

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 3 October 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

A1	AN APPLICATION TO VARY A PREMISES LICENCE ON BEHALF OF SHELL UK OILS PRODUCTS LTD	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Shell Romford, 203 Brentwood Road, RM1 2SL</p> <p>DETAILS OF APPLICATION</p> <p>An application for a variation to a premises licence is made by Lockett and Co on behalf of Shell UK Oil Products Ltd under section 34 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANTS Shell Romford, 203 Brentwood Road, RM1 2SL made by Shell UK Oil Products Ltd</p> <p>1. Details of the application:</p> <p>The current premises licence conditions</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th align="left" colspan="3">Supply of Alcohol</th> </tr> <tr> <th align="left">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday - Saturday</td> <td align="center">08:00hrs</td> <td align="center">23:00hrs</td> </tr> <tr> <td>Sunday</td> <td align="center">10:00hrs</td> <td align="center">22:30hrs</td> </tr> </tbody> </table> <p>Christmas Day 12:00 to 15:00 and 19:00 to 22:30</p>	Supply of Alcohol			Day	Start	Finish	Monday - Saturday	08:00hrs	23:00hrs	Sunday	10:00hrs	22:30hrs
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		<p>Good Friday 08:00 to 22:30.</p> <p>Following discussion and correspondence with the Responsible Authorities the applicant amended the application. Which had originally been for alcohol sales 24 hours a day, and late night refreshment from 23:00 to 5:00. The amended application was as follows:</p> <p>Variation applied for:</p> <table border="1" data-bbox="842 683 1630 791"> <thead> <tr> <th colspan="3">Supply of Alcohol</th> </tr> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Monday - Sunday</td> <td>05:00hrs</td> <td>23:00hrs</td> </tr> </tbody> </table> <p><u>The interested parties were also written to and advised of the reduced application.</u></p> <p><u>Seasonal variations</u></p> <p>There were no seasonal variations applied for in the application.</p> <p><u>Non-standard timings</u></p> <p>There were no non-standard timings applied for in the application.</p> <p>2. Promotion of the licensing objectives:</p> <p>The applicant acted in accordance with premises licence regulations 25 and 26 of the Licensing Act 2003 Regulations 2005 relating to the advertising of the application. The required public notice was installed in the Yellow Advertiser on Wednesday 21 August 2013</p> <p>3. Details of written representations</p>	Supply of Alcohol			Day	Start	Finish	Monday - Sunday	05:00hrs	23:00hrs
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		<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 three valid representations received against the application from interested parties. These dealt mostly with public nuisance, referring to the noise caused by a premises selling alcohol right through the night in a mostly residential area. Potential crime and disorder were also referred to.</p> <p>There were two representations received against the application from responsible authorities; Havering Licensing Authority and Havering Environmental Health.</p> <p>Environmental Health representation stated an objection to any extension of hours for licensable activities beyond the current hours.</p> <p>The representation against the application details concerns over the close proximity to nearby residential properties and being contrary to Licensing Policy 012.</p> <p>Following the production of the agenda, the applicant’s agent and the two responsible authorities reached an agreement with the applicant following the withdrawal of the late night refreshment part of the application and the sale of alcohol would be in line with those offered after discussion, being 05:00 – 23:00 hours. Accordingly, both responsible authorities withdrew their representation.</p> <p>4. Representations</p>

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		<p>At the hearing on 3 October 2013, Mrs Sarah Cox made oral representation to the subcommittee.</p> <p>She raised concern on the noise nuisance at the site that was affecting her family, and considered that there was no need for the applicant to serve alcohol at 5:00am.</p> <p>5. Response of the Applicant:</p> <p>Mr Corrigan Lockett, speaking on behalf of the applicant, explained to the subcommittee that the amendment to the application was to bring uniformity with the trading hours of the site. In response to the 05:00 hours of sales, Mr Lockett explained that the garage opened its door at 05:00 hours, and when it began receiving deliveries and for ease of operation it was asking for sale of alcohol to commence accordingly. The Guidance to the Licensing Act 2003 and Havering’s licensing policy states that generally premises will be entitled to a licence for the hours that it normally operates.</p> <p>The sub committee was informed that the current Designated Premises Supervisor took over at the site about 12 months ago. The other existing staffs have been employed for a considerable time at the site.</p> <p>6. Determination of Application</p> <p>Decision:</p>

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		<p>Consequent upon the hearing held on 3 October 2013, the Sub-Committee’s decision regarding the application to vary a premises Licence for Shell Romford 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 <u>Facts/Issues</u></p> <p>Whether the granting of the application to vary a premises licence would undermine the licensing objectives.</p> <p>The applicant representative had responded to the representation against this application and following mediation, withdrawn the late night part of the licence and brought the sale of alcohol in line with the premises trading hours i.e. 05:00 – 23:00 hours, seven days a week.</p> <p>The Sub-Committee accepted from the representations of interested parties</p>

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		<p>that there may be a noise issue generally from the garage but this could not be linked to licensable activities. The applicant had proposed to put up a notice at the site asking customers to respect the needs of residents and leave the area quietly.</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> <p>The Sub-Committee noted the additional condition suggested by the applicant</p> <p>In view of the new application, the sub committee granted the licence as applied for.</p> <p>Variation applied for:</p> <table border="1" data-bbox="842 997 1630 1104"> <thead> <tr> <th colspan="3" data-bbox="842 997 1630 1034">Supply of Alcohol</th> </tr> <tr> <th data-bbox="842 1034 1140 1066">Day</th> <th data-bbox="1140 1034 1386 1066">Start</th> <th data-bbox="1386 1034 1630 1066">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="842 1066 1140 1104">Monday - Sunday</td> <td data-bbox="1140 1066 1386 1104">05:00hrs</td> <td data-bbox="1386 1066 1630 1104">23:00hrs</td> </tr> </tbody> </table> <p>7. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates’ Court <u>within 21 days of notification of the decision.</u> On appeal, the Magistrates’ Court may:</p>	Supply of Alcohol			Day	Start	Finish	Monday - Sunday	05:00hrs	23:00hrs
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		<ol style="list-style-type: none">1. dismiss the appeal; or2. substitute the decision for another decision which could have been made by the Sub Committee; or3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and4. make an order for costs as it sees fit. <p>Taiwo Adeoye Clerk to the Licensing Sub-Committee</p>