

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
28 January 2014 (10.30 - 10.50 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Melvin Wallace

Labour Group Denis Breading

Present at the hearing were the John Curtin and Feliz Kropp for applicant and Lisa Gilligan applicant's representative.

The interested party present was Councillor Frederick Thompson.

Also present were Mr Arthur Hunt (Havering Licensing Officer), 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.

PREMISES

Aldi Stores
45 Market Place,
Romford,
RM1 3AB

DETAILS OF APPLICATION

This application for a new premises licence is made under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Aldi Stores Ltd
Holly Lane
Atherstone
Warwickshire
CV9 2SQ

1. Details of requested licensable activities

This application is for a new premises licence. However, Aldi previously held a premises licence for the venue until 2010 when it was surrendered.

| Supply of alcohol | Opening hours | |
|--------------------------|----------------------|---------------|
| Day | Start | Finish |
| Monday to Sunday | 07:00hrs | 20:00hrs |
| | | |

2. Non Standard Timings

Seasonal variations

None.

Non-standard timings

None.

3. Promotion of the Licensing Objectives

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.

4. Details of Representations

Valid representations may only address the four licensing objectives.

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

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.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): None

Planning Control & Enforcement: None

Licensing Authority: None

Public Protection: None

London Fire & Emergency Planning Authority (“LFEPA”): None

Health & Safety Enforcing Authority: None.

Public Health: None

Children & Families Service: None

The Magistrates Court: None

Applicant’s response.

The representative for the applicant, Ms Gilligan, informed the Sub-Committee that Aldi knew 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.

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.

The Sub-Committee was also informed of Aldi’s proud record of no licensing convictions right across the country.

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.

In response to questioning by the Sub-Committee, Ms Gilligan responded that the Aldi did not sell miniature sized alcohol.

5. Determination of Application

Decision

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.

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 premises licence would undermine the licensing objectives.

• Prevention of Public Nuisance

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 licences.

The Sub-Committee accepted that the premises was located in an Alcohol Controlled Zone where preloading would be unacceptable.

• Protection of children from harm

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.

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:

- That door supervision will be provided at the premises for the initial six months after the stores opens. Thereafter; the need for the provision of security will be reviewed and agreed.
- 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.

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.

Chairman