

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 29 September 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><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE FOR BORAT EXPRESS - 182 HILLDENE AVENUE, HAROLD HILL, ROMFORD, RM3 8DB</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Borat Express 182 Hilldene Avenue Romford RM3 8DB</p> <p><b>DETAILS OF APPLICATION</b></p> <p>This application for a new premises licence was made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b> Mr Piotr Wiczerzynski 182 Hilldene Avenue Romford RM3 8DB</p> <p><b>1. Details of requested licensable activities</b></p> <p>The applicant seeks to supply alcohol for consumption off the premises between the following hours:</p>
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		<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3"><b>Supply of alcohol, hours open to the public</b></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 Saturday</td> <td align="center">09:00</td> <td align="center">19:00</td> </tr> <tr> <td align="center">Sunday</td> <td align="center">11:00</td> <td align="center">16:00</td> </tr> </tbody> </table> <p><b><u>Seasonal variations / Non-standard timings</u></b></p> <p><b>2. Non Standard Timings</b></p> <p>No seasonal variations or non-standard timings were requested.</p> <p><b>3. Promotion of the Licensing Objectives</b></p> <p>The applicant acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertising of the application. The required public notice was installed in the 15 August 2014 edition of the Yellow Advertiser.</p> <p>The blue notice was found to have been installed on a sheet of blue paper slightly smaller than A4 size but it was not considered that this caused any prejudice to interested persons or responsible authorities.</p> <p>Havering’s licensing policy 012 indicates that the provision of licensable activity would normally be permitted until 00:30 in mixed use areas. The premises plans indicated that the display of alcohol within the premises would be restricted to a single unit located behind the counter.</p>	<b>Supply of alcohol, hours open to the public</b>			Day	Start	Finish	Monday to Saturday	09:00	19:00	Sunday	11:00	16:00
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		<p><b>4. Details of Representations</b></p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>There were two representations against this application, one from a responsible authority and the other from an interested person.</p> <p>The interested person who made representation against this application did not attend the hearing. The representation highlighted a number of issues relating to the application and display of notice. However, it was item 4 of the representation which might appear to suggest that the applicant's failure to include staff training on the operating schedule would lead to a failure on the part of the applicant to promote the following three of the licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul>

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		<p><u>Responsible Authorities</u></p> <p><b>Chief Officer of Metropolitan Police (“the Police”):</b> The Police Licensing Officer PC Rose made representation against this application on behalf of the Metropolitan Police. PC Rose’s concerns were based upon the licensing objectives in relation to the prevention of crime and disorder, the prevention of public nuisance and public safety.</p> <p>The Havering Police Licensing Officer addressed the subcommittee and reiterated his written representation stating that having assessed this new application on its own merits, the Police were of the opinion that the application was sparse on details as to how the premises would uphold and promote the licensing objectives.</p> <p>The Police raised concern on the applicant’s responses to how the premises would deal with issues relating to selling to underage persons, staff training and prevention of crime and disorder. The Sub-Committee was informed that the Police expected greater detail in the application addressing and evidencing what measures the venue were putting in place to promote the licensing objectives.</p> <p>With this in mind the Havering Police Licensing Officer emailed the applicant a number of suggestions that the Police expect in this application on 19 August 2014 but a response was not received until the 29 September 2014.</p> <p>The Sub-Committee was also informed that the Police had concerns for the area in which the premises was to supply alcohol. The Havering Police Licensing Officer had liaised with the local neighbourhood policing team, who had highlighted his concerns relating to the community impact of this new licence, if successful. The local area was facing a challenging time with street drinking, this in itself raised issues concerning crime and disorder, public safety and</p>

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		<p>indeed public nuisance. The local neighbourhood policing team in response to PC Rose stated that offences such as theft, violence and intimidation have all been recorded in the area, the suspects to such reported crime were the street drinking fraternity. The local police team were working hard to make the area a “No drinking zone”. The Police were of the opinion that another outlet selling alcohol would make this already difficult task a lot harder.</p> <p>The Havering Police Licensing Officer had requested Pc Newton of the local neighbourhood policing team to be present at the hearing but he was not in attendance.</p> <p>The Sub-Committee was informed that a consultation survey result that was carried out received following the PC Rose had submitted his representation with the Police suggested conditions:</p> <p>In addition to the steps/conditions you have already offered on your application, considerations should be made to the following conditions,</p> <p>1) A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport. All staff shall be trained for their role including the operation of Challenge 25 on induction and at six-monthly intervals. Training shall include identifying persons under 25 years of age, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing. Written records shall be kept of all such training.</p> <p>2) A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of</p>

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		<p>noise nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises. The premises daily register shall also record all incidents in relation to the use of any force by staff or door supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed and details of the staff members involved.</p> <p>3) Prominent, clear notices shall be displayed at [all exits] requesting that customers respect the needs of local residents and leave the premises and the area quietly.</p> <p>4) All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme on-going and under constant review and must be made available to a relevant responsible authority when called upon.</p> <p>5) All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.</p> <p>6) A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.</p> <p>7) To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.</p>

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		<p>8) The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises was open for any licensable activity.</p> <p>9) A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises was open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p> <p>10) Recordings shall be made available to an authorised person of the Licensing Authority or Havering Police together with facilities for viewing.</p> <p>11) The premises frontage shall be kept tidy at all times.</p> <p>12) The shop window must be kept clear in order to monitor and eliminate the risk of children, asking adults to buy age restricted products for them. A prominent, clear notice shall be displayed at the premises about the sale of alcohol to minors and the relevant offences involved in proxy sales.</p> <p><b>Licensing Authority:</b> None</p> <p><b>Planning Control &amp; Enforcement:</b> None</p> <p><b>Public Protection:</b> None</p>

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		<p><b>London Fire &amp; Emergency Planning Authority (“LFEPA”):</b> None</p> <p><b>Health &amp; Safety Enforcing Authority:</b> None.</p> <p><b>Public Health:</b> None</p> <p><b>Children &amp; Families Service:</b> None</p> <p><b>The Magistrates Court:</b> None</p> <p>In response to the representation, Mr Piotr Wieczerynski addressed the Sub-Committee reiterating that alcohol was to be restricted to a single unit located behind the counter. The Sub-Committee was informed that he responded to the Police email on 22 September following a short delay. Mr Piotr Wieczerynski stated that all staff had been fully trained and signed to the age verification policy declaration. They had also received guidance on Challenge 25.</p> <p>The Sub-Committee was informed that there would be signs on Challenge 25 and for customers to keep quiet when leaving the premises.</p> <p>In response to a question, the Sub-Committee was informed that alcohol would only take up approximately 5% of the shop space. The premises was seeking to introduce high end Polish product to the market which he considered more expensive than product stocked at other supermarket. The premises had six internal cameras and were seeking to install an additional two outside the premises. Data from the CCTV system would be stored for two months. Staff at the premises were also able to operate the camera storage system.</p> <p>Mr Piotr Wieczerynski informed the Sub-Committee that all staff at the premises were fully trained to sell alcohol and able to determine when a person had too much to drink in order to turn them away, and to maintain a Daily Register. The applicant stated that he had worked</p>



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		<p>previously at Toby Carvery and JD Wetherspoon, so was experienced in the trade. He assured that the premises would have a minimum of two staff in the shop at any time it was open.</p> <p><b>5. Determination of Application</b></p> <p><b>Decision</b></p> <p><b>Consequent upon the hearing held on 29 September 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Borat Express.</b></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"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <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>

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		<p><b>Agreed Facts</b> <b><u>Facts/Issues</u></b></p> <p>Whether the granting of the premises licence would undermine the licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>The Sub-Committee noted the concerns raised in the two representations against this application.</p> <p>The Sub-Committee noted that the applicant had made an effort to respond to the email from the Havering Police Licensing Officer trying to address the issues of concern.</p> <ul style="list-style-type: none"> <li>• The prevention of public nuisance</li> </ul> <p>The Sub-Committee noted that applicant stated in response to questioning that the premises intend to stock high value polish vodka behind the counter and that alcohol would only take up around 5% of the shop space. The Sub-Committee also noted the concern of the Police and the local neighbourhood policing team that the local area was facing a challenging time with street drinking, which in itself raised issues concerning crime and disorder, public safety and indeed public nuisance but this could not be attributed to this premises.</p>

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		<ul style="list-style-type: none"> <li>• The prevention of crime and disorder That the premises would install six internal cameras and two outside to deter loitering outside the premises and staff were fully trained to operate the system.</li> <li>• The protection of children from harm The Sub-Committee was satisfied with the applicant's response that staff had been fully trained and had also received guidance on Challenge 25.</li> </ul> <p>Having considered the written representations and oral responses, the Sub-Committee were satisfied with the applicant's written and verbally responses in respect of this application. The Sub-Committee therefore <b>granted</b> the application, with the suggested conditions by the Police as per the operating schedule and accepted by the applicant, as well as the following:</p> <ul style="list-style-type: none"> <li>• Alcohol to be restricted to the shelf behind the counter as marked on the plan of the premises, and in any case not to make up more than 10% of produce displayed in the premises.</li> </ul> <p>Considering the nature and terms of the application, and with the assurances given by the applicant, along with the conditions to be added to the licence that will be granted, the Sub-Committee was satisfied that the premises would promote the licensing objectives. While it understood the general concern of the Police in terms of street</p>

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