

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 7 April 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 VARIATION TO A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 ("the Act").</p>	<p>PREMISES North Street Convenient Stores 17 Hainault Road Romford RM5 3AA</p> <p>DETAILS OF APPLICATION</p> <p>Application for a variation to a premises licence under section 34 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Mr Rajalingam Easwaralingam 17 Hainault Road Romford RM5 3AA</p> <p>1. Details of the application</p> <p>The current premises licence conditions</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Sunday to Thursday</td> <td align="center">07:00</td> <td align="center">20:00</td> </tr> <tr> <td align="center">Friday & Saturday</td> <td align="center">07:00</td> <td align="center">22:00</td> </tr> </tbody> </table>	Supply of Alcohol			Day	Start	Finish	Sunday to Thursday	07:00	20:00	Friday & Saturday	07:00	22:00
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		<p>The application seeks to permit the following:</p> <table border="1" data-bbox="969 512 1818 620"> <thead> <tr> <th colspan="3" data-bbox="969 512 1818 549">Supply of alcohol: hours premises open to the public</th> </tr> <tr> <th data-bbox="969 549 1252 585">Day</th> <th data-bbox="1252 549 1422 585">Start</th> <th data-bbox="1422 549 1818 585">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="969 585 1252 620">Monday to Sunday</td> <td data-bbox="1252 585 1422 620">07:00</td> <td data-bbox="1422 585 1818 620">23:00</td> </tr> </tbody> </table> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant completed the operating schedule, which formed part of the application, to promote the four licensing objectives.</p> <p>The applicant acted in accordance with regulations 25 and 26 of the pertinent regulations governing the advertising of such applications. The required public notice was installed in the 28 February 2014 edition of the Romford Recorder.</p> <p>3. Details of Representations</p> <p>Valid representations may only address the four 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 was one representation against this application from an interested party.</p>	Supply of alcohol: hours premises open to the public			Day	Start	Finish	Monday to Sunday	07:00	23:00
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		<p>There were no representations against this application from responsible authorities.</p> <p><u>Responsible Authorities</u></p> <p>Metropolitan Police: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None.</p> <p>Planning Control & Enforcement: None.</p> <p>Children & Families Service: None</p> <p>Trading Standards Service: None</p> <p>The Magistrates Court: None</p> <p><u>Interested parties’ representation</u></p> <p>The representation against this application was based upon the prevention of public nuisance licensing objective.</p> <p>Mr Scutcher attended the hearing. He addressed the Sub-Committee stating that they lived next door to the premises, and that the area was mainly a residential area which contained many young families. He stated that extended hours would cause noise disturbance from people going in and out of the premises and in addition the slamming of car doors of people using the shop late in the evening. Mr Scutcher added that his representations at the application hearing in 2012 were still valid. He was of the opinion that the reasons for the restriction of licensed hours granted at that time were still relevant today and as such</p>

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		<p>requested that the sub-committee consider the residents that live nearby to the premises.</p> <p>In response to a question, Mr Scutcher informed the sub-committee that parking in the area was mainly resident parking.</p> <p>4. Applicant's response.</p> <p>Mr Stewart Gibson, representative to the applicant responded to the representation from the interested party.</p> <p>He stated that the applicant needed these hours in order to get parity with other competitors in the area. That the variation hours applied for would bring the premises licensable hours in line with its intended trading hours.</p> <p>Mr Gibson was of the opinion that a representation under the prevention of public nuisance should be based on fact but there was no evidence of any nuisance caused by, or any complaints about, the premises.</p> <p>The sub-committee was informed that the premises was situated on a one-way street and as such it would not be feasible and practical for customers to drive to the premises. He stated that most of its customers visited on foot.</p> <p>Mr Gibson was of the view that as no other interested party had objected to this application, that the representation made by Mr Scutcher meant it was only he who objected to the variation, it was not made on behalf of any others in the vicinity.</p> <p>In response to questioning, Mr Gibson informed the sub-committee that the post office attracted business until 17:30 hours Monday to Friday and 12:30 hours on Saturday, the post office had now been upgraded to a main branch and as such would now operate till 17:30 hours on a Saturday.</p>

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		<p>5. Determination of Application</p> <p>Decision</p> <p>Following the hearing held on 7 April 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for North Street Convenient Stores, 17 Hainault Road, Romford, RM5 3AA 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><u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the four licensing objectives.</p>

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		<p>The prevention of public nuisance</p> <p>The representation made by Mr Scutcher expressed concern that extending the licensable hours of the premises would lead to noise from people going in and out of the premises and in addition noise from cars and doors closing.</p> <p>In reply the subcommittee heard from the applicant’s representative that most of the customers to the shop came on foot as the location of the premises on a one way street made it unpractical to drive to the shop and parking in the area was generally resident parking.</p> <p>The sub-committee noted that the applicant was seeking parity with other licensed premises in the locality and that no complaints had been made against the venue.</p> <p>The sub-committee also noted that the premises was able to trade until 23:00 hours, and this application was to bring its licensable hours in line with that.</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 decided that based on the fact that there was no evidence of public nuisance against the premises, nor any suggestion that this application would lead to public nuisance, it was minded to grant the application for the following trading hours:</p>

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