

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
3 October 2013 (10.30 - 10.50 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Linda Trew

Labour Group Denis Breading

Present at the hearing were Mr Corrigan Lockett (Applicant's Agent), Mr Bala Kuisman (DPS) and Mr & Mrs Cox (objectors)

Also present were Paul Campbell and Kasey Conway (Havering Licensing Officers), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared at this meeting.

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

1 AN APPLICATION TO VARY A PREMISES LICENCE ON BEHALF OF SHELL UK OILS PRODUCTS LTD

PREMISES

Shell Romford,
203 Brentwood Road,
RM1 2SL

DETAILS OF APPLICATION

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").

APPLICANT

Shell Romford,
203 Brentwood Road,
RM1 2SL made by Shell UK Oil Products Ltd

1. Details of the application:

The current premises licence conditions

Supply of Alcohol		
Day	Start	Finish
Monday - Saturday	08:00hrs	23:00hrs
Sunday	10:00hrs	22:30hrs

Christmas Day 12:00 to 15:00 and 19:00 to 22:30
Good Friday 08:00 to 22:30.

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:

Variation applied for:

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

The interested parties were also written to and advised of the reduced application.

Seasonal variations

There were no seasonal variations applied for in the application.

Non-standard timings

There were no non-standard timings applied for in the application.

2. Promotion of the licensing objectives:

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

3. Details of written 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

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.

There were two representations received against the application from responsible authorities; Havering Licensing Authority and Havering Environmental Health.

Environmental Health representation stated an objection to any extension of hours for licensable activities beyond the current hours.

The representation against the application detailed concerns over the close proximity to nearby residential properties and being contrary to Licensing Policy 012.

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.

4. Representations

At the hearing on 3 October 2013, Mrs Sarah Cox made oral representation to the subcommittee.

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.

5. Response of the Applicant:

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 stated that generally premises will be entitled to a licence for the hours that it normally operates.

The sub committee was informed that the current Designated Premises Supervisor took over at the site about 12 months ago. The other existing staffs had been employed for a considerable time at the site.

6. Determination of Application

Decision:

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:

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 the application to vary a premises licence would undermine the licensing objectives.

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.

The Sub-Committee accepted from the representations of interested parties 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.

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.

Licensing Sub-Committee, 3 October 2013

The Sub-Committee noted the additional condition suggested by the applicant.

In view of the new application, the sub committee granted the licence as applied for.

Variation applied for:

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

Chairman