

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 28 January 2014

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>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE MADE UNDER SECTION 17 OF THE LICENSING ACT 2003 ("the Act")</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Aldi Stores 45 Market Place, Romford, RM1 3AB</p> <p>DETAILS OF APPLICATION</p> <p>This application for a new premises licence is made under section 17 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Aldi Stores Ltd Holly Lane Atherstone Warwickshire CV9 2SQ</p> <p>1. Details of requested licensable activities</p> <p>This application is for a new premises licence. However, Aldi previously held a premises licence for the venue until 2010; when it was surrendered.</p>
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		<table border="1" data-bbox="1070 480 1912 625"> <thead> <tr> <th data-bbox="1070 480 1422 515">Supply of alcohol</th> <th colspan="2" data-bbox="1422 480 1912 515">Opening hours</th> </tr> <tr> <th data-bbox="1070 515 1422 550">Day</th> <th data-bbox="1422 515 1668 550">Start</th> <th data-bbox="1668 515 1912 550">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="1070 550 1422 585">Monday to Sunday</td> <td data-bbox="1422 550 1668 585">07:00hrs</td> <td data-bbox="1668 550 1912 585">20:00hrs</td> </tr> <tr> <td data-bbox="1070 585 1422 625"></td> <td data-bbox="1422 585 1668 625"></td> <td data-bbox="1668 585 1912 625"></td> </tr> </tbody> </table> <p data-bbox="891 662 1249 694">2. Non Standard Timings</p> <p data-bbox="952 726 1234 758"><u>Seasonal variations</u></p> <p data-bbox="952 790 1032 821">None.</p> <p data-bbox="952 861 1256 893"><u>Non-standard timings</u></p> <p data-bbox="952 925 1032 957">None.</p> <p data-bbox="891 989 1469 1021">3. Promotion of the Licensing Objectives</p> <p data-bbox="840 1061 2002 1157">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 13 December 2013 edition of the Romford Recorder.</p> <p data-bbox="891 1228 1305 1260">4. Details of Representations</p> <p data-bbox="840 1300 1727 1332">Valid representations may only address the four licensing objectives.</p> <ul data-bbox="840 1364 1417 1396" style="list-style-type: none"> • The prevention of crime and disorder 	Supply of alcohol	Opening hours		Day	Start	Finish	Monday to Sunday	07:00hrs	20:00hrs			
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		<ul style="list-style-type: none"> • Public safety • The prevention of public nuisance • The protection of children from harm <p>There was one representation against this application from an interested party. Councillor Frederick Thompson made representation against this application under the prevention of public nuisance and protection of children from harm licensing objectives and at the hearing reiterated his view. He informed the Sub Committee that he was not totally against the application but had concern that the premises was in close proximity to areas that would provide an opportunity for what is referred to as pre-loading by drinking high strength drinks prior to visiting a pub or club. He added having worked within the NHS he had first-hand experience of seeing drunken people being brought into Accident & Emergency unit. Councillor Thompson was also of the opinion that strength of beer ought to be capped at 5% alcohol volume, and that half and quarter size bottles of spirits should not be sold.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Planning Control & Enforcement: None</p> <p>Licensing Authority: None</p> <p>Public Protection: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None</p>

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		<p>Health & Safety Enforcing Authority: None.</p> <p>Public Health: None</p> <p>Children & Families Service: None</p> <p>The Magistrates Court: None</p> <p><u>Applicant's response</u></p> <p>The representative for the applicant, Ms Gilligan, informed the Sub-Committee that Aldi know the area very well being that they previously occupied the same location and handed back their licence when they moved out. It was added that following discussion with the Police, it was agreed to include two further conditions.</p> <p>The Sub-Committee was informed that there was no evidence to suggest Aldi facilitated preloading, and that the responsible authorities had no previous concerns with Aldi. Furthermore, much of the alcohol sold by Aldi was its own label, so it would be easy to identify if it became a problem.</p> <p>The Sub-Committee was also informed of Aldi's proud record of no licensing convictions right across the country.</p> <p>Ms Gilligan submitted that the objections raised were not evidence based, that the suggested conditions, and those agreed with the Police, addressed all issues that were necessary, and anything further would not be reasonable or proportionate.</p> <p>In response to questioning by the Sub-Committee, Ms Gilligan responded that the Aldi did not sell miniature sized alcohol.</p>

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		<p>5. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 28 January 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Aldi Stores, Romford.</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 premises licence would undermine the licensing objectives.</p>

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		<p align="center">• Prevention of Public Nuisance</p> <p>The Sub-Committee noted the comments of the interested party about his concerns on preloading prior to attending the clubs or pub. The subcommittee also accepted the point of view of the representative for Aldi that the premise was a responsible seller. That Iceland next door and Asda within a short distance also had alcohol licence. The Sub-Committee accepted that the premises was located in an Alcohol Controlled Zone where preloading would be unacceptable.</p> <p align="center">• Protection of children from harm</p> <p>The Sub-Committee also noted the comment in respect of children pressurising adults into proxy purchases of alcohol. The Sub-Committee accepted the view of the Representative for Aldi, that other premises already operated within the vicinity and that the majority of their alcoholic drinks were exclusively labelled by Aldi. The Police and other responsible authorities had no previous concern with the establishment when it was at this same location.</p> <p>Having considered the written representations and oral responses, the Sub-Committee were satisfied that preloading does not come into consideration in this application. The premises would cease selling alcohol at 8:00pm, and was located in an alcohol restriction zone. The Sub-Committee were satisfied that Aldi is a responsible seller. The fact that there was no representation from responsible authorities indicated that the application was satisfactory, and no risk to the licensing objectives had been demonstrated should the application be granted. The Sub-Committee therefore granted the application as applied for, with the proposed conditions as per the operating schedule and the inclusion of the following additional conditions that were agreed with the Police and accepted by the applicant:</p> <ul style="list-style-type: none"> • That door supervision will be provided at the premises for the initial six months

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		<p>after the stores opens. Thereafter; the need for the provision of security will be reviewed and agreed.</p> <ul style="list-style-type: none"> • A change to the terminal hour for sale of alcohol and opening hours every day of the week from 23:00 to 20:00 hours. <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>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> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.