

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
5 July 2012 (10.30 - 11.40 am)**

**Present:**

**COUNCILLORS**

**Conservative Group**            Peter Gardner (Chairman) and Melvin Wallace

**Labour Group**                 Denis Breading

Present at the meeting were Mr N Yazar (applicant), Councillor John Wood, Mr R Miller and Mrs M A Griffiths (Objectors).

P C David Fern (Metropolitan Police), K Bush and S Taylor (Trading Standards) and Paul Jones Licensing (Responsible Authorities.)

Also present were Paul Campbell (Licensing Officer), the Legal Adviser 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        APPLICATION FOR A PREMISES LICENCE FOR PRINCESS TEXTILES.  
         167 HIGH STREET, HORNCHURCH**

**PREMISES**

Princess Textiles,  
167 High Street,  
Hornchurch,  
Essex.  
RM11 3XS

**DETAILS OF APPLICATION**

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

**APPLICANT**

Namik Korkmaz Yazar,  
1 Charlotte Mews,  
Rainham,  
Essex.  
RM13 9QN

## 1. Details of the application

The premises is a single unit terrace shop on the ground floor with a flat above. It is located in the centre of Hornchurch on the north side of High Street at the roundabout one way system junction with Station Lane. All of the premises along High Street and Station Lane in the surrounding area are shops or business premises on the ground floor and many of them have residential flats above. The premises behind the shops are mainly residential properties.

<b>Supply of Alcohol (Off supplies only)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	10:00hrs	00:00hrs

Paul Campbell advised the Sub-Committee that there was an error in his report, the application was only for the sale of alcohol until 23:00 hrs.

<b>Hours premises open to the public</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	10:00hrs	23:00hrs

## 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 had 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 Romford Recorder on Friday, 18<sup>th</sup> May 2012.

The premises are situated in the St Andrews ward and falls within Havering's saturation area for Hornchurch.

## 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 seven valid representations against this application from interested parties and three representations from responsible authorities.

**Responsible Authorities**

**Paul Jones, on behalf of the Licensing Authority** –made a representation against the application on the grounds that:

- Princess Textiles was located in the St Andrew's ward which was subject to a saturation policy with regard to the concentration of licensed premises in the ward;
- This area has been identified as under stress due to the cumulative nature of the concentration of licensed premises which had lead to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses;
- The application is not exceptional; and
- The intended DPS who until recently had been the licence holder and DPS at another licensed premises in St Andrews Ward had been issued two formal warnings with regard to the sale of alcohol beyond the licensed hours.

**Keith Bush, Trading Standards** - made a representation against the application on the grounds that:

- Princess Textiles was located in the St Andrew's ward which was subject to a saturation policy with regard to the concentration of licensed premises in the ward;
- The application is not exceptional;
- The Town Centre is an area which has suffered from crime and anti-social behaviour in the past and the increasing amount of licensed premises was only likely to make matters worse;
- Underage sales of alcohol are a concern in Hornchurch, with closures of premises resulting, and 1 in 3 test purchases in the area are failures;
- The venue is particularly close to a number of bus stops at a fairly major transport hub where young persons were likely to congregate. The applicant had not detailed any strategies to dealing with this, or issues of cumulative impact;
- The application did not address the concerns held by Trading Standards, and there was no mention of training, personal licence holders on staff, or how refusals would be dealt with and recorded;
- There were concerns regarding training and till prompts which would impact on the licensing objective of the protection of children from harm.

**Metropolitan Police:** - made a representation against the application because:

- The applicant had failed to state why the application was exceptional and why it should be considered in a saturation area;

- The applicant had failed to fully address the licensing objectives, the prevention of crime and disorder, public nuisance and protection of children from harm;
- Crime and disorder, anti-social behaviour, and underage alcohol sales were serious concerns in the Hornchurch area, and these had not been considered by the applicant.
- Pre-loading was a concern at the hours applied for – where patrons purchase cheaper alcohol at off-licences prior to frequenting on-licensed premises;
- The applicant has failed to show on the map enclosed with the application where alcohol would be stored or what percentage of floor space would be required for the sale of alcohol;
- The DPS nominated on this application was present and working at Marmaris off licence, Hornchurch, when counterfeit alcohol was seized from the premises.

**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

#### **Interested Parties**

The interested parties did not believe the applicant had demonstrated why this application was exceptional and therefore it should not be allowed in the saturation area. They also expressed concern that another off-licence would further exacerbate the crime and disorder in the Town Centre which was evidenced by the number of physical assaults which had occurred in the Town Centre.

There were also concerns that another off-licence, in this vicinity would encourage young people to hang around in the nearby alley creating a public nuisance and adding to anti-social behaviour.

#### **4. Applicant’s response.**

The applicant advised that he had checked the Personal Licence of the proposed Designated Premises Supervisor (DPS) and there were no problems. The proposed DPS had worked in the area for the last three years. He had not been aware of the problems at Marmaris, it was the owners who purchased the alcohol and who insisted on the opening

hours. If the Council and/or Police had a problem with him why had they not revoked his licence?

He would be the sole purchaser of alcohol and would ensure the premises closed at 2300 hrs so these types of problems could not occur.

He was proposing to open a fine wine shop as opposed to a standard off-licence. There were no similar premises in the area. He had checked the saturation policy and it did not prohibit the sub-committee from granting him a licence.

The local clubs and bars would still be open when he planned to close at 2300hrs, so there would not be issues of congestion outside his shop. He lives and works in the area so would not wish to add to the current problems.

His is a small shop and would not be able to afford do the cheap deals associated with pre-loading.

He complemented the Council on the efficiency of StreetCare in keeping the alleyway clean. If lighting and CCTV was required to prevent a nuisance in this area that was the responsibility of the council.

## **5. Determination of Application**

### **Decision**

**Consequent upon the hearing held on 5 July 2012, the Sub-Committee's decision regarding the application for a Premises Licence for Princess Textiles, 167 High Street, 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.

In response to the applicants concerns that the police had provided no crime figures to support their objection Dave Fern, on behalf of the Metropolitan Police, advised that it was not necessary to use up to date crime figures as he was relying on the saturation policy to support his argument for refusal. However, the most up to date crime figures at been made available at the recent Safe and Sound meeting in Hornchurch, and could be made available to the applicant.

The Police also stated that whilst a case might be made if the proposal was just to sell fine wine the applicant had indicated the shop would also sell beers and spirits.

The Police also reiterated their concerns at the applicant's choice of Designated Premises Supervisor.

Keith Bush, Specialist Trading Standards Officer expressed concern that the application did not satisfactorily address the issue of staff training, nor was there any mention of till prompts nor how refusals would be monitored. In response the applicant informed the hearing that he would be using electronic tills on which automatic prompts could be installed. He would ensure all staff received adequate training and that this was regularly refreshed. He would also ensure a refusals book was in use and available for inspection. He would comply with any conditions required by the police.

The Sub-Committee had listened carefully to all the representations concerning crime and disorder and public nuisance in an area which is subject to a saturation policy. This policy, which is available to the public, contains crime figures for the area, which had created sufficient concerns for the policy to be adopted.

The policy does not impose a cap on the number of licensed premises, nor can the need for such premises be considered. However, any applications for new licences in the area need to consider the problems which will be faced in such an area, and robust management and operation is absolutely required. The application is at best vague on paper and the Sub-Committee were not satisfied that the applicant adequately clarified matters at the hearing. The Sub-Committee did not feel that the concerns of the responsible authorities were met.

Any applicant in area saturation zone, which is subject to concerns of cumulative impact upon the licensing objectives, ought to have considered cumulative impact, and be able to demonstrate why it will not negatively affect the licensing objectives. Concerns also remain about staff training and the proposed Designated Premises Supervisor, amongst other issues.

The Sub-Committee were therefore not prepared to allow the application.

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**Chairman**