

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 19 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

	Temporary Event Notice applications for Romford Mini Market	<p>PREMISES Romford Mini Market 84 South Street Romford Essex RM1 1RX</p> <p>APPLICANT Mr Gul Chopra 24 Cains Lane Feltham TW14 9RH</p> <p>DETAILS OF APPLICATION Three Temporary Event Notice applications had been made under section 100 of the Licensing Act 2003 (“the Act”).</p> <p>1. Details of the application:</p> <p>The application was amended by the applicant at the Hearing to request the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol (off premises)</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>21-24 December 2012</td> <td align="center">21:30hrs</td> <td align="center">23:00hrs</td> </tr> <tr> <td>26-27 December 2012</td> <td align="center">21:30hrs</td> <td align="center">23:00hrs</td> </tr> <tr> <td>29-31 December 2012</td> <td align="center">21:30hrs</td> <td align="center">23:00hrs</td> </tr> </tbody> </table>	Supply of alcohol (off premises)			Day	Start	Finish	21-24 December 2012	21:30hrs	23:00hrs	26-27 December 2012	21:30hrs	23:00hrs	29-31 December 2012	21:30hrs	23:00hrs
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		<p>2. Grounds of objection</p> <p>PC David Fern of the Metropolitan Police submitted an objection on the grounds that the TENs would have a negative impact on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. PC Fern’s objection notice also asserted that the area in which the premises is located is a designated cumulative impact zone and as such the applications would add to the cumulative impact upon the licensing objectives.</p> <p>3. Details of representations</p> <p>Metropolitan Police:</p> <p>PC David Fern reiterated his written objection against the application.</p> <p>He commented that the hours requested in the three TEN applications would lead to cumulative impact in an area which had been recognised as suffering from alcohol-related violence and disturbance; this was particularly problematic during the month of December when such recorded incidents were at their highest.</p> <p>PC Fern made reference to an incident where the manager of a nearby pub had reported seeing members of the public purchase alcohol from one of the off-licensed shop premises in South Street, and then consume the alcohol in front of the pub. When the manager approached them to request they leave the area he was verbally abused and felt threatened by their intoxicated behaviour.</p> <p>PC Fern explained that the incident was indicative of the attitude displayed by some shop keepers in the area who readily sold alcohol to customers despite there being a restriction within Romford Town Centre which prevents alcohol being consumed in a public place. He</p>

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		<p>considered pre-loading, where alcohol is purchased from licensed shop premises then consumed in a public place before moving on to the pubs and clubs of Romford, to be a contributory to alcohol-fuelled violence.</p> <p>PC Fern commented that the applicant had sought to reduce the hours of operation but this, in his view, would not alleviate the concerns of Police regarding preloading and instances of alcohol-fuelled violence in the area.</p> <p>He informed the Sub-Committee that the Police also had concerns that the applicant had failed to promote the licensing objectives due to alleged selling of counterfeit alcohol and non-duty paid cigarettes.</p> <p>PC Fern requested that the applications be refused in their entirety.</p> <p>4. Applicant’s response:</p> <p>Mr Hopkins, the applicant’s representative, commented that the designated cumulative impact zone was not applicable for TEN applications and should be disregarded. In addition, despite what the Council’s Licensing Officer had written in his report to the Sub-Committee, it was common practice for TEN applications to be used for such events.</p> <p>With regard to the amended application, the applicant had previously suggested to the Police a reduction in hours to finish at 22:30hrs but this had been rejected. The applicant subsequently submitted a finish time of 23:00hrs for the Sub-Committee to consider. The purpose of the applications was to create a level playing field with other licensed premises which permission to serve alcohol until later in the evening, which is particularly profitable during the festive period. In addition, the applicant offered to have the conditions imposed</p>

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		<p>on his premises licence transferred to the TENs should they be granted.</p> <p>Mr Hopkins pointed out that the incident involving the pub manager and the persons who purchased alcohol from the nearby shop premises, referred to by PC Fern in his representation, was not connected to the applicant's premises. Indeed, the applicant refuses requests from customers who ask for alcohol to be placed in brown paper bags which are then consumed in the street.</p> <p>The incident concerning the alleged sale of counterfeit alcohol and non-duty paid cigarettes was in Mr Hopkins' opinion unlikely to result in a prosecution against Mr Chopra given the small quantity of goods involved.</p> <p>Mr Hopkins believed that the Police employed additional resources to cope with the increased demand placed on them by increased number of revellers who visit Romford during December. He asserted that by granting the TEN applications no additional pressure would be placed on Police resources.</p> <p>Determination of Application</p> <p>5. Decision:</p> <p>Consequent upon the hearing held on 19 December 2012, the Sub-Committee's decision regarding the application for three Temporary Events Notices for Romford Mini Market was 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

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		<ul style="list-style-type: none"> • 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 <u>Facts/Issues</u></p> <p>Whether the granting of the three TEN applications would undermine the licensing objectives.</p> <p>The Sub-Committee noted the objections raised by PC Fern regarding the issue of pre-loading at licensed shop premises and the higher number of alcohol-related incidents which occurred in Romford Town Centre during the month of December.</p> <p>The Sub-Committee also gave due regard to the applicant’s contention that the TEN applications would not contribute to the instances of alcohol-fuelled crime and disorder, and public nuisance within Romford Town Centre. It also took into account the applicant’s view that the cumulative impact zone should be disregarded when considering TEN applications.</p>

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		<p>Whilst the cumulative impact zone was not being considered as a reason for refusal in this instance, the Sub-Committee was mindful that the area where the premises is located is a known hotspot for instances of alcohol fuelled crime and disorder, and public nuisance, hence its existence. The requirement for such a zone is particularly important during the month of December where number of revellers is at its highest and Police resources are increased to cope with the extra demand on their time.</p> <p>In addition, the Sub-Committee took particular note of the Police’s continued strong opposition to the applications despite the applicant’s offer of a reduction in hours. This reinforced the Panel’s concerns that the applications in this particular location would increase the likelihood of alcohol-related crime and disorder and public nuisance. Accordingly, and for those reasons, the Sub-Committee REFUSED the three TEN applications.</p> <p>The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council’s Licensing Policy.</p>