

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
5 July 2013 (10.30 - 11.15 am)**

Present:

COUNCILLORS

Conservative Group: Peter Gardner (Chairman) and Pam Light

An apology was received for the absence of Councillors Linda Van den Hende.

The Chairman reminded Members of the action to be taken in an emergency.

Present at the meeting were the applicant Mr K Thinaharan, his agent Mr Mitchener and the Licensing Officer Paul Campbell.

Also present were the Legal Advisor and Clerk to the Committee.

The applicant agreed to proceed with the hearing even though there were only two members present.

**1 APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT
COSTCUTTER EXPRESS, ROMFORD SERVICE STATION, 61-63
EASTERN AVENUE EAST, ROMFORD.**

PREMISES

Costcutter Express
Romford Service Station
61-63 Eastern Avenue East
Romford
Essex
RM1 4SD

DETAILS OF APPLICATION

An application for a variation to a premises licence under section 34 of the Licensing Act 2003 ("the Act").

APPLICANTS

Fuel Stop UK Ltd
Clock House Court
5 – 7 London Road
St Albans
AL1 1LA

1. Details of the application:

Supply of Alcohol		
Day	Start	Finish
Monday - Sunday	08:00hrs	23:00hrs

Late Night Refreshment		
Day	Start	Finish
Monday - Sunday	23:00hrs	24:00hrs

Variation applied for:

Supply of Alcohol		
Day	Start	Finish
Monday - Saturday	05:00hrs	24:00hrs
Sunday	06:00hrs	23:00hrs

Late Night Refreshment		
Day	Start	Finish
Monday – Sunday	23:00hrs	24:00hrs

Opening Hours		
Day	Start	Finish
Monday - Sunday	00:00hrs	24:00hrs

The applicant's had also taken the opportunity to submit a revised layout for the store.

2. Seasonal variations & Non-standard timings

There are no seasonal variations or non-standard timings applied for in this application.

3. Comments and observations on the application

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.

4. Summary

There was one valid representation against this application from an interested party.

There were no representations against this application from responsible authorities.

5. Details of representations

Valid representations may only address the following licensing objectives:

The prevention of crime and disorder
The prevention of public nuisance
The protection of children from harm
Public safety

Responsible Authorities' representations

There were no representations from the following responsible authorities:

The Metropolitan Police
Public Health
The London Fire and Emergency Planning Authority
The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control and Enforcement
Children & Families Service
Practice Improvement Lead

6. Representations

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.

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.

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.

She did not attend the hearing.

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.

The application was in line with the guidance and the Council's own policies.

Neither the Police nor Environmental Health had responded so they obviously had no concerns.

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.

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.

7. Determination of Application

Decision:

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:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

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.

Agreed Facts
Facts/Issues

Whether the granting of a variation to the premises licence would undermine the licensing objectives.

The prevention of public nuisance,

The objector maintained that to increase the hours would cause further Noise and disorder.

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.

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.

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.

After careful consideration of all issues the Sub-Committee was prepared to grant a variation to the premises licence as requested:

Supply of Alcohol		
Day	Start	Finish
Monday - Saturday	05:00hrs	24:00hrs
Sunday	06:00hrs	23:00hrs

Late Night Refreshment		
Day	Start	Finish
Monday – Sunday	23:00hrs	24:00hrs

Opening Hours		
Day	Start	Finish
Monday - Sunday	00:00hrs	24:00hrs

Chairman