



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE MALTHURST FARINGDON

AGENDA

10.30 am	Tuesday 25 November 2014	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Wendy Brice-Thompson
John Wood

**For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
taiwo.adeoye@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

Procedure for the hearing under the Licensing Act 2003.

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 16)

Report of the Licensing Officer for the application to vary a premises licence at Malthurst Faringdon – Report attached

6 APPLICATION TO VARY A PREMISES LICENCE - MALTHURST FARINGDON (Pages 17 - 48)

Application to vary a premises licence by Malthurst Ltd at Malthurst Faringdon, Faringdon Avenue, Romford, RM3 0AB under section 34 of the Licensing Act 2003. – Report attached

Andrew Beesley
Committee Administration Manager

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LICENSING SUB-COMMITTEE

25 November 2014

REPORT

Subject Heading:

**Procedure for the Hearing:
Licensing Act 2003**

Report Author and contact details:

**Taiwo Adeoye – Committee Officer
01708 433079
taiwo.adeoye@onesource.co.uk**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Chairman's Briefing meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 5 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only

where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

7. Failure of parties to attend the hearing:

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.

- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

LICENSING SUB-COMMITTEE

REPORT

Date: 25 November 2014

Subject heading:

Malthurst Faringdon
Faringdon Avenue, RM3 0AB
Application to vary a premises licence
Arthur Hunt, Licensing Officer
5th floor Mercury House
01708 432777

Report author and contact details:

This application for a variation to a premises licence is made by Malthurst Limited under section 34 of the Licensing Act 2003. The application was received by Haverling's Licensing Authority on 7 October 2014.

Geographical description of the area and description of the building

The premise is a garage forecourt selling petroleum products with a attached shop premises. It is situated in Faringdon Avenue at the junction with Neave Crescent.

The properties in this section of Faringdon Avenue are predominantly commercial premises. However, on the southwest corner of the junction there is a residential nursing care home for young physically disabled people, frail older people and those with dementia. Behind the premises in Neave Crescent are primarily residential properties.

A map of the area is attached.

Details of the application

The premise currently has a premises licence (attached below) which allows it to supply off sales of alcohol for the hours stated below:-

Supply of alcohol		
Day	Start	Finish
Monday to Sunday	06:00	23:00

The application seeks to add Late Night Refreshment to the current licence for the below hours:-

Late Night Refreshment		
Day	Start	Finish
Monday to Sunday	23:00	05:00

In addition, the applicant wishes to change the layout of the shop premises.

Comments and observations on the application

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 Romford Recorder on the 10 October 2014.

There were some attempts to mediate with the applicant by the Police and Licensing Authority. However, these attempts were seemingly unsuccessful.

Summary

There were no representations against this application from interested persons.

There were 3 representations against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

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

Responsible authorities' representations

PC Lee Davies makes representations on behalf of the Metropolitan Police based on the prevention of public nuisance Licensing Objective.

Mr Gasson, Noise Specialist, makes a representation on behalf of the Environmental Health (noise) team, also on the prevention of public nuisance Licensing Objective

Mr Jones, also on the prevention of public nuisance Licensing Objective, makes a representation for the Licensing Authority.

There were no representations from any other responsible authority.

Arthur Hunt
Licensing Officer



Havering

LONDON BOROUGH

Part A

Premises licence number

11658

Part 1 – Premises details

Postal address of premises

Malthurst Faringdon
Faringdon Avenue Romford RM3 0AB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 06:00 to 23:00

The opening hours of the premises

24 hours

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Malthurst Ltd
Vincent House 4 Grove Lane Epping CM16 4LH
01992 571937

Registered number of holder

03445529

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Navaratnasingam Jeyachandran

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
5. For the purposes of the condition set out in paragraph 4 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —
$$P=D+(D \times V)$$
where —
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
 - (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
6. Where the permitted price given by paragraph (b) of paragraph 5 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
7. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 5 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – conditions consistent with the operating schedule

1. A CCTV system shall be installed or the existing system maintained; such system shall be fit for purpose.
 2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings shall either be recorded on good quality video tape or digitally onto CD/DVD or other equivalent medium.
 3. Any CCTV recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available subject to compliance with Data Protection legislation to the Police for inspection on request.
 4. The precise positions of the cameras may be agreed subject to compliance with Data Protection legislation with the Police from time to time.
 5. The CCTV system shall display on any recording the correct time and date of the recording.
 6. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for the provision of any licensable activity.
 7. CCTV cameras shall cover the petrol forecourt area and night pay window.
-

Annex 2 – conditions consistent with the operating schedule

- 8. The premises licence holder shall at all times maintain adequate levels of staff. Such staffing levels shall be disclosed on request to the Licensing Authority and the Police.**
 - 9. Adequate waste receptacles for customers' use shall be provided in and immediately outside the premises.**
 - 10. The premises licence holder shall ensure that an age verification policy applies to the premises whereby all cashiers are trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce before being sold alcohol identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme or similarly accredited scheme hologram.**
 - 11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:**
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member**
 - Refresher/reinforcement training at intervals of no more than 6 months**

Training records shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 12. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register shall contain:**
 - Details of the date and time the refusal was made**
 - The identity of the staff member refusing the sale**
 - Details of the alcohol the person attempted to purchase**

This book/register shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 13. An incident book/register shall be maintained to record:**
 - All incidents of crime and disorder occurring at the premises**
 - Details of occasions when the Police are called to the premises**

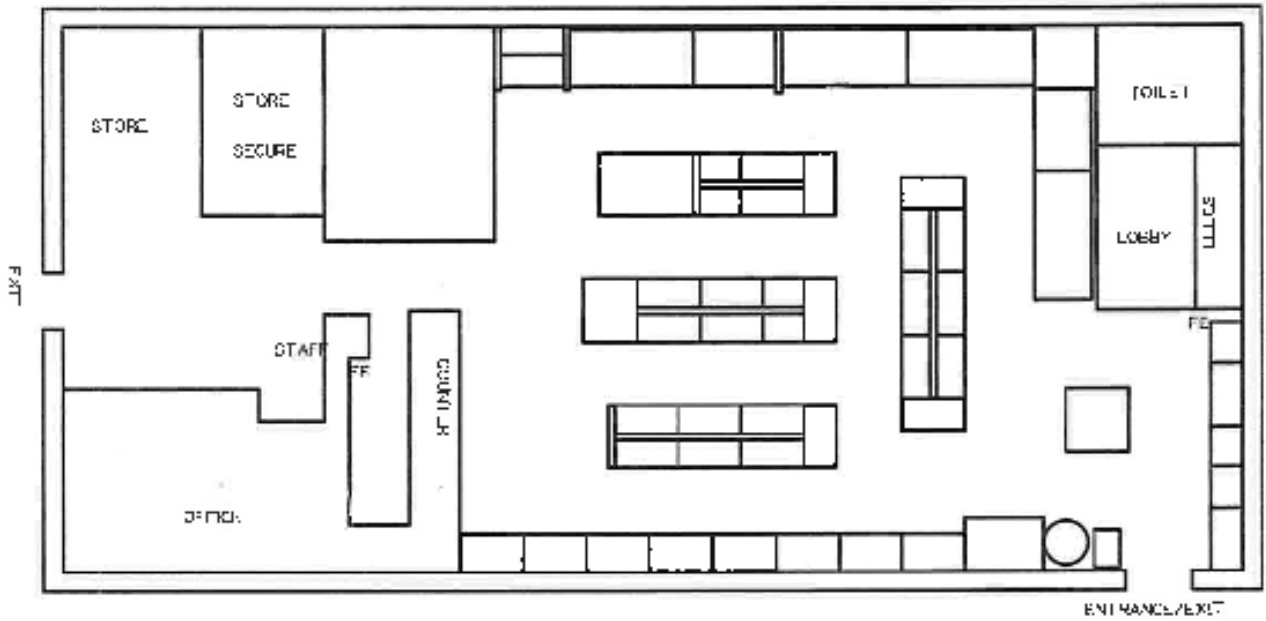
This book/register shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 14. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.**
 - 15. The entrance door to the shop shall be closed to customers between the hours of 23:00 and 05:00.**
 - 16. Signage shall be prominently displayed informing customers that an age verification scheme is in operation at the premises.**
-
-

Annex 3 – conditions attached after a hearing by the Licensing Authority

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of the Police or an authorised council officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member must be able to show the Police or an authorised council officer recent data or footage with the absolute minimum of delay when requested.
3. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review. Refresher training shall be at a minimum of six monthly intervals. These records must be available to a relevant responsible authority when called upon.
4. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.
5. Alcohol shall not be displayed within three (3) metres of the entrance.
6. There shall be no sales of beer, lager or cider in single cans or bottles less than 500ml in size. The minimum sale of such items shall be a pack of four.
7. A proof of age scheme such as Challenge 21/25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence or passport.
8. A log shall be kept detailing all refused sales of alcohol. The log shall not be in a loose-leaf format and should include the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the council at all times whilst the premises is open.
9. Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale advising customers that they may be asked to produce evidence of their age.
10. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.
11. The premises licence holder shall monitor the primary use of the premises and if the data demonstrates that the premises is an excluded premises pursuant to s.176 of the Licensing Act 2003 the sale of alcohol shall cease until such time as the data demonstrates that the premises is not so excluded. Such data shall be available on request to the Police and the Licensing Authority.

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering.





Part B

Premises licence summary

Premises licence number

11658

Premises details

Postal address of premises

Malthurst Faringdon
Faringdon Avenue Romford RM3 0AB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 06:00 to 23:00

The opening hours of the premises

24 hours

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off supplies only

Name, (registered) address of holder of premises licence

Malthurst Ltd
Vincent House 4 Grove Lane Epping CM16 4LH

Registered number of holder

03445529

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Navaratnasingam Jeyachandran

1 of 2

State whether access to the premises by children is restricted or prohibited

Not applicable

2 of 2



Copy of Application



**Winckworth
Sherwood**

By Special Delivery

Licensing Section
Public Protection
London Borough of Havering
c/o Town Hall
Main Road
Romford
RM1 3BD

Solicitors and
Parliamentary Agents

Minerva House
5 Montague Close
London
SE1 9BB
DX: 156810 London Bridge 6
Switchboard 020 7593 5000
Direct Line 020 7593 0277
www.wslaw.co.uk

6 October 2014

Our Ref: CVE/28715/67/RPB

Dear Sirs

Application to vary Premises Licence

Applicant: Malthurst Limited
Premises: Malthurst Faringdon, Faringdon Avenue, Romford, RM3 0AB
Premises Licence No: 11658

1. Application to vary the premises licence pursuant to Section 34 of the Licensing Act 2003.
2. A layout plan in the specified form to which the application relates (dated August 2014).
3. The premises licence.
4. A cheque for £190 in respect of your fee.

We are authorised to sign the application on behalf of Malthurst Limited.

We confirm that a copy of this application has been sent to each of the responsible authorities.

Please ensure that all correspondence relating to this application is sent to this office and not to the applicant or the premises.

Yours faithfully

Winckworth Sherwood LLP

DT 020 7593 0277
DF 020 7593 5099
cedwards@wslaw.co.uk



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Malthurst Limited**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 11658

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Malthurst Faringdon Faringdon Avenue			
Post town	Romford	Postcode	RM3 0AB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£23,000

Part 2 – Applicant details

Daytime contact telephone number	01992 571937		
E-mail address (optional)			
Current postal address if different from premises address	Vincent House 4 Grove Lane All correspondence to: Winckworth Sherwood LLP (Ref: CVE/28715/67/RPB) Minerva House 5 Montague Close London SE1 9BB		
Post town	Epping	Postcode	CM16 4LH

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┆	┆	┆
┆	┆	┆
┆	┆	┆

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

A petrol forecourt store selling a broad range of groceries, household products and alcohol. Situated at Malthurst Faringdon, Faringdon Avenue, Romford, RM3 0AB to be varied as follows:

1. To include the provision of late night refreshment between the hours of 2300 and 0500 daily.
2. To extend and make alteration to the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
Day				Start	Finish			
				Outdoors	<input type="checkbox"/>			
			Both <input checked="" type="checkbox"/>					
Mon	0000	0500	Please give further details here (please read guidance note 3)					
	2300	2400						
Tue	0000	0500						
	2300	2400						
Wed	0000	0500				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
	2300	2400						
Thur	0000	0500						
	2300	2400						
Fri	0000	0500	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)					
	2300	2400						
Sat	0000	0500						
	2300	2400						
Sun	0000	0500						
	2300	2400						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>The premises sell alcohol and other age restricted products.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) The applicant may elect not to open the store, or part(s) of the store, 24 hours every day but requires the flexibility to do so subject to statutory or operational restrictions.
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

There are no proposed changes to the existing conditions on the premises licence.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	W8henwood WP
Date	6 October 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

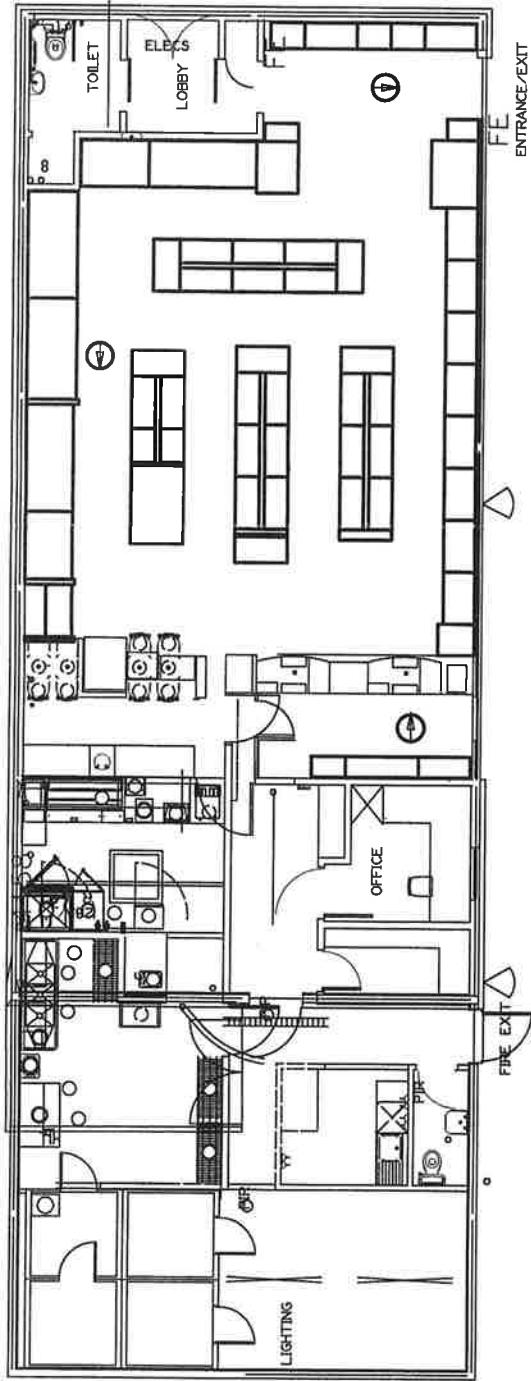
(Ref: CVE/28715/67/RPB)
 Winckworth Sherwood LLP
 Minerva House
 5 Montague Close

Post town	London	Post code	SE1 9BB
Telephone number (if any)	020 7593 0277		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) cedwards@wslaw.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



KEY:-

⊕ = CCTV CAMERA

FE = FIRE EXTINGUISHER

SHOP SIZE = 110 SQUARE METRES

THE ENTIRE PREMISES MAY BE USED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT

MRH SPAR FARINGDON WITH SUBWAY
 PREMISES LICENCE VARIATION DRAWING
 SCALE 1:100 ON A3 PAPER
 AUGUST 2014

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<p>Building Trades</p> <p>STEEL FIXERS & ARCHITECTURAL MET-ALWORKERS MUST HAVE CSCS CARDS CALL DAVE 07947 155859</p>	<p>Cleaners</p> <p>3 P/T Office Cleaners Monday-Friday Upminster 06.00-08.00am Rainham 17.00-18.45pm Barking 06.30-08.15am Call 01708 607508</p> <p>CLEANERS required Brentwood area, hours 5am-8am £6.50p/h contact 01702 713100 Quote ref 322</p>	<p>Office & Reception</p> <p>FULL-TIME TELEPHONE COLLECTOR Business 2 Business Debt Collection Agency requires applicant with good communication skills, assertive professional telephone manner, conscientious and quick thinking. Call Gavin: 020 8551 4019</p> <p>SAGE ACCOUNTS / IT SKILLS / ADMIN previous experience essential. Monthly end accounts, Excel spreadsheets, excellent telephone manner. Previous experience with a construction company would be an advantage. 2/3 days a week & holiday cover, salary negotiable. Email C.V. and covering letter to accounts@nomicoelectrical.co.uk</p>
<p>Dental & Optical</p> <p>F/T DENTAL NURSE for PRIVATE PRACTICE, Hornchurch/Harold Wood GDC registered. Some Computer/reception experience advantageous. Excellent working environment. Requirements: An enthusiastic, flexible & capable team player. Good rates of pay. Contact Sue 07946 683576</p>	<p>Hotel, Catering & Bar Staff</p> <p>CATERER for kiosk Lakeside area. Minimum 28hrs per week. £7.25ph - £9.00. Shift pattern will include weekend work. Driver a must. Telephone 01277 228536.</p>	<p>PLEASE MENTION THIS PAPER WHEN REPLYING TO THESE ADVERTISEMENTS</p>

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PART-TIME EXPERIENCED FLORIST must be trustworthy, reliable. Required for a busy friendly shop 3 days a week, must be willing to work weekends and busy times. Days vary weekly. 0208 551 7665.

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STOREPERSON / DRIVER Busy Industrial Fixing/Fastener Company Warehouse Work/ Trade Counter Etc Rainham CVs to accounts@xrfasteners.co.uk

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Legal and Public Notices

Goods Vehicle Operator's Licence

Function Business Services of 35 B Marsh Way, Rainham, Essex RM13 8UH is applying to change an existing licence as follows: To keep an extra 4 goods vehicles and 1 trailer at the operating centre at 35 B Marsh Way, Rainham, Essex RM13 8UH. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

APPLICANT: London Borough of Havering

PREMISES: Fairkytes Arts Centre, Billet Lane, Hornchurch RM11 1AX

The proposed licensable activity is: sale of alcohol and performance of recorded music

Full details of the application can be inspected at the address noted below during normal business hours. Any representations by an interested party or responsible authority regarding this application can be made to: Licensing Team, Housing & Public Protection London Borough of Havering Mercury House, Mercury Gardens, Romford RM1 3RX Website: www.havering.gov.uk Such representation must be received in writing by: **20th October 2014**, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.00.

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Licensing Act 2003 Application to Vary Premises Licence

Name of Applicant: Malthurst Limited. Address: Malthurst Faringdon, Faringdon Avenue, Romford, RM3 0AB. Licensing Authority: Havering London Borough Council. Licensing Authority Address: The Licensing Team, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD. (where a record of the application may be inspected during normal office hours). Website: www.havering.gov.uk. The applicant has applied to the Licensing Authority to vary the premises licence for the above premises as follows: 1. To include late night refreshment between the hours of 2300 and 0500 7 days a week. 2. To extend and make alterations to the premises. Any person or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than 4 November 2014. Any representations made to the Licensing Authority must be in writing. It is an offence knowingly or recklessly to make a false statement in connection with this application. The maximum fine for which a person is liable on summary conviction for this offence is £5,000. Dated: 6 October 2014

Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London, SE1 9BB. Ref: CVE/28715/67/RPB. Solicitors and authorised agents for the applicant.

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003



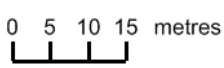

We, Hari News Limited, hereby give notice that we have applied to the London Borough of Havering Licensing Authority for the Variation of a Premises Licence at: Bargain Booze, 3-5 Oak Road, Romford, Essex, RM3 0PH. The Variation is to: Lodge plans of the revised internal sales display layout of the premises only. Full details of the application can be inspected at the address noted below during normal business hours. Any representations by an interested party or responsible authority regarding this application can be made to: The Licensing Team, Housing and Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL. Website: www.havering.gov.uk. Such representation must be received in writing by the 4th November 2014, clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence knowingly or recklessly to make false statements in connection with this application, the maximum fine on summary conviction for the offence is £5,000.



Havering
LONDON BOROUGH

Map of the area



<p>Malthurst Faringdon</p>	
	<p>Scale: 1:1000</p> <p>Date: 08 October 2014</p> 
 <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>Page 41</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100024327</p>



Havering
LONDON BOROUGH

Representations from
Responsible Authorities



The Appropriate Officer
Licensing Authority
London Borough Of Havering
Town Hall
Main Road
Romford
Essex
RM1 3BD

**KD - Havering Borough
KD - Romford Police Station**

Romford Police Station
19 Main Road
Romford
RM1 3BJ
Telephone: 0208-218-9283
Facsimile:
Email:
lee.M.Davies@met.pnn.police.uk
www.met.police.uk
Your ref:
Our ref: Malthurst Farringdon Ltd
30 October 2014

Dear Sir

Licensing Act 2003
Malthurst Farringdon, Farringdon Avenue, Romford, Essex, RM3 0AB

Police are making representations to the above premises variation, the representation is based on one of the licensing objectives the prevention of public nuisance.

The premises is located on Farringdon Avenue, Harold Hill, and is boarded on two sides by a residential care home and further residential properties

Malthurst Faringdon is a 24 hour petrol station with convenience store. The application requested a late night refreshment licence, on reviewing the application, Section M contains the following statement **There are no proposed changes to the existing conditions of the premises licence.**

With this in mind the applicant has not sought to take additional measures to aid in the promotion of the licensing objective should a later licence be granted.

Having spoken to the applicants representatives I can confirm that the supply of late night refreshment will be administered through a serving hatch. This method will be adopted due to an existing condition on the licence, Condition 15 of annex 2 which states that the entrance door to the premises shall be closed to customers between 23:00 Hours and 05:00 Hours, The application has not sought to remove this condition. Furthermore during the conversation police were asked what conditions we would like to see, Police have advised that it is not our responsibility to make suggestions to the applicants representative, and that if the applicant is seeking a late night licence then they should advise us what they are going to do in order to minimise noise and anti-social behaviour.

The location of the premises is within walking distance of several local pubs, with the added attraction of a late night licence, late night revelers will see the premises as a place to buy hot food and drink, whilst on route home, as with many late night licences the immediate dispersal from the area will be delayed, as food is normally eaten within the environs of the place where it was purchased. This in turn will bring unwanted noise and anti-social behaviour to an area in which residents have come to expect minimal noise.

Police have been in consultation with the applicants representatives and despite advising them that further conditions should be included in the application, none have been forthcoming, therefore the police do not agree that the licence should be granted as we have concerns that the applicant is not willing to address the promotion of the licensing objectives in particular the prevention of public nuisance

If I can be of any further assistance please do not hesitate to contact me

Regards

Lee DAVIES
PC 403KD
Licensing office
Havering

Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

Please call: Marc Gasson
Telephone: 01708 432777
Fax: 01708 432554
email: environmental.health@haverling.gov.uk
Textphone ☎ : 01708 433175

memo

From: Marc Gasson-Noise Specialist

To: Paul Jones-Licensing Officer

My Reference : MDG/016042

Your Reference :

Date: 22 October 2014

**Licensing Act 2003-Application To Vary Premises Licence
Malthurst Faringdon Faringdon Avenue Romford Essex RM3 0AB**

I refer to the application to vary a premises licence and advise as a responsible authority that I make representation against the application based upon my concerns in relation to the prevention of public nuisance.

The provision of late night refreshment between 23:00 and 05:00 has the potential to cause unacceptable levels of noise disturbance to nearby residents in Neave Crescent and Gascoyne Close whose rear gardens and bedrooms back onto and face towards the service station. In addition there is residential care home at the junction of Neave Crescent and Faringdon Avenue, bedrooms within which overlook the forecourt of the service station. Residents will be subject to noise from vehicle movements, raised voices and possibly music from the vehicles of patrons using the late night refreshment facility. The likelihood of noise disturbance noise is likely to be enhanced by the fact that this activity will occur only through a service hatch at the petrol station as indicated by the applicant thus leading to people congregating on the forecourt.

In addition and of concern to me is that the applicant has failed to provide any information as to how they intend to aid the promotion of any of the licensing objectives and in particular "the prevention of public nuisance".

I trust this clarifies my position

Marc Gasson
Noise Specialist

Public Protection

London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

Telephone: 01708 432692
Fax: 01708 432554
email: paul.jones@havering.gov.uk
Textphone ☎: 01708 433175

Date: 21st October 2014

The Appropriate Officer
Licensing Authority
London Borough of Havering
Town Hall
Main Road
Romford
RM1 3BD

My Reference: PJJ/016042

Dear Sir

Licensing Act 2003
Malthurst Faringdon Faringdon Avenue Romford RM3 0AB

With regard to *Malthurst Ltd's* application to vary a premises licence this licensing authority makes representation against the application based upon our concerns in relation to the prevention of public nuisance.

The extant premises licence numbered 11658 currently permits the supply of alcohol only. The application for this premises licence was made in May 2012. The original application also included a submission to be able to provide late night refreshment. This licensable activity was withdrawn by the applicant further to concerns expressed at that time by the licensing authority and the Police. The application to now include late night refreshment within the ambit of the licence has been submitted but the operating schedule appears not to have addressed any potential concerns the inclusion of this licensable activity might generate. Section M of the application contains the following statement in relation to the promotion of the licensing objectives:

There are no proposed changes to the existing conditions on the premises licence.

Effectively, then, the applicant does not intend to take any *additional* steps to aid the promotion of the licensing objectives, preferring instead to rely on existing conditions. These existing conditions might appear to be tailored to suit the off-sales of alcohol.

Malthurst Faringdon is a 24 hour petrol station with attendant convenience store. Condition 15 of annex 2 of the premises licence requires that *the entrance door to the shop shall be closed to customers between the hours of 23:00 and 05:00*. Contact with the applicant's representatives confirmed that this condition is to remain on the licence. It is our understanding that the premises currently serves all its customers between the hours of 23:00 and 05:00 through a small hatch.

Contd.

The application seeks to be able to provide late night refreshment both indoors *and* outdoors from 23:00 to 05:00. The application does not appear to clarify how or why the provision of hot food and/or drink to customers might take place *outdoors*. What seems clear is that any customer wishing to purchase hot food will be prevented from entering the premises by the aforementioned condition. Each customer will therefore be required to wait on the forecourt of the petrol station while the hot food is prepared. This might suggest the potential for noise nuisance should customers attend the premises on their way home from an evening out while under the influence of alcohol.

Contact with the applicant's representative also found that it is not currently the licence holder's intention to provide late night refreshment even if the application is granted. The *Subway* food outlet is to close at 23:00 each night as it does currently. The application, it was clarified, is to enable the licence holder to be able to provide hot drinks between 23:00 and 05:00. An alternative method of providing hot drinks to customers without the need for a premises licence authorisation would be to install a drinks vending machine at the premises. This would negate the need for late night refreshment to be added to the licence. Publicly accessible vending machines are exempt from the requirement to licence them for late night refreshment (*Schedule 2 para. 5(2)*).

While it may be the applicant's current intention not to provide late night refreshment the application, should it be granted as submitted, would permit late night refreshment to be provided at the premises, inside or outside, at any point in the future. Entirely absent from the licence, however, will be any attendant conditions to mitigate the potential for public nuisance that may be generated by the provision of hot food and/or drink throughout the early hours. We should also recognise, of course, that the area in which the premises lies is partly residential. The site is bordered on two of its four sides by residential housing. This includes an old people's home immediately adjacent to the convenience store. Further to this we might reasonably query why an authorisation for late night refreshment is sought at this stage when there is no intention to provide any hot food beyond hot drinks.

Premises which provide late night refreshment were included in the licensing regime for a reason as such premises provide a 'post-pub' destination. Rather than going home from an evening out late night revellers make their way to late night refreshment premises to have a bite to eat. Consequently the dispersal from the area is delayed as food is consumed in the vicinity of the shop in which it was bought. Attendant to this are public nuisance issues of noise and other forms of anti-social behaviour.

While this licensing authority is not opposed in principle to modifying the licence to permit the provision of late night refreshment we are concerned at the licence holder's apparent failure to address the promotion of the licensing objectives, particularly the prevention of public nuisance.

Yours faithfully

Paul Jones
Licensing Officer

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