

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 16 February 2015

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

A1	APPLICATION FOR A NEW PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Vicky's News 77 Wingletye Lane, Hornchurch, RM11 3AT</p> <p>DETAILS OF APPLICATION</p> <p>This application for a premises licence is made by Shailesh and Rekhaben Patel under section 17 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Shailesh and Rekhaben Patel Vicky's News 77 Wingletye Lane, Hornchurch, RM11 3AT</p> <p>1. Details of requested licensable activities</p> <p>This application was for a new premises licence.</p>
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		<p>Details of the application</p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol (Off Supply only)</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 Sunday</td> <td align="center">08.00hrs</td> <td align="center">21.00hrs</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 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 Havering edition of the Yellow Advertiser on Wednesday 31 December 2015.</p>	Supply of Alcohol (Off Supply only)			Day	Start	Finish	Monday to Sunday	08.00hrs	21.00hrs
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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 were five representations against this application from an interested party.</p> <p>The interested parties representations fall under the headings of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.</p> <p>Responsible authorities' representations</p> <p>During the consultation period, mediation had taken place between the applicant and the Police. The following conditions to be included in the new premises licence if granted had been agreed.</p> <p>The premises had accepted a change to the start time of licensable activity from the requested time of 0800hrs to 0930 hours. This is to prevent challenges or temptations by school children to test the availability of alcohol on the way to school.</p>

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		<p>1, 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>2, 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 are open for any licensable activity.</p> <p>3, A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are 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>4, Recordings shall be made available to an authorized person of the Licensing Authority or Havering Police together with facilities for viewing.</p> <p>5, To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be requested to remove headwear unless worn as part of religious observance.</p>

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		<p>6, A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification card such as a driving license or passport.</p> <p>7, All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.</p> <p>8, Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.</p> <p>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.</p> <p>10, 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 and must be made available to a relevant responsible authority when called upon.</p> <p>11, The shop window must have a clear area for line of sight to the front of the premises and / or an external CCTV camera with an internal monitor beside the serving counter to eliminate the risk of children asking adults to buy restricted products on their behalf. A prominent notice shall be displayed at the premises about the sale of alcohol to minors and the relevant offences relating to proxy sales.</p> <p>12, The Premises License Holder and Designated Premises Supervisor shall ensure alcohol is only purchased from an authorized wholesaler and shall produce</p>

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		<p>receipts for the same upon request for inspection. (An authorized wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorized wholesaler who provides full itemized VAT receipts).</p> <p>13, Legible copies of the documents referred to in above Condition shall be retained on the premises and made available for inspection by Police and authorized Council Officers on request and shall be retained on the premises for period of not less than twelve months.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Planning Control & Enforcement: None</p> <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>

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		<p>The Magistrates Court: None</p> <p>5. Applicant’s response</p> <p>The applicant representative presented the application as per the submitted papers. The sub committee was taken through the training schedule that the applicant had produced and circulated by email to all interested parties prior to the hearing.</p> <p>The Sub-Committee was informed that relevant signage would be installed in the premises to inform the public on CCTV, Challenge 25 and removal of head gear while on the premise.</p> <p>In response to a question about the prevention of purchases and the display of alcohol for sale in the hours before 09.30, the applicant’s representative informed the Sub-Committee that there would be rolling blinds/lockable fridges.</p> <p>In response to questioning by the Sub-Committee, Mr Patel stated that he planned to deliver the training to his staff once he had successfully secured his premises and personal licences. Mr Patel has also been in touch with the relevant council department to undertake additional trading standard training.</p> <p>6. Determination of Application</p>

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		<p>Decision</p> <p>Consequent upon the hearing held on 16 February 2015, the Sub-Committee’s decision regarding the application for a Premises Licence for Vicky’s News.</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 <u>Facts/Issues</u> Whether the granting of the premises licence would undermine the licensing objectives.</p>

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		<p align="center"> • Prevention of Public Nuisance The Sub-Committee noted the comments of interested parties that young people were hanging around the vicinity of the shopping parade. The Sub-Committee accepted that the premises had demonstrated from the training schedule how its staff would be trained to deal with issues with young people. </p> <p align="center"> • Prevention of crime and disorder The Sub-Committee noted the comments of interested parties that young people were attending a school and a college in the area. The Sub-Committee accepted that the premises had demonstrated from the training manual and agreed relevant conditions with the Police. That the applicant was well trained with 17 years' experience. The Sub-Committee also noted that the premises already dealt with age related product such as Lottery and Cigarettes. </p> <p align="center"> • Protection of children from harm The Sub-Committee noted the comments that the premise was on the route of young children going to school and college. That the </p>

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		<p>premises would encourage young people below the legal age to seek proxy buying of alcohol.</p> <p>The Sub-Committee accepted the view that one other premises already operated within the vicinity and that the Police and other responsible authorities had no concern with the establishment been granted a licence.</p> <p>The Sub-Committee also took in to consideration that Mr Patel was a responsible shop-owner with 17 years' experience who currently sold cigarette and lottery ticket to the general public.</p> <p>Having carefully considered all written representations and taking the licensing objectives, the Sub-Committee are satisfied to grant the application with the following conditions:</p> <ul style="list-style-type: none"> • All mandatory conditions • All conditions listed and accepted with the Police • All alcohol when between the hours of 05.30 and 09.30 hours are to be screened and secured in a lockable enclosure <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol (Off Supply only)</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 Sunday</td> <td align="center">09.30hrs</td> <td align="center">21.00hrs</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Alcohol to be limited to a maximum of 20% of the shop floor space 	Supply of Alcohol (Off Supply only)			Day	Start	Finish	Monday to Sunday	09.30hrs	21.00hrs
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		<ul style="list-style-type: none"> • All spirit are to be displayed and stored behind the counter <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.
A1		
A2		