

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 July 2016**

Agenda Item No	Topic	Decision
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**Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.**

**Part A – Items considered in public**

<p><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE, CO-OP, 8 -12 MORAY WAY, ROMFORD, RM1 4YD</p>	<p align="center"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Co-op, 8-12 Moray Way, Romford, RM1 4YD</p> <p><b>DETAILS OF APPLICATION</b></p> <p>The application for a new premises license was made under section 17 of the Licensing Act 2003 (“the Act).</p> <p><b>APPLICANT</b> Co-operative Group Food Ltd., 8 – 12 Moray Way, Romford RM1 4YD</p> <p><b>1. Details of requested licensable activities</b></p> <p>The current premises licence, which was still in force, related to nos. 8 -10 Moray Way. It appeared that the owner of the premises had moved on and the Co-op had acquired the premises and the adjoining premises no. 12 Moray Way. The</p>
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		<p>application for a premises licence related to the enlarged premises, 8 -12 Moray Way.</p> <p>The applicants were seeking to extend the trading hours to those set out below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th align="center" colspan="3"><b>Supply of Alcohol off-premises</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday to Sunday</td> <td align="center">06:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <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 advertisements of the application. The required public notice was installed in the 10 June 2016 edition of the Romford Recorder.</p> <p><b>3. Details of Representations</b></p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> </ul>	<b>Supply of Alcohol off-premises</b>			Day	Start	Finish	Monday to Sunday	06:00	23:00
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		<ul style="list-style-type: none"> <li>• The protection of children from harm</li> </ul> <p>There were two representations against the application from local residents.</p> <p>There were no representations against the application from responsible authorities.</p> <p><b>4. Representations from local residents</b></p> <p>The first representation was from a local resident who lives in a flat above this parade of shops. His representation referred to the problems caused by the sale of alcohol by local shops which had led to:</p> <ol style="list-style-type: none"> <li>a. Drug dealing;</li> <li>b. Defecating and urinating to the side and rear of the property; and</li> <li>c. Problems with gangs of youths who could be quite intimidating to elder residents.</li> </ol> <p>Concern was also expressed regarding the possible effects on children attending the nearby nursery.</p> <p>The second representation had come from a resident in Havering Road, who lives approximately 50 yards from the premises and considers that her family life would be affected by the sale of alcohol from 06:00 to 23:00hrs. It was believed that this would be an attraction for teenagers encouraging them to congregate at the rear of their property generating noise and rubbish.</p> <p>It was claimed that 8 -12 Moray Way was on the main route for school children who</p>

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		<p>could be confronted by early morning and afternoon drinkers. The person making the representation also referred to the existing problems with spirit and beer bottles being deposited in or around their property, (front and back gardens). Reference was also made to the potential for noise from deliveries from the service road which was adjacent to their rear garden.</p> <p><b>5. Applicant's case</b></p> <p>Mr Richard Arnot solicitor for the applicants responded to the representations and presented the case as to why the application should be granted.</p> <p>The Co-op was the 5<sup>th</sup> largest retailer in the UK. Nos. 8 – 10 Moray Way was a former convenience store and no. 12 a Model Boat Shop.</p> <p>A convenience store was expected to sell alcohol and in this case alcohol would only account for 15% in volume of the total sales. Each region had its own Risk Manager who was responsible for liaising with local authorities and ensuring appropriate training was required. A copy of the training guide had been provided.</p> <p>All new staff were required to complete an induction process which typically lasted 4 weeks. At the end of the process they had to pass an exam. If they failed they had to start the process again. Each new member of staff would be allocated a buddy, a long serving member of staff to act as mentor. Additionally the Co-op had a 'lockdown' procedure which disabled parts of the tills to prevent new staff from selling alcohol until management was satisfied they were suitably trained.</p>

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		<p>All staff were required to undertake refresher training once a year.</p> <p>The store would be provided with 20 CCTV cameras and the tills came with prompts which prevented sales unless the cashier completed all the instructions correctly. This included inputting the customers age. Management would review till records to ensure staff were not just entering any number.</p> <p>The Co-op operated a proactive Refusals Register and were one of the first stores to introduce Challenge 25.</p> <p>The layout of the store allowed for one way in, one way out to promote an orderly flow through the store and discourage people from stealing. All spirits were stocked behind the counter, there was no self service of spirits.</p> <p>The store would employ no fewer than 3 Personal Licence Holders and more likely 5, out of a staff team of 15. Every member of management would be a Personal Licence Holder.</p> <p>The Co-op was a good operator with a good reputation and would do nothing to damage this.</p> <p>The trend was to extend convenience store opening hours to meet the demands of customers, hence the applied for hours of 06:00 to 23:00. At this point Mr Arnot reminded the Sub-Committee of paragraph 10.15 of the guidance to the Act which indicated:</p>

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		<p><i>‘Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any time the retail outlet was open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.’</i></p> <p>The opening hours applied for were in line with the local Framework and there were no good reasons to vary these hours.</p> <p>The applicants had spoken to the Metropolitan Police licencing officer on the 17 June who had indicated that, having spoken to local officers, they had no objection to the application. None of the responsible authorities had submitted a representation.</p> <p>Contact had been made with Mr Beaumont but he had failed to respond to the approach. Mr Arnot advised that the issue of kids hanging outside the store should not be an issue with the prevalence of CCTV covering the front of the store. All the other issues related to the previous premises and the Co-op cannot be held responsible for what happened in the past.</p> <p>The concerns expressed by the second local resident had not been picked up as an issue by the police. The issue of deliveries was not one for licencing, but a matter for planning. He did not anticipate it being an issue as deliveries would be to the front of the premises.</p>

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		<p><b>Decision</b></p> <p><b>Consequent upon the hearing on 25 July 2016, the Sub-Committee’s decision regarding the application for a new premises licence for the Co-op, 8 – 12 Moray Way, Romford was as set out below for the reasons stated:</b></p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.</p> <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 section 117 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 carefully considered the written representations of the two local residents and listened carefully to the applicant’s representations the Sub-Committee was minded to grant the application subject to the mandatory conditions and the following, additional condition to reflect their concerns regarding the selling of alcohol in the early hours: ‘a minimum of three staff shall be on duty between the hours of 06:00 to 09:00 every day.’</p> <p><b>Right of Appeal</b></p> <p>Any party to the decision or anyone who has made a relevant representation</p>

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		<p>[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"> <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>
A1		
A2		