

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 15 January 2016**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
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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 align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Kailash Newsagents 22 Broadway Rainham RM13 9YW</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> Sanjay Kantibhai Patel 60 Rutland Road Forest Gate London E7 8PH</p>
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		<p align="center"><b>1. Details of requested licensable activities</b></p> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Supply of Alcohol (Off Supply Only)</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td>09:00 to</td> <td>20.30</td> </tr> <tr> <td>Friday &amp; Saturday</td> <td>09.00</td> <td>21.00</td> </tr> <tr> <td>Sunday</td> <td>09.00</td> <td>15.00</td> </tr> </tbody> </table> <p>Seasonal Variations Christmas Eve and New Year's Eve Supply of Alcohol finish time 21.00</p> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Opening hours</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td>05:30 to</td> <td>20.30</td> </tr> <tr> <td>Friday &amp; Saturday</td> <td>05.30</td> <td>21.00</td> </tr> <tr> <td>Sunday</td> <td>05.30</td> <td>15.00</td> </tr> </tbody> </table> <p>Seasonal Variations Christmas Eve and New Year's Eve closing time 21.00</p> <p><b>2. Promotion of the Licensing Objectives</b></p> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the</p>	<b>Supply of Alcohol (Off Supply Only)</b>			Day	Start	Finish	Monday to Thursday	09:00 to	20.30	Friday & Saturday	09.00	21.00	Sunday	09.00	15.00	<b>Opening hours</b>			Day	Start	Finish	Monday to Thursday	05:30 to	20.30	Friday & Saturday	05.30	21.00	Sunday	05.30	15.00
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		<p>application. The required public notice was installed in the Romford Recorder on 4 December 20</p> <p><b>3. Details of Relevant Representations</b></p> <p>Relevant 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 was one relevant representation against this application from interested persons, however they did not attend the hearing before the Licensing Sub-Committee.</p> <p>There were no representations against this application from responsible authorities.</p> <p><u>Responsible Authorities</u></p> <p><b>Chief Officer of Metropolitan Police (“the Police”):</b> None</p> <p><b>Licensing Authority:</b> None</p> <p><b>Planning Control &amp; Enforcement:</b> None</p> <p><b>Public Protection:</b> None</p> <p><b>London Fire &amp; Emergency Planning Authority (“LFEPA”):</b> None</p>

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		<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>Representation from interested persons</b></p> <p>The written representation mentioned a Seasonal Variation finish time of 02.00hrs, The Licensing Officer had clarified this with the applicant’s agent and it was 21.00 and the agent apologised for not writing it clearly and any confusion caused.</p> <p>The Licensing Officer forwarded this clarification to Mr &amp; Mrs Smith, the interested persons, who accepted this point but requested that the remainder of their representation be taken forward to the Licensing Sub-Committee.</p> <p><b>4. Applicant’s response</b></p> <p>Mr Furze, representing the applicant, advised that there had been no changes to the application and that his client wished to apply for the hours as shown in the operating schedule.</p> <p>Mr Furze confirmed that the shop was currently a convenience store that his client wished to expand, although alcohol would only form approximately 10% of the shelf space in the store.</p> <p>Mr Furze also confirmed that alcohol would be concealed during the hours the shop was</p>

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		<p>open but alcohol was not for sale, this would be achieved by having a shutter/blind over alcohol on display.</p> <p>The Sub-Committee considered the written representation from the interested persons, noting the concerns that had been raised under the licensing objectives.</p> <p><b>5. Determination of Application</b></p> <p><b>Decision</b></p> <p>The Sub-Committee determined the 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> <p>Having considered the written representations and oral responses, and having regard to the licensing objectives.</p> <p>The Sub-Committee noted that whilst there would be some impact on the local amenity that</p>
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		<p>this would be minimal. The Sub-Committee also accepted the representations of the applicant that the type of establishment that this was intended to be would not attract a type of customer that would be likely to cause nuisance late at night in the local vicinity.</p> <p><b>Decision:</b></p> <p>The Sub-Committee granted the Premises Licence subject to the Mandatory Conditions, the conditions set out in the Operating Schedule and subject to further conditions that the:</p> <ol style="list-style-type: none"> <li>1. No more than 20% of the shelf space within the store to be used for the storage of alcohol.</li> <li>2. Alcohol shall be concealed from view except during the permitted times for the supply of alcohol.</li> </ol> <p><b>6. Right of Appeal</b></p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. Dismiss the appeal; or</li> <li>2. Substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. Make an order for costs as it sees fit.</li> </ol>

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<b>A2</b>		