

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 10 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

<p>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE FOR HORNCHURCH FOOD & WINE, 77 PARK LANE, HORNCHURCH, RM11 1BH</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Hornchurch Food & Wine, 77 Park Lane, Hornchurch, RM11 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 Mr Hasan Coban, 26 North Street, Romford RM1 1BH</p> <p>1. Details of the application</p> <p>The premises are a single mid terrace shop with trading on the ground floor and living accommodation above..</p> <p>The premises are situated in a row of shops on the east side of Park Lane about 50 metres south of Park Crescent. The surrounding premises are mainly residential properties.</p>
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		<p>The application is for:</p> <table border="1"> <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">08:00hrs</td> <td align="center">22.00hrs</td> </tr> </tbody> </table> <p>There are no seasonal variations or non-standard timings attached to this application.</p> <p>The applicant completed the operating schedule, which formed part of the application to promote the four licensing objectives.</p> <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 Romford Recorder on 2nd November 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 23 valid representations against this application from interested parties.</p>	Supply of Alcohol (off supplies only)			Day	Start	Finish	Monday to Sunday	08:00hrs	22.00hrs
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		<p>The representations referred to increased public nuisance and specified the likelihood that the application, if granted, would result in an increase in litter and rubbish in the area, and would place pressure on the 'Drinking Control Area'. Additionally the application would not be conducive to ensuring public safety, as it would divert police resources away from policing other areas of the town.</p> <p>Concern was also expressed that even now gangs of youth congregate in the area because of the two off licences and to extend the hours here would exacerbate the problem. Reference was also made of two robberies which residents claim were down to the fact that these premises already have a licence. To extend the hours would increase the risk of anti-social behaviour within a highly residential area. The issue of Protection of Children from Harm was also raised with the issue of broken bottles and cans being thrown or blown into front gardens making it unsafe for children.</p> <p>The representations also referred to the fact that the offer licenced premises in the parade had voluntarily reduced its hours to close at 8.00pm and this had reduced the incidence of anti-social behaviour in the area.</p> <p>4. Responsible Authorities' representations</p> <p>Metropolitan Police – none</p> <p>Public Health: None.</p> <p>London Fire & Emergency Planning Authority ("LFEPA"): None.</p> <p>Planning Control & Enforcement: None.</p>

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		<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>Mr O'Connell the applicant's agent explained that his client already holds a premises licence which permits him to sell alcohol until 8.00pm. He is applying for a new licence which would allow him to sell alcohol between the hours of 8.00am to 10.00pm, an extension of just 2 hours. The application also offers the opportunity to simplify the conditions which are attached to the licence. He pointed out that none of the responsible authorities had submitted any representations in respect of the application.</p> <p>Prior to submitting the application he had written to local residents seeking their views on what they wished to see. He had also written to the local vets to offer to help resolve the problem of the low wall. No one had responded to these letters.</p> <p>His client wished to work with local residents and had tried to engage with them. He had provided all the necessary documentation to show that he was no longer associated with the previous owner of the premises. His client had engaged with the licensing officers to ensure he had included all the necessary conditions in his application.</p> <p>He reminded the Sub-Committee that the Licensing Policy permitted regulated activities</p>

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		<p>to 11.30pm in residential areas. He was prepared to regulate his opening hours to close at 10.00pm so he would not be open after he could no longer sell alcohol.</p> <p>6. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 10 December 2012, the Sub-Committee’s decision regarding the application for a Premises Licence for Hornchurch Food & Wine, 77 Park Lane, Hornchurch 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> <p>Agreed Facts</p>

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		<p>Facts/Issues</p> <p>The Licensing Officer advised the sub-committee that to the best of his knowledge licensing had received no complaints regarding the premises since Mr Coban took over. Whilst he had not visited the premises to check if the conditions were being complied with he believed his colleague had undertaken a standard visit to the premises.</p> <p>One of the local residents, Mrs Haworth, informed the sub-committee that she had lived in the area for over 20 years. This was a highly residential area and Park Lane was a narrow road. The parade of shops included two off-licences. The other shop Rose Wines had voluntarily reduced the opening hours to 8.00pm and this had had a beneficial effect in reducing anti-social behaviour.</p> <p>Before 77 Park Lane opened as an off-licence the anti-social behaviour was concentrated at one end of the parade, it has now moved down the parade. Those people who lived closest to the premises had written very compelling letters concerning the nuisance caused. Mrs Haworth also read out a letter from Miss Brooks, which made similar points.</p> <p>Councillor Thompson spoke to his own representation and on behalf of Mr Sims. He reminded the Committee that the application had received no support from local residents. Also the applicant had worked at the premises for the previous owner who had caused problems.</p> <p>In response the applicant's agent reminded the Sub-Committee that his client had tried to contact local residents before he submitted the application and no one had taken up his offer to discuss the matter. Under the Licencing Policy regulated activities are permitted till 11.30 pm in a residential are.</p>

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		<p>The Sub-Committee having considered the representations from the interested parties and the views of the applicant, through his agent, decided to refuse the application on the following grounds:</p> <ul style="list-style-type: none"> • The applicant already has a licence until 8.00pm, so we are effectively looking at an extra 2 hours from 8.00pm to 10.00 pm. • The Sub-committee were satisfied from the unchallenged evidence of the objectors that there has been on-going problems in this area due to the congregation of youths who are attracted to the availability of alcohol for sale. • We consider that if we were to grant this licence that it would lead to an increased risk of: <ul style="list-style-type: none"> ○ Anti-social behaviour, ○ To public safety, and ○ Of disorder.