

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
24 February 2016 (10.30 - 11.20 am)**

Present:

COUNCILLORS

Residents' Group	Jody Ganly
East Havering Residents' Group	Linda Van den Hende (Chairman)
UKIP Group	Phil Martin

Present at the meeting were Mr Chris Mitchener (applicant's agent) and Arthur Hunt (Licensing Officer).

Also present were the Council's Legal Adviser and the Clerk to the Sub-Committee.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

1 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR SHELL ROMFORD - 203 BRENTWOOD ROAD, ROMFORD, RM1 2SL

PREMISES

Shell Romford
203 Brentwood Road
Romford
Essex
RM1 2SL

APPLICANT

Motor Fuel Ltd
Clock House Court
5-7 London Road
St Albans
Hertfordshire
AL1 1LA

1. Details of Application

Variation applied for:

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

The application sought to vary the premises licence to allow *Late Night Refreshment* to be served from 23:00 – 05:00, thus making the provision of hot food and drink 24 hours a day. It had been further stipulated by the applicant that only hot drinks would be provided for the licensable hours. And, following consultation with the police a further condition had been volunteered that all such sales would be made via the serving hatch from 23:00 – 05:30 hours.

The premises were currently open 24 hours a day to provide fuel.

The applicant had 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 Yellow Advertiser on the 20 January 2016.

It was pointed out that there had been three applications made by the licence holder to vary the licence in the past 18 months. The first was withdrawn by the applicant; the others were rejected on administrative failures.

2. Details of Representations

There were three (3) representations against this application from interested persons. The previous applications were essentially the same and representations were received from other interested parties in response to those applications. However, they had not submitted representations to this application.

There were two (2) 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

The representation submitted by Ms Witchells addressed all four licensing objectives. Her representation appeared to deal with the issue of extended alcohol supply times. However, when it was pointed out that the application sought only late night refreshment, she confirmed that her representation stood.

Mr Parker had submitted a representation covering the crime and disorder, prevention of public nuisance and public safety licensing objectives.

Councillor Thompson had based his representation on the prevention of public nuisance and crime and disorder objectives.

The two representations submitted by the responsible authorities had both been withdrawn prior to the hearing commencing.

3. Applicant's response.

The applicant's agent, Mr Mitchener, addressed the Sub-Committee and confirmed that the applicant had agreed to the police's recommended condition that all sales were of hot drinks only and not hot food and that all sales were to take place via the serving hatch.

In relation to the representations that had been received Mr Mitchener made reference to paragraphs 9.12 and 9.15 of the Revised Guidance under section 182 of the Licensing Act 2003 which detailed the role of the responsible authorities and their duties as a source of information and advice and evidence on the licensing objectives if a premises varied its licence.

Mr Mitchener commented that the representations made by the interested persons were of a speculative nature and were not supported by any of the responsible authorities.

In response to a question from the Sub-Committee, Mr Mitchener commented that the variation of the premises licence would not lead to an increase in commercial activity and would just enable the applicants to sell hot beverages to customers who at present could not purchase such items after 23.00hrs.

Mr Mitchener also confirmed that the applicants employed one member of staff overnight which was sufficient to deal with all purchases of fuels and groceries including hot beverages.

Mr Mitchener confirmed that all transactions that took place after 23.00hrs were conducted using the serving hatch.

In response to a question from the Sub-Committee the Licensing Officer confirmed the previous licensing applications that had been submitted by the applicant.

4. Determination of Application

Consequent upon the hearing held on 24 February 2016, the Sub-Committee's decision regarding the application for a variation of the premises licence for Shell Romford was as set out below, for the reasons stated:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

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.

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

5. Decision

Having considered the oral and written submissions of the applicant and having regard to the licensing objectives, the Sub-Committee considered that given it would only be hot drinks that were sold as ancillary to other sales there was unlikely to be an increase in public nuisance.

The Sub-Committee was prepared to **grant** the variation as applied for with the following additional conditions:

1. Notices to be displayed on the forecourt and by the forecourt exits and adjacent to the pay window asking customers to leave the premises quietly and with consideration for local residents, to be repeated internally by the exit door.
2. The licensable activities to be restricted to hot drinks only.
3. All hot drink sales would be made via the serving hatch from 23.00hrs until 05.30hrs.

Chairman