

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
----------------	-------	----------

**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 TO VARY A PREMISES LICENCE - FOOD ALCOHOL EXPRESS, 65 PARK LANE, ROMFORD, HORNCHURCH, RM11 1BH</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Food Alcohol Express/Select and Save 65 Park Lane Hornchurch RM11 1BH</p> <p><b><i>Details of the application</i></b> The application for a variation to a premises licence:  Amendment from</p> <table border="1"> <thead> <tr> <th colspan="3"><b>Alcohol off-supplies</b></th> </tr> <tr> <th><b>Day</b></th> <th><b>Start</b></th> <th><b>Finish</b></th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>10:00</td> <td>20:00</td> </tr> </tbody> </table> <p>To</p> <table border="1"> <thead> <tr> <th colspan="3"><b>Alcohol off-supplies</b></th> </tr> <tr> <th><b>Day</b></th> <th><b>Start</b></th> <th><b>Finish</b></th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>06:00</td> <td>22:00</td> </tr> </tbody> </table> <p>The applicant wished to remove the following conditions (added by consent at a hearing in 2019 on the initial application).</p>	<b>Alcohol off-supplies</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Monday to Sunday	10:00	20:00	<b>Alcohol off-supplies</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Monday to Sunday	06:00	22:00
<b>Alcohol off-supplies</b>																				
<b>Day</b>	<b>Start</b>	<b>Finish</b>																		
Monday to Sunday	10:00	20:00																		
<b>Alcohol off-supplies</b>																				
<b>Day</b>	<b>Start</b>	<b>Finish</b>																		
Monday to Sunday	06:00	22:00																		

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
		<p>h. A maximum of two children shall be allowed in the premises at one time.</p> <p>4. Alcohol:</p> <p>a. There shall be no sales of bottles of spirits of less than 70cl capacity.</p> <p>c. Beer, cider, stout and lager 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 / DPS shall hold the keys.</p> <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><i>Comments and observations on the application</i></b></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.</p> <p><b>SUMMARY</b></p> <p>There were no representations against this application from any of the responsible authorities.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>There were representations from two residents who live the vicinity of the premises.</p> <p>There was also a representation from Councillor Judith Holt.</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 was represented by a licensing agent who made submissions on her behalf.</p> <p><b>DECISION:</b></p> <p>The Sub-Committee have considered an application for a variation to the licence for Food Alcohol Express/Select and Save situated at 65 Park Lane, Hornchurch, RM11 1BH. Representations were made by Mrs Gemma Brooks and Mrs Janet Haworth, both on the grounds of all four of the licencing objectives, as well as Councillor Judith Holt on the grounds of public safety, the prevention of public nuisance and the protection of children from harm. Mrs Brooks and Councillor Holt attended the hearing to make oral representations.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under S182 of the Licensing Act and the Council’s own Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee decided to deny the applicant’s application on this occasion.</p> <p><b>REASONS</b></p> <p>It was accepted by the Sub-Committee that the proposed variations would not promote the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
		<p>or the protection of children from harm. The representations on this point from local residents, that there was already an existing problem of street drinking and groups of teenagers in the area that was likely to be exacerbated if the variations were to be granted, were consistent with the local knowledge held by the members on the Sub-Committee. The fact that there were no representations from the responsible authorities was considered. However, the Sub-Committee did not agree that this meant that no issues existed.</p> <p>The Sub-Committee was aware that these conditions had been placed on the licences with the purpose of alleviating these pressures in the area. It was of particular concern to the Sub-Committee that the applicant wished to remove these conditions.</p> <p>There were a number of variations applied for by the applicant in relation to sales of alcohol. The applicant’s application stated that “Alcohol will form approximately 15% of the goods on sale and as it is not the intended focus of the business there is an expectation that alcohol sales will have a limited impact on the area”. No evidence was presented in relation to the economic impact that the existing conditions might have on the business. The applicant’s representative suggested that there may be no sales of alcohol at 6am in the morning, but her client should have the facility to do so. Accordingly, the applicant did not put forward a strong economic argument for granting the variation.</p> <p><b><i>Extended Hours</i></b></p> <p>The Sub-Committee decided that extending the licensing hours would not meet the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. This was because opening times of 6am and closing times of 10pm were likely to encourage street drinkers and problem drinkers to be attracted to the area. The applicant’s representative was not able to present reasons that were satisfactory to the Sub-Committee about why her client wished to be able to sell alcohol at 6am in the morning. As stated above, the Sub-Committee</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
		<p>accepted the evidence of the residents and Councillor Holt that there were existing problems with street drinkers that would be added to if the extension of hours were granted.</p> <p><b><i>A maximum of two children shall be allowed in the premises at one time.</i></b></p> <p>The Sub-Committee considered the representations made by the applicant's representative: that this condition was unenforceable (due to the need to ID children) and unnecessary, due to the fact that there were other conditions in place, such as till prompts and challenge 25. The Sub-Committee disagreed with the applicant's representative in respect of the enforceability and believed that it would act as a deterrent to large groups of youths entering the shop. The sub-committee accepted the representations of the residents that there was a particular problem with groups of teens congregating in the area and asking adults to purchase alcohol for them. The Sub-Committee considers that this condition promotes the licensing objective of the protection of children from harm, as it limits the opportunity for youth theft of alcohol in the shop.</p> <p>The sub-committee was not presented with any evidence or representations to suggest that this would be detrimental to the applicant's business. Therefore, limited weight was given to this factor.</p> <p><b><i>a. There shall be no sales of bottles of spirits of less than 70cl capacity.</i></b></p> <p>The Sub-Committee considers this to be a standard condition in the Borough that is in place to discourage street drinkers and the anti-social behaviour. Therefore, granting this variation would not promote the licensing objectives of the prevention of crime and disorder and the</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
		<p>prevention of public nuisance.</p> <p>The representation that this condition limited the range of products that the applicant wished to sell was given due consideration. However, as no clear economic reason for variation was presented to the Sub-Committee, it was decided that the risk to causing problems in the area outweighed the impact on the applicant.</p> <p><b><i>c. Beer, cider, stout and lager on sale shall not exceed 6% ABV. d. There shall be no single item sales for: i. cans of alcohol ii. bottles of beer iii. ready to buy bottles</i></b></p> <p>Again, the limiting of the strength of beers etc. and the number of units that they can be sold are standard licensing conditions that are considered necessary to discourage street drinkers and anti-social behaviour.</p> <p>The Sub-Committee finds that it is necessary to keep these conditions in place to promote the licensing objectives of the prevention of crime and disorder/public nuisance reasons discussed above. In the absence of evidence to show the economic impact on the applicant this is deemed to be proportionate by the Sub-Committee.</p> <p><b><i>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 / DPS shall hold the keys.</i></b></p> <p>The applicant's representative presented the argument that the applicant should be able to display all of its goods as a matter of convenience. The Sub-Committee's understanding of the</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

Agenda Item No	Topic	Decision
		<p>applicant’s representations argument was that the licensing hours should be extending, thus obviating the need for shutters. However, in light of the fact that the extension to the licensing hours have not been granted, the Sub-Committee considers it to be appropriate that this condition remains in place.</p> <p><b><i>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.</i></b></p> <p>The Sub-Committee did not accept the representation that this would be intrusive or a breach of data protection. There is no reason why a business and email address could not be created for this purpose. It is considered necessary to promote the licensing objective of the prevention of public nuisance that residents are able to present their concerns to the applicant in a private and confidential manner and that this condition is in no way onerous to the licensee.</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>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 14 May 2021**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
A1		
A2		