

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 12 May 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 UNDER SECTION 17 OF THE LICENSING ACT 2003</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Monika 205 Rush Green Road Romford RM7 0JR</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 Ms Aurelija Dauginas Monika 205 Rush Green Road Romford RM7 0JR</p> <p>1. Details of requested licensable activities</p> <p>This application was for a new premises licence.</p>
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		<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3">Supply of alcohol, hours of opening</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">Monday to Thursday</td> <td align="center">09:00hrs</td> <td align="center">22:00hrs</td> </tr> <tr> <td align="center">Friday to Saturday</td> <td align="center">09:00hrs</td> <td align="center">22:30hrs</td> </tr> <tr> <td align="center">Sunday</td> <td align="center">10:00hrs</td> <td align="center">22:00hrs</td> </tr> </tbody> </table> <p>2. Non Standard Timings</p> <p><u>Seasonal variations</u></p> <p>None.</p> <p><u>Non-standard timings</u></p> <p>None.</p> <p>3. Promotion of the Licensing Objectives</p> <p>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 Yellow Advertiser on the 26 March 2014.</p>	Supply of alcohol, hours of opening			Day	Start	Finish	Monday to Thursday	09:00hrs	22:00hrs	Friday to Saturday	09:00hrs	22:30hrs	Sunday	10:00hrs	22:00hrs
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		<p>4. 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 • 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.</p> <p>Ms Ruggiero, the only objector did not attend the hearing but expressed in her written representation that there were four existing premises with alcohol licences in the area and as such was against another one been granted. The representation related to the prevention of public nuisance and the protection of children from harm. She was of the opinion that there was a litter problem in area. The representation also stated that the premise was on the route of young children going to school and college, that the premises would encourage young people to buy more drinks, and that the premises would not prevent children from harm.</p> <p>The Licensing Officer in his report informed the sub-committee that there was a council bench directly opposite to the premise of the applicant. He stated that this bench was an attraction to passers-by to sit and resulted in their leaving their litter around.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Planning Control & Enforcement: None</p>
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		<p>Licensing Authority: None</p> <p>Public Protection: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None</p> <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>5. Applicant’s response</p> <p>The applicant presented her application as per the submitted papers. This was a new premise that currently sold eastern European grocery items and sought to sell a range of eastern European alcohol products.</p> <p>In response to questioning by the Sub-Committee, Ms Dauginas stated that there was no arrangement with other shopkeepers to organise the removal of litter, but that she does so from time to time.</p>

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		<p>6. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 12 May 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Monika, 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</p> <p><u>Facts/Issues</u> Whether the granting of the premises licence would undermine the licensing objectives.</p>

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		<ul style="list-style-type: none"> <p align="center">• Prevention of Public Nuisance</p> <p>The Sub-Committee noted the comments of the interested party about litter in the vicinity of the shopping parade.</p> <p>The Sub-Committee also noted the comments of the Licensing Officer that a bench directly opposite the premises was an attraction for people to seat and consume their food and leave their litter.</p> <p>The Sub-Committee accepted that the litter could not be attributed to this premises and Ms Dauginas also stated that from time to time, she undertook litter removal.</p> <p align="center">• Protection of children from harm</p> <p>The Sub-Committee also noted the comment that the premise was on the route of young children going to school and college. That the premises would encourage young people to buy more drinks.</p> <p>The Sub-Committee accepted the view that four other premises already operated within the vicinity and that the Police and other responsible authorities had no concern with the establishment being granted a licence.</p> <p>Having considered the written representations and oral responses, the Sub-Committee were satisfied that the litter issue already existed in the area and could not be attributed to this premises.</p>

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		<p>The Sub-Committee therefore granted the application as applied for, there being no evidence whatsoever of any potential negative impact upon the licensing objectives given the application before it.</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>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.