

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 3 December 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

A1	APPLICATION FOR A PREMISES LICENCE - NORTH STREET CONVENIENT STORES, 17 HAINAULT ROAD, ROMFORD, RM5 3AA	<p>PREMISES North Street Convenient Stores 17 Hainault Road Romford RM5 3AA</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 Mr Rajalingam Easwaralingam 17 Hainault Road Romford RM5 3AA</p> <p>1. Details of the application</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th align="center" colspan="3">Supply of alcohol (off premises); hours the premises is open to the public</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> <tr> <td align="center">Monday to Sunday</td> <td align="center">07:00</td> <td align="center">22:00</td> </tr> </table> <p><u>Seasonal variations & Non-standard timings</u></p> <p>No seasonal variation or non-standard timing was applied for in this application.</p>	Supply of alcohol (off premises); hours the premises is open to the public			Day	Start	Finish	Monday to Sunday	07:00	22:00
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		<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 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 public notice was installed in the 24 October 2012 edition of the Yellow Advertiser.</p> <p>Following discussion with Havering Police Officer, the applicant agreed voluntarily to adopt a series of conditions should the application be granted.</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 • Public Safety. <p>There was one representation against this application from an interested party.</p> <p>There were no representations against this application from responsible authorities.</p>

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		<p><u>Responsible Authorities</u></p> <p>Metropolitan Police: 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><u>Interested parties’ representations</u></p> <p>The representation against this application is based upon the prevention of public nuisance licensing objective.</p> <p>Mr & Mrs Scutcher, the objectors attended the hearing. They addressed the subcommittee stating that they lived next door to the premises. Their major concerns related to the operating hours applied for.</p> <p>Mr Scutcher stated that the sale of alcohol from this premises will cause additional noise and attract people to congregate outside the premises. That the issue was of particular concern as they had young children who are disturbed by people coming and going outside the house at bedtime as the premises had a cash machine and people stopped to use the facility in the evenings. They were of the opinion that with the application to open the premises till late and selling alcohol, anti-social behaviour which was a problem in the country will arise in the area.</p>

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		<p>Mr Scutcher also stated that with the sale of alcohol from the premises, this will lead to litter being dropped in the area as there were no litter bins in the road. That they were also aware that Havering had a significantly high level of alcohol related crimes. They also were of the view that having another off licence within an area already saturated with off licences would not have a beneficial effect on the community.</p> <p>In response to a question, Mr Scutcher informed the subcommittee that previously this premises operated Monday to Friday from 07:00 – 17.45 hours and operated a half day shift on Saturday whilst it was closed on Sunday. He also stated that an off licence a few doors away operated between 07:00 to 19:00 hours.</p> <p>4. Applicant’s response.</p> <p>Mr Stewart Gibson appeared on behalf of the applicant, and also responded to the representation from the interested party.</p> <p>He stated that the applicant recently took over the premise which was currently a Post Office and convenience store. That by the spirit of the Act, he was in his right to apply for a licence for the same times he intended the premises to be open. That the premises plans to close one hour before many of the public houses closes. And that this application was purely to enhance the business that the applicant was growing and maximise the potential of the business.</p> <p>In response to the objections Mr Gibson reminded the Sub-Committee that the “need” for licensed premises in an area was not one they could consider, and submitted that the suggestion that just because the applicant sought to offer alcohol for sale “undesirables” would gather there is unreasonable. The store would not draw people from miles around; it</p>

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		<p>was simply so that existing customers could also buy alcohol, a decision taken by the applicant for economic reasons.</p> <p>The subcommittee was also informed that the premises was not seeking to attract people from miles away but to meet the needs of its local clients. That the applicant and the Police had reached agreement with the suggested conditions proposed by the Havering Police Licensing Officer.</p> <p>The subcommittee was informed that the applicant would install two rubbish bins in the vicinity of the premises in agreement with the appropriate council department.</p> <p>4. Determination of Application</p> <p>Decision</p> <p>Following the hearing held on 3 December 2012, the Sub-Committee’s decision regarding the application for a Premises Licence for North Street Convenient Stores, Hornchurch, RM12 4TN 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>

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		<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><u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the four licensing objectives.</p> <p>The prevention of public nuisance</p> <p>The representation made by Mr & Mrs Scutcher expressed concern that that the sale of alcohol from this premises will cause additional noise and attract people to congregate outside the premises.</p> <p>In reply the subcommittee had heard the points made by the applicant’s representative how the applicant intends to uphold the licensing objective adding that the concerns of the Havering Police Licensing Officer had been addressed by accepting conditions voluntarily.</p> <p>The sub committee took note that the applicant recently took over the premises and that there did not appear to have been trouble in the vicinity of the premises.</p> <p>The Applicant currently closes the store at 7:00pm, but intends to operate until 10:00pm should he be granted a licence.</p> <p>The Sub Committee decided that based on the potential for further public nuisance based</p>

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		<p>upon the legitimate concerns raised by the objectors in attendance, they would limit the hours slightly from Sunday to Thursday. This decision was made bearing in mind the premises was located in very much a residential area with many young families. The subcommittee therefore determined to grant the application for the following trading hours:</p> <table border="1" data-bbox="972 619 1684 794"> <thead> <tr> <th colspan="3">Supply of alcohol (off premises); hours the prem is open to the public</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Sunday to Thursday</td> <td>07:00</td> <td>20:00</td> </tr> <tr> <td>Friday to Saturday</td> <td>07:00</td> <td>22:00</td> </tr> </tbody> </table>	Supply of alcohol (off premises); hours the prem is open to the public			Day	Start	Finish	Sunday to Thursday	07:00	20:00	Friday to Saturday	07:00	22:00
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