

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 1 November 2012

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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR A PREMISES LICENCE FOR SMART, 8 NORTH STREET, ROMFORD RM11BH	<p>PREMISES Smart, 8 North Street, Romford, RM1 1BH</p> <p>DETAILS OF APPLICATION</p> <p>Application for a premises licence under section 17 the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Smart Shan Ltd., 8 North Street, Romford, Essex, RM1 1BH</p> <p>1. Details of the application</p> <p>The premises are a single unit end of terrace shop with the public area on the ground floor and living accommodation or offices above.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol (Off supplies only)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">09:00hrs</td> <td align="center">20:00hrs</td> </tr> </tbody> </table>	Supply of Alcohol (Off supplies only)			Day	Start	Finish	Monday to Sunday	09:00hrs	20:00hrs
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		<p><u>Seasonal variations & Non-standard timings</u></p> <p>No seasonal variation or non standard timing was applied for in this application.</p> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.</p> <p>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 28 October 2012.</p> <p>3. Details of Representations</p> <p>Valid representations may only address the four licensing objectives</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • The prevention of public nuisance; • The protection of children from harm; and • Public Safety. <p>There was one valid written representation against this application from an interested party.</p> <p>The representation from the interested party addressed at least one of the licensing objectives</p>

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		<p>and mentioned that the premises was within an area covered by Havering’s saturation policy.</p> <p><u>Responsible Authorities</u></p> <p>Metropolitan Police: -.had made a representation against the application because:</p> <ul style="list-style-type: none"> • 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. • They also believe the application is not exceptional. <p>Supporting grounds of saturation</p> <ul style="list-style-type: none"> • 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. <p>Designated area</p> <ul style="list-style-type: none"> • The saturation zone within the Town Centre is the 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. <p>The prevention of crime and disorder.</p> <ul style="list-style-type: none"> • 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.

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		<ul style="list-style-type: none"> • Section 27 notices can effectively target people who were drinking out in the streets, thus presenting later drunkenness and disorder in venues. <p>Public safety and the protection of children from harm.</p> <ul style="list-style-type: none"> • 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. <p>Other schemes implemented to assist in promotion of the licensing objectives.</p> <ul style="list-style-type: none"> • 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. <p>In the light of the above the police were asking the Sub-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.</p> <p>The following Responsible Authorities</p> <p>Public Health London Fire & Emergency Planning Authority (“LFEPA”). Planning Control & Enforcement. Children & Families Service Trading Standards Service The Magistrates Court</p> <p>Submitted no representations</p>

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		<p>4. Applicant's response.</p> <p>Graham Hopkins, on behalf of the applicants informed 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 (located close to the railway station) without any problems.</p> <p>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 (there is a block of flats nearby and further residential development is currently under way) and passing trade. North Street was not the worst part of the Town Centre saturation area.</p> <p>The applicants accepted the need for screening and shutters outside of hours and Mr Hopkins added that whilst their Operating Schedule covered most of the concerns raised by the Police (such as CCTV) they were willing to apply the conditions proposed by them.</p> <p>As this was a new business, there was no direct evidence that the shop – a convenience store – was contributing to problems in the area. His clients had never failed a test purchase and their previous business was in a far more volatile area than the current location in the pedestrian area of North Street. The Police arguments were of a more general nature and made no specific reference to Smart. The hours requested for the sale of alcohol commenced after the morning rush and concluded too soon for those who intended to purchase cheap alcohol to “pre-load” their evening at a club. In addition, Mr Hopkins assured the Sub-Committee that apart from the Designated Premises Supervisor, most of the family held personal licences and it was expected that there would be two personal licence holders on the premises at all times.</p> <p>Mr Hopkins concluded by stating that the granting of the application would not add to any issues of cumulative impact and would not contribute to late night violence given the times</p>

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		<p>applied for. At those times, North Street was in fact a transitory route out of Romford. Mr Hopkins informed the Sub-Committee that the premises would not offer any drinks promotions, simply because, as a one-off shop it simply could not afford to.</p> <p>No representations opposing the application had been received from local residents nor from the local businesses.</p> <p>5. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 1 November 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:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>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.</p> <p>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.</p>
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		<p>Agreed Facts <u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the fo licensing objectives.</p> <p>PC Fern informed the Sub-Committee 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 played a key role in making cheap alcohol available those intending to spend their time in pubs and bars where alcohol was like to be more expensive. He made specific reference to pre-loading and cited an example of street drinkers he had personally witnessed in near-by Ange Way, arguing that this was a likely consequence of allowing off-sales in the area.</p> <p>The Sub-Committee considered that the requested end time for the sale of alcohol of 20:00 would not be conducive to pre-loading and was of the opinion that without specific evidence which directly linked a specific outlet street drinking, there was little it could find against the application.</p> <p>PC Fern argued that the results of alcohol abuse in the Town Centre was beginning to impact on local Accident and Emergency facilities and that whilst Town Centre off-licences might advise customers that the alcohol should not be consumed in the street, the responsibility for enforcing this rested with the police.</p> <p>Designated Drinking Areas were an effective tool to tackle the problems</p>

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		<p>associated with anti-social consumption of alcohol in public places. Whilst most clubs and pubs employed door supervisors to prevent alcohol leaving the premises, this was not the case with off-sales.</p> <p>PC Fern argued that In partnership with the local authority the Town Centre operated a “banned from one, banned from all” scheme. There had been more banning notices issued in Havering than in any other borough in the Metropolitan Police area. The scheme was well supported by all parties.</p> <p>In conclusion, PC Fern reiterated that the Police could not support this application as it was not one which the Police considered was exceptional and would therefore bring nothing new into an area which was covered by the Council’s saturation policy.</p> <p>Councillor Frederick Thompson stated that his view fully supported that presented by the Police and it was on the basis of there already being too many outlets selling alcohol in and around the Town Centre that was making the environment unpleasant and unsafe for residents and visitors to the Town Centre.</p> <p>The Sub-Committee, having considered the various representations from the Applicant’s representative and from the interested party and Police, stated that its decision was to grant the licence for the time requested.</p> <p>It appreciated the concerns of the Police and wished to reiterate its support of the work it was doing and acknowledged that the premises was within an area designated as being a “saturation zone”, but it was mindful that the business was new to the area and the Applicants appeared to be of good character and their previous record of managing an off-</p>

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		<p>licence in another hot-spot – by the railway station – appeared to have been without blemish.</p> <p>The “saturation zone” was brought about through the Havering Licensing Policy and by way of the Guidance to the Licensing Act 2003 which provided scope for Councils to declare that certain areas where the cumulative impact of licensed premises was having a negative impact upon the licensing objectives applicants for new licences would have to prove that their application would not add to that cumulative impact.</p> <p>Such a policy had to be evidence based and relevant. Evidence based objections were still required to justify refusing such applications. The evidence for the saturation policy in Romford’s Town Centre referred to the night time economy; to a large proportion of bars/pubs and clubs having late licences and to a significant proportion of offences occurring between 2300-0400. The current application was for off-licence alcohol sales between 0900 and 2000 from a convenience store which would devote no more than 10% of its floor space to alcohol display and sale. The objections referred to pre-loading but this was unlikely to be a concern at the hours applied for.</p> <p>Given that the current cumulative impact policy was not based on any evidence of trouble during the day time or trouble from off licences in general and the representations did not indicate how the current application would in fact contribute to cumulative impact, the Sub-Committee was satisfied that the application ought to be granted.</p> <p>The conditions offered in the operating schedule, along with those agreed with the Police removed any concern the Sub-Committee had that the application as granted would have any negative impact on any of the licensing objectives.</p> <p>The Sub-Committee confirmed that it was conscious that Romford Town Centre was a difficult area due to the serious concern with regard to alcohol fuelled crime and disorder and fears of anti-social behaviour such as street drinkers, but the restricted time requested</p>

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		<p>for the sale of alcohol, the assurances given about how it would be controlled when not on sale along with the Applicants agreement to incorporate all the Police recommendations, meant that the Sub-Committee could feel confident that allowing this licence would not add to problems in the area.</p> <p>The Sub-Committee added that where there was an overlap between the conditions in the Applicants' Operating Schedule and the conditions proposed by the Police, the Police conditions would take precedence. These are set out in full below. Furthermore, it accepted that alcohol display would be no more than 10% of the shop area, that no alcohol would be placed or displayed within two metres of the doorway, that multi-packs would not be split up and sold individually and that no bottles of alcohol less than 70cl would be sold on the premises.</p> <p>CD1 All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, on-going and under constant review and must be available to a relevant Responsible Authority when called upon. Refresher training should be every six months on the responsible sale of alcohol.</p> <p>CD6 A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. The register shall be hard-bound and record the name of the person responsible for the premises on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with that call. The Premises Daily Register will be readily available for inspection by an authorised person throughout the</p>

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		<p>trading hours of the premises. The Premises Daily Register will also record all incidents in relation to the use of any force by staff. It shall record the time and date of the occurrence, name or brief description of the person removed and details of the staff involved.</p> <p>CD16 A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each entrance and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.</p> <p>CD17 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority:</p> <p>A site plan showing position of cameras and their field of view. A Code of Practice. Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position Operational requirement. Incident log. Maintenance records including weekly visual checks.</p> <p>D18 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.</p>

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		<p>D19 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</p> <p>D20 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.</p> <p>D21 A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p> <p>DGPG3 A proof of age scheme, Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.</p> <p>DGPG4 Prominent clear notices shall 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.</p> <p>DGPG12 All occasions when persons have been refused service shall be recorded</p>

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		<p>in writing and kept at the premises for 12 months.</p> <p>Designated Premises supervisor, Premises licence holders and other members of their staff must keep a register detailing when alcohol and cigarettes have attempted to be purchased by someone suspected as being underage. This register – which shall be hard-bound - should detail the person who refused the sale, the date and time and the product subject to the attempted purchase, details surrounding the attempted purchase and detail/description of the person attempting the purchase.</p> <p>This register should be available to all staff selling age restricted products, for their referral prior to them starting work each day. The register should be available for inspection by a Trading Standards officer, police officer or Licensing officer.</p> <p>DGPG13 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.</p> <p>The front window of the store must be kept clear from any promotional posters or anything similar, staff are require to monitor outside the store to prevent any proximity sales. Warnings should be given to adults about the offence of buying alcohol for those under 18 if suspected.</p> <p>A personal licence holder will be on duty at times during licensable activity.</p> <p>The maximum floor space shall be <u>no more than 10 % of the store</u> indicated on a map. No alcohol can be place or stacked any where else in</p>

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		<p>the store, except in the storage area out of the public view.</p> <p>The premises shall not stock any Beers, Ciders, lagers and sprit mixed drinks with an ABV over 5.2 %.</p> <p>The premises shall not stock any cans/bottles of lager, cider, beer or sprint based mixers unless they are in packs of four or more.</p> <p>No bottles of wine or spirits less then 70cl shall be sold of the premises.</p> <p>Any till used at the premises for serving customers must operate with a prompt, requiring the server to certify the age of the customer purchasing any alcoholic product.</p> <p>6. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.
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		Grant Söderberg Clerk to the Licensing Sub-Committee