

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 5 July 2013**

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><b>A1</b></p>	<p>APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT COSTCUTTER EXPRESS, ROMFORD SERVICE STATION, 61-63 EASTERN AVENUE EAST, ROMFORD.</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b>                      Costcutter Express                      Romford Service Station                      61-63 Eastern Avenue East                      Romford                      Essex                      RM1 4SD</p> <p><b>DETAILS OF APPLICATION</b></p> <p>An application for a variation to a premises licence under section 34 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANTS</b>                      Fuel Stop UK Ltd                      Clock House Court                      5 – 7 London Road                      St Albans                      AL1 1LA</p> <p>1. <b>Details of the application:</b></p> <table border="1" data-bbox="952 1305 1776 1417"> <thead> <tr> <th align="center">Supply of Alcohol</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center"><b>Day</b></td> <td></td> <td></td> </tr> <tr> <td align="center">Monday - Sunday</td> <td align="center">08:00hrs</td> <td align="center">23:00hrs</td> </tr> </tbody> </table>	Supply of Alcohol	Start	Finish	<b>Day</b>			Monday - Sunday	08:00hrs	23:00hrs
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		<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 31 May 2013 edition of the Romford Recorder.</p> <p><b>4. Summary</b></p> <p>There was one valid representation against this application from an interested party.</p> <p>There were no representations against this application from responsible authorities.</p> <p><b>5. Details of representations</b></p> <p>Valid representations may only address the following licensing objectives:</p> <p>The prevention of crime and disorder  The prevention of public nuisance  The protection of children from harm  Public safety</p> <p><b><u>Responsible Authorities' representations</u></b></p> <p>There were no representations from the following responsible authorities:</p> <p>The Metropolitan Police  Public Health  The London Fire and Emergency Planning Authority  The Health &amp; Safety Enforcing Authority  The Trading Standards Service</p>

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		<p>Planning Control and Enforcement Children &amp; Families Service Practice Improvement Lead</p> <p><b>6. Representations</b></p> <p>In her written representation the local resident referred to the existing opening hours which she alleges the applicants exceed, referring to the amount of visitors to the store, on foot. She also referred to finding beer bottles and empty wine bottles outside her home in the morning.</p> <p>Reference was also made to the ATM which was available 24hrs per day and resulted in noise at all hours. She believed this would increase if the hours for the sale of alcohol were increased.</p> <p>She also referred to an incident which had resulted in the police being called, 2 months ago, to deal with two groups of youths. This happened at 9.00pm on a Saturday.</p> <p>She did not attend the hearing.</p> <p>In response, the Applicant's representative, Mr Mitchener, who was present, said that the representation referred to matters which were not part of this application. The incident to which the Police had responded had started further down the A12 at another off licensed premises and by the time the Police responded the groups of youths had reached his clients premises. Again this happened at 9.00pm on a Saturday evening for which the applicant already had permission to open.</p> <p>The application was in line with the guidance and the Council's own policies.</p>

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		<p>Neither the Police nor Environmental Health had responded so they obviously had no concerns.</p> <p>Currently whilst the garage and store have permission to open 24hrs per day the applicant chooses to open from 05:00hrs to midnight, Monday to Saturday and 06:00 to 23:00 Sundays. The store was sufficiently staffed to enable opening for the whole of the operating period unlike some petrol stations where petrol was sold via the window at the side of the shop late at night.</p> <p>The application for additional hours was to synchronise the operating hours with the licensed hours, to prevent confrontations in the shop. There was no objection to the early hours. The only representations related to the late evening.</p> <p><b>7. Determination of Application</b></p> <p><b>Decision:</b></p> <p><b>Consequent upon the hearing held on 5 July 2013, the Sub-Committee’s decision regarding the application for a variation to a Premises Licence for Costcutter Express is as set out below, for the reasons shown:</b></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"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul>

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		<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><b>Agreed Facts</b> <b><u>Facts/Issues</u></b></p> <p>Whether the granting of a variation to the premises licence would undermine the licensing objectives.</p> <p><b>The prevention of public nuisance,</b></p> <p>The objector maintained that to increase the hours would cause further Noise and disorder.</p> <p>The applicant’s agents pointed out that the representation had made no specific issues regarding the earlier opening hours and appeared to object just to the extra hour in the evening.</p> <p>The Sub Committee concluded that insufficient weight could be attached to the objector’s representations as she had not attended and there was very limited evidence in support of her assertions.</p> <p>The Sub-Committee stated that in arriving at this decision, it took into account the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council’s Licensing Policy.</p> <p>After careful consideration of all issues the Sub-Committee was prepared to grant a</p>
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		4. Make an order for costs as it sees fit.  James Goodwin  Clerk to the Licensing Sub-Committee