that 2 members of staff would be

...serving at any one time during the hours of operation. The applicant was aware of the proximity of nearby bus stops which school children congregated at; indeed the applicant had discussed the matter with the Police representative. The applicant had operated the premises for the previous 6 years and had experience of children visiting the premises.

He advised that the sale of alcohol would be ancillary to the main operation of the business and would only comprise 10% of the total range of commodities. 'Pre-loading' would not be an issue with the premises as it would shut at 8pm, well before the night time economy kicked into life and the range of alcoholic beverages available would be restricted to low strength beers and ciders (no more than 5.5%), no spirits or high strength beers or ciders would be available for purchase and there would no drinks promotions.

He informed the Sub-Committee that the premises had a comprehensive CCTV system installed and would operate a Challenge 25 policy. The premises had till prompts to protect against underage sales and notices would be displayed in the premises asking customers to leave quietly and to be mindful that Romford Town Centre was an alcohol restriction zone.

Mr Hopkins stated that a nearby Tesco store had been granted a premises licence for off sales supply of alcohol; the application before the Sub-Committee mirrored that application and the applicant would be prepared to abide by similar conditions attached to the Tesco premises licence.

In addition, he explained that there had been no representations submitted against the application from local residents who lived in close proximity to the premises.

Mr Hopkins challenged the Police contention that granting the licence would add to the public disorder which Romford experienced; he explained that the premises closed at 8pm before much of the disorder occurred in Romford. He also suggested that pre-loading occurred in people's homes before they visited Romford and that it was not off-licences which were responsible.

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

##### **Decision:**

**Consequent upon the hearing held on 2 July 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Bargains Galore 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 requested variation to the premises licence would undermine the licensing objectives.

The Sub-Committee accept that the area is a saturation zone, and that therefore issues of cumulative impact upon the licensing conditions will be considered if raised. However it remains that applications are to be considered upon their merits, the 'need' (or lack thereof) for a further licensed premises can not be considered, and there would need to be a link shown between the application and legitimate concerns as to cumulative impact.

The Applicant presented as an experienced and responsible operator, and this was not challenged. He has operated the premises for some time without any trouble.

The Sub-Committee accepted what was said with regard to the issue of "pre-loading", but were satisfied that the hours applied for would effectively negate this premises adding to this practice. The crime statistics that the saturation policy was based upon indicate that crime and disorder become problematic from 23:00 onward, and this premises would be closed by 20:00.

With the hours applied for and the conditions offered, the Sub-Committee were not provided with any evidence that the premises would contribute to cumulative impact upon any of the licensing objectives.

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 stated that it considered all aspects of the application, including all written and oral representations which were largely concerned with the Romford Town Centre Saturation Zone and the impact that granting a further premises licence would have on the effectiveness of that policy.

The effect of the policy was to create a rebuttable presumption that applications which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, unless the applicant can show that there will be no negative cumulative impact upon the licensing objectives.

The Sub-Committee commented that the application was modest in terms of the hours of operation applied for and it noted that only 10% of floor space would be allocated for the sale of wine and low strength beers and ciders. Given those limitations, the Sub-Committee was unconvinced by the submitted objections that the application could be linked to cumulative impact which would in some way undermine the four licensing objectives.

The Sub-Committee considered that early closing times, responsible operators and applications, and restrictive conditions being offered by applicants was proof of the saturation policy working, and this application was an example of that, and had resulted in a measured and well-thought through application having been submitted.

The Sub-Committee added that each application must be dealt with on its own merits irrespective of whether the premises was located within a saturation zone. The Sub-Committee therefore granted the application in full subject to the following conditions:

1. A digital CCTV system shall be installed and maintained at the premises. The system shall cover many areas of the premises, including the entrance/exit, checkouts, and main alcohol display areas. Images shall be kept for a minimum of 31 days and shall be produced to a Police Officer/Police Community Support Officer, or an employee of the London Borough of Havering in a readily playable format immediately on request when the premises are open and at all other times as soon as practical. There will be sufficient staff training to facilitate this.
2. A Challenge 25 scheme shall operate at the premises. All staff will be trained and refreshed on the Challenge 25 policy. Training will be recorded and made available for inspection on the request of enforcement authorities. Any person who appears to be under 25 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport or driving licence with photograph or PASS accredited card.)

3. Challenge 25 notices shall be displayed in prominent positions throughout the premises.
4. A hard-copy bound refusals register to be kept and maintained for 12 months
5. Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of persons under 18 and a notice to this effect must be displayed within the premises.
6. Outside the times of the licence customers will be prevented from accessing alcohol by lockable fixtures.
7. The premises shall not stock any beers, ciders or lagers with an ABV of over 5.5%, without the prior written agreement of the Metropolitan Police.
8. The premises shall not stock any cans/bottles of lager unless they are in a pack of four or more.
9. No spirits shall be sold.
10. No bottles of wine less than 75cl to be sold on the premises.
11. No more than 10% of the usable floor space shall be used for the sale of alcohol.
12. Alcohol shall only be stocked in the areas shown on the plan submitted on the application without the prior approval of the Licensing Authority.
13. No persons carrying open vessels of alcohol shall be admitted to the premises at any time.
14. No alcohol will be displayed for sale within 2 metres of any public entrance/exit of the premises.
15. These premises shall not offer any promotions which have been devised locally, in relation to the sale of alcohol.
16. The premises will participate in local schemes such as 'Safe and Sound' if one is in operation.
17. If the general public congregating outside the premises are causing anti-social behaviour the management shall request that they leave and if the problem persists the Police shall be called for support.
19. On the request of the Metropolitan Police the store will provide contact details of any member of staff.
20. A minimum of two staff shall be serving at all times, one of whom must be a personal licence holder.

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**Chairman**