

## Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 5 August 2019

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

<b>A1</b>	APPLICATION FOR A PREMISES LICENCE - PARK LANE NEWS AGENT	<div style="text-align: right;"><b>Licensing Act 2003 Notice of Decision</b></div> <p><b>PREMISES</b> Park Lane News Agent 65 Park Lane Hornchurch RM11 1BH</p> <p><b>APPLICANT</b> Ms Marites Senior</p> <p>Proposed DPS: Ms Marites Senior</p> <p><b>1. Details of requested licensable activities</b> An application for a new premises licence was made by the above applicant, under section 17 of the Licensing Act 2003. The application was received by the London Borough of Havering on the 20<sup>th</sup> June 2019.</p> <p>The application is to permit the following licensable activity:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th colspan="3">Off-supplies of alcohol</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>08:00</td><td>22:00</td></tr> </table>	Off-supplies of alcohol			Day	Start	Finish	Monday to Sunday	08:00	22:00
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		<table border="1"> <tr> <th align="left" colspan="3"><b>Hours premises open to the public</b></th></tr> <tr> <th><b>Day</b></th><th><b>Start</b></th><th><b>Finish</b></th></tr> <tr> <td>Monday to Sunday</td><td>06:30</td><td>22:00</td></tr> </table> <p><b>2. Promotion of the Licensing Objectives</b></p> <p>The Licensing Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>The applicant acted in accordance with regulations governing the advertising of the application.</p> <p><b>3. Details of Representations</b></p> <p>There were no representations opposing the application from responsible authorities.</p> <p>Representations have been received from local residents and Ward Councillors on the grounds of the prevention of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm.</p> <p>The applicant attended and was represented by a solicitor who made submissions on her behalf.</p> <p>The premises is not situated within a cumulative impact zone (CIZ) as set out in Annex 1 to the Council's Licensing Policy. Where representations are received against an application in the CIZ, there is a rebuttable presumption under the CIZ Policy to refuse the application unless the applicant can demonstrate that the grant of the licence will not add to existing problems in the</p>	<b>Hours premises open to the public</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Monday to Sunday	06:30	22:00
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		<p>area.</p> <p>As the premises is not within a CIZ, there is no such rebuttable presumption in the application.</p> <p><b>4. Determination of Application</b></p> <p><b><u>DECISION</u></b></p> <p>The Sub-Committee considered all representations and submissions and decided to grant the application with conditions as below.</p> <p><b><u>REASONS</u></b></p> <p>The Licensing Sub-Committee has considered an application for a new premises licence for Park Lane News Agent, 65 Park Lane, Hornchurch, RM11 1BH.</p> <p><b>The licensing sub-committee has considered an application for a new premises licence for Park Lane News Agent, 65 Park Lane, Hornchurch, RM11 1BH.</b></p> <p>Two local residents and a local authority councillor attended the hearing to expand upon their written representations.</p> <p>The Council's Licensing team clarified that some of the photographs submitted in the local resident submissions at page 39 of the bundle were not current photographs, some dating back to 2013. These dates were clarified as:</p>

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		<ol style="list-style-type: none"> <li>1. Photo A – Jul 2019</li> <li>2. Photo B – Jan 2019</li> <li>3. Photo C – Unknown</li> <li>4. Photo D – July 2017</li> <li>5. Photo E – Apr 2013</li> <li>6. Photo F – Unknown</li> <li>7. Photo G – Mar 2013</li> <li>8. Photo H – Mar 2013</li> <li>9. Photo I – Jul 2017</li> <li>10. Photo J – Oct 2014</li> </ol> <p>The two local residents made representations. The ward councillor objected on the basis that 2 shops selling alcohol already exist on the parade of shops where the applicant's premises are located. She had concerns that a third business would increase the already problematic anti-social behaviour issues around the parade of shops. She suggested that the current shops selling alcohol were adequate for the area and a third was not required.</p> <p>The Licensing Sub-Committee noted that this was not a cumulative impact zone and the number of other licensed premises in the area could not be a consideration for the sub-committee.</p> <p>Local Resident A stated she was worried for local residents' safety due to the alleged existing problems of anti-social behaviour, with children riding bicycles and doing wheelies, whilst loitering around the parade of shops. She stated her relatives don't come to the area as they are afraid.</p> <p>The Licensing Sub-Committee noted that the general complaints Resident A had about the area, were not directly attributable to the applicant or the premises.</p>

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		<p>Local Resident B reiterated the Councillor's submissions stating that a third shop selling alcohol in the area from 8am to 10pm would cause more anti-social behaviour and crime. It was submitted that the shop would attract more customers which would increase noise and cars and that the operating schedule was not detailed enough in how it would promote the licensing objectives. It was alleged that there were problems with children loitering at the front of the shops and in the alley way behind, taking drugs and drinking. She confirmed that 33 local residents had signed a petition saying they didn't want a third shop in the parade to sell alcohol.</p> <p>The Sub-Committee noted that the complaints from Resident B referred again to the cumulative impact of a third off licence in the parade, and raised concerns about the area generally that were not directly attributable to the applicant or the premises.</p> <p>Solicitor Winston Brown made submissions on behalf of the applicant. He noted that there were no complaints about the applicant or the premises directly. He further noted that as the premises are not within a cumulative impact zone, arguments based on the cumulative impact of a third shop selling alcohol were redundant.</p> <p>Mr Brown suggested that the applicant is an experienced and responsible personal licence holder operating another alcohol sales business elsewhere. The applicant had recently taken over the newsagent and wanted to work with the local residents to act in a considerate and responsible way.</p> <p>Mr Brown confirmed the applicant was willing to add any best practice conditions as considered by the Sub-Committee. Further that she would be implementing CCTV to Information Commission standards as requested by the sub-committee. This CCTV would cover the area outside the front of the shop, inside the shop and the alley way behind the shop. Mr Brown</p>

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		<p>suggested that having CCTV to cover these areas would reduce the problems in the area, as any criminals or drug users would stay away from areas covered by CCTV which might be given to the Police on request.</p> <p>The applicant agreed further conditions with the Sub-Committee to ensure best practice in respect of the licensing objectives. These included conditions targeting underage sales and street drinkers including:-</p> <ol style="list-style-type: none"> <li>1. limiting sales of beers, lager, stout, cider to 6%ABV.</li> <li>2. Spirit sales to be for bottles of a minimum 70cl capacity.</li> <li>3. No single can/bottle sales for beer bottles, alcohol cans, or ready to drink bottles.</li> <li>4. Refusal and incident books</li> <li>5. Challenge 25 provisions.</li> </ol> <p>The applicant said she respected the local residents' concerns, and in view of the same would reduce her licensable hours from the application hours of 8am-10pm to 10am-8pm, showing her commitment to residents' concerns.</p> <p>The Sub-Committee considered with care the representations made by the local residents, the ward Councillor and the applicant.</p> <p>The Sub-Committee found that the majority of objections related to the cumulative impact of a third shop in the parade selling alcohol and that this was not relevant as the premises were not in the cumulative impact zone. They further found the complaints relating to the general problems in the area were not attributable to either the applicant or the premises directly. The Sub-Committee found that the applicant's CCTV system would assist to deter crime in the area outside the front and rear of the premises. The conditions agreed by the applicant were found to be sufficient to ensure that the licensing objectives would be promoted.</p>

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		<p><b>Having considered all submissions the Sub-Committee decided to grant the licence as follows:</b></p> <p>Opening times:  <b>Monday to Sunday from 06:30 to 20:00 hours.</b></p> <p>Sale of Alcohol (off premises only)  <b>Monday to Sunday from 10:00 to 20:00 hours.</b></p> <p><b><u>Conditions:</u></b></p> <ol style="list-style-type: none"> <li>1. CCTV shall be installed at the premises. <ol style="list-style-type: none"> <li>a. CCTV implementation will be to the Information Commission Standards.</li> <li>b. The CCTV system shall be maintained in good working condition and record the premises 24 hours every day.</li> <li>c. CCTV recordings shall be retained for a minimum of 31 days and be made available to the Police and the Licensing Authority immediately on request.</li> <li>d. The CCTV equipment shall have suitable export methods to CD/DVD/USB</li> <li>e. Staff working at the premises shall be trained in the use of the CCTV equipment and a training log shall be kept on the premises. This shall be made available to the Police and the Licensing Authority immediately on request.</li> </ol> </li> </ol>

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		<p>f. Cameras on the entrance shall capture full frame shots of the head and shoulders of all people entering the premises, of evidential quality in any light condition.</p> <p>g. There shall be signs displayed that CCTV is in operation.</p> <p>h. CCTV shall monitor all areas used by the premises' patrons including the area immediately outside the front and the rear alley to the premises.</p> <p>i. The CCTV system shall be checked on a weekly basis to ensure that it is working/recording. A record of this shall be recorded in the CCTV log book with the premises licence holder/DPS recording the date and time of the check. The record shall be recorded in a bound and numbered page book. This register shall be kept on the premises at all times and made available to the Police and authorised council officers immediately upon request. Full books shall be retained at the premises for a period of 12 months.</p> <p>j. Should the CCTV become non-functional the premises licence holder / DPS shall take immediate steps to rectify the situation as soon as possible and inform the Licensing Authority immediately.</p> <p>2. Challenge 25 shall be implemented.</p> <p>a. Where customers appear under the age of 25 and attempt to purchase alcohol or other age restricted products, they shall be asked for proof of age.</p> <p>b. The following proofs of age are the only ones to be accepted:- A Proof of Age</p>



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		<p>Card bearing the “PASS” hologram symbol; a UK photo driving licence; a passport.</p> <p>c. Challenge 25 notices shall be displayed.</p> <p>d. No Proof, No Sale signage shall be displayed at the window and inside the shop.</p> <p>e. Signage shall be displayed reminding customers that no alcohol shall be sold to customers aged under 18 as it is a criminal offence.</p> <p>f. A refusal / incident book shall be maintained and kept on the premises at all times. This shall be retained for 12 months and made available to the police or the Licensing Authority immediately upon request. These books shall be examined at least weekly by the DPS with the date/time of examination endorsed on the book.</p> <p>g. A till prompt system shall be installed to assist staff by reminding them to challenge for ID when an alcohol or age limited sale is made.</p> <p>h. A maximum of 2 children shall be allowed in the premises at one time.</p> <p>3. Training:</p> <p>a. Staff shall be trained in the responsible sale of alcohol, including all new staff members. Details of all training shall be recorded and provided to the Police or the Licensing Authority immediately on request.</p>

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		<p>b. All staff shall have a refresher training every 3 months for the sale of alcohol.</p> <p>4. Alcohol:</p> <p>a. There shall be no sales of bottles of spirits of less than 70cl capacity.</p> <p>b. Alcohol shall be purchased from approved suppliers only. Receipts shall be retained at the premises for 12 months and disclosed to Police or the licensing authority immediately upon request.</p> <p>c. Beers, Ciders, Stout and Lagers on sale shall not exceed 6% ABV.</p> <p>d. There shall be no single item sales for:</p> <ul style="list-style-type: none"> <li>i. Cans of alcohol</li> <li>ii. Bottles of beer</li> <li>iii. Ready to buy bottles.</li> </ul> <p>e. Outside the permitted hours ALL ALCOHOL shall be screened off from sale and display by a physical and lockable shutter to which the premises licence holder / designated premises supervisor shall hold the keys.</p> <p>5. Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.</p> <p>6. The area immediately outside the premises shall be regularly inspected and any litter, food containers, bottles or cans emanating from the premises shall be removed and properly disposed of as trade waste.</p>

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		<p>7. A notice shall be displayed with a contact number and email address for the DPS or manager for local residents to register and resolve any complaints.</p> <p><b>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>