

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 12 November 2012

Agenda Item No	Topic	Decision
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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

<p>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE FOR ARKADIA NEWS, UNIT M1, ROMFORD SHOPPING HALL, 43 MARKET PLACE, ROMFORD.</p>	<p>PREMISES</p> <p>Arkadia News, Unit M1, Romford Shopping Hall, 43 Market Place, Romford. RM1 3AB</p> <p>DETAILS OF APPLICATION</p> <p>Application for a premises licence under Section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT</p> <p>Mr Graham Walker, 138 Cambridge Avenue, Gidea Park, Romford, RM2 6RA</p> <p>1. Details of the application</p> <p>The Romford Shopping Hall is situated on the north side of the Market Square Romford, it is an enclosed pedestrian shopping precinct with many units inside selling a variety of goods. The access to the Shopping Hall is by six sets of double doors which lead directly onto the Market</p>
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		<p>Square. Unit M1 is situated in the centre at the very south part of the Shopping Hall directly behind the centre four double doors of the six. The unit is basically a rectangular area with a solid wall at the northern end, glass doors at the southern end, the walls either side are glass with open doors on both sides all walls are floor to ceiling.</p> <p>The Shopping Hall is shuttered when closed and Unit M1 is blocked off internally.</p> <p>The surrounding premises are mainly shops and businesses on the ground floor with a market 3 days per week, there are residential properties above the venue.</p> <p>The premises are situated in the centre of Romford and close to all public transport links.</p> <p>The premises are situated inside the Romford Ring Road and fall within Havering’s saturation area for Romford.</p> <table border="1" data-bbox="842 1093 1977 1200"> <thead> <tr> <th colspan="3">Supply of Alcohol (Off Supply only)</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>09:00hrs</td> <td>17:00hrs</td> </tr> </tbody> </table> <p>No seasonal variations or non-standard timings are proposed.</p> <p>The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.</p>	Supply of Alcohol (Off Supply only)			Day	Start	Finish	Monday to Sunday	09:00hrs	17:00hrs
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		<p>2. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance 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 newspaper advertisement was installed in the Yellow Advertiser on Wednesday, 3 October 2012.</p> <p>3. Details of Representations</p> <p>Valid representations may only address the following 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 • Public safety <p>There were no valid representations against this application.</p> <p>4. Responsible Authorities' representations</p> <p>Metropolitan Police – had made a representation outlining a number of concerns relating to the licensing objectives which they wished the Sub-Committee to consider. The police stated that:</p> <ul style="list-style-type: none"> • The premises fall within the saturation are of the Town centre; • They feel the application should be refused on the grounds of saturation and

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		<ul style="list-style-type: none"> • cumulative impact; • Allowing the application would not promote the licensing objectives, prevention of crime and disorder and public nuisance; and • The application was far from exceptional. <p>There were now 20 off licence premises located within close proximity.</p> <p>Off-licences add to the availability of alcohol, and, as they offer alcohol cheaper than the bars and pubs, led to issues of pre-loading, although it was accepted that this was related to the night time trade, and this premises was to close at 5pm. The Police were also concerned that drinks promotions offering cheap drinks could be irresponsible, but more likely to occur with numerous off-licences being in the vicinity.</p> <p>Although the Policy refers specifically to problems late in the evening and during the night time, there were still problems created by street drinkers and alcoholics. Given the premises proximity to the ring road granting a licence could increase the problem of drinking outside the ring road.</p> <p>In dealing with problems in the area, the “saturation zone” was a designated area under the Criminal Justice and Police Act 2001 giving Police power to deal with alcohol related disorder, including confiscation of alcohol. Under Section 27 of the Violent Crime Reduction Act 2006 the police have the power to issue a direction to leave a locality to an individual aged at least 16 who is in a public place and who presents a risk of alcohol related crime or disorder. The Romford town centre also operates a banned from one, banned from all scheme. In the last 12 months 279 banning notices have been issued.</p> <p>The police maintain that there are no conditions which could be imposed to prevent the</p>

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		<p>issues mentioned in their representation. In their opinion we do not need another off licence creating further availability of alcohol and creating cumulative impact.</p> <p>The police also had concerns that the store personnel appear to assist at an adjacent unit giving rise to concerns around theft and the possibility of children obtaining alcohol.</p> <p>Public Health: None.</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None.</p> <p>Planning Control & Enforcement: None.</p> <p>Children & Families Service: None</p> <p>Trading Standards Service: None</p> <p>The Magistrates Court: None</p> <p>Licensing Authority: None</p> <p>5. Applicant’s response</p> <p>Graham Hopkins, agent for the applicant advised the sub-committee that his client, the applicant also owned the card shop in the Shopping Hall and had a stall on the market. Arkadia news was a new venture and he would ensure it was always manned by a Personal Licence Holder. The sale of alcohol would be ancillary to the other goods sold on the unit, not replace them.</p>

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		<p>In submitting the application he had put forward a list of conditions but he indicated that he was prepared to accept all the conditions suggested by the Metropolitan Police. He was happy to put in CCTV and would speak to the Police specialist to ensure the right system was installed.</p> <p>His client wished to ensure he was fully prepared and both he and his Designated Premises Supervisor (DPS) would be attending training tomorrow. To tackle the issue of possible theft his client was prepared to move the chiller cabinet to ensure it was fully behind the counter. They would also not be offering any cheap deals on alcohol, or alcohol-based promotions.</p> <p>The applicant was aware of the saturation policy covering the area, of the importance of promoting the licensing objectives, and of his responsibilities in operating a licensed premises</p> <p>6. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 12 November 2012, the Sub-Committee’s decision regarding the application for a Premises Licence for Arkadia News, Unit M1, Romford Shopping Hall, 43 market Place, 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>

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		<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> <p>Agreed Facts</p> <p>Facts/Issues PC Fern advised the Sub-Committee that although the premises would close at 5.00pm there was still a problem with street drinkers and alcoholics. When asked for details of the extent of the problem during the hours of 9.00am to 5.00pm he was unable to provide any details.</p> <p>The applicant's agents advised that his client would only be selling beers, lagers and ciders with an ABV of under 5.2%, and in packs of at least 4 cans/bottles which were unlikely to appeal to street drinkers or alcoholics.</p> <p>P C Fern had expressed concern that he had noted, on one occasion, that the member of staff manning Arkadia News had left the unit to serve at another unit. Mr Hopkins, on behalf of his client assured the Sub-Committee gave an undertaking that this would not happen if the licence was granted, and a personal licence holder would be present in the</p>
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		<p align="center">licensed premises at all times.</p> <p>The Sub-Committee, having considered the representation from the Metropolitan Police and heard the responses from the applicant's agent, were not persuaded that any issues of cumulative impact could be attributed to the application, given its limited scope. The evidence that led to the adoption of the saturation (cumulative impact) policy was based on statistics showing alcohol based concerns largely after 23:00, and largely relating to patrons of on-licensed premises. There had been no evidence provided of problems during the day time either in the policy, or at the hearing.</p> <p>The application was for 10% of the shop to be attributed to alcohol, between the hours of 9am and 5pm. Any concerns that had been raised relating to the licensing objectives were more than adequately satisfied by the comprehensive conditions put forward and/or accepted by the applicant.</p> <p>On that basis, the Sub-Committee granted the licence subject to the conditions (as agreed), as follows:</p> <ol style="list-style-type: none"> 1. The refusals register to be kept shall be a hard back book, not a loose leaf binder; 2. The premises shall not offer any alcohol based promotions or special offers, and both the front and side windows shall be kept clear of any promotional posters or anything similar; 3. A Personal Licence Holder shall be on duty solely at this unit/premises, and not at any other unit or stall owned or run by the applicant; and

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		<p>4. All alcoholic beverages shall be displayed behind the counter and not directly accessible to the customer.</p> <p>The conditions to be imposed on the licence shall include the following as requested by the Metropolitan Police and accepted by the applicant.</p> <p>CD1 All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon. Refresher training should be every 6 months on the responsible sale of alcohol.</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 of the entrance doors 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>CD18 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> <p>CD19 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</p>

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		<p>activity.</p> <p>CD21 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>CDGPG3 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>CDGPG4 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>CDGPG12 All occasions when persons have been refused service shall be recorded 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 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>

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		<p>CDGPG13 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 10 % of the store indicated on a map. No alcohol can be place or stacked any where else in 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 sprit based mixers unless they are in packs of four or more.</p> <p>No bottles of wine or spirits less than 75cl 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>7. Right of Appeal</p>

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		<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. <p>James Goodwin Clerk to the Licensing Sub-Committee</p>