

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 27 July 2022

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

A1	APPLICATION TO VARY A PREMISES LICENCE - SHELLEY'S BAR	<p>Licensing Act 2003 Notice of Decision</p> <p>PREMISES Shelley's Bar 72A Station Lane Hornchurch RM12 6NA</p> <p>APPLICANT Champagne Chelle Ltd</p> <p>1. Details of requested licensable activities This application to vary a premises licence is made by Champagne Chelle Ltd under s.34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 22 April 2022.</p> <p>The application is to:</p> <p>Extend the hours for sale of alcohol and openings times as follows:</p> <p>Alcohol: Thursday 11:00-01:00, Fridays & Saturdays 11:00-02:00, Bank Holiday Sundays 11:00-02:00</p> <p>Opening and Closing Times: Thursday 11:00-01:30, Fridays & Saturdays 11:00-02:30, Bank Holiday Sundays 11:00-02:30</p>
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		<p>Comments and observations on the application</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 application.</p> <p><u>SUMMARY</u></p> <p>The Sub-Committee have considered an application to vary a premises licence for Shelley’s Bar, situated at 72A Station Lane, Hornchurch, RM12 6NA.</p> <p>Representations against the application were received from a single resident and two Ward Councillors. There were no representations against this application from any responsible authorities.</p> <p>The applicant and a legal representative attended by means of a remote technology.</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. The premises is situated within a Cumulative Impact Zone (CIZ) as set out the Council’s policy. Where representations are received against an application in the CIZ zone, there is a rebuttable presumption under the CIZ policy to refuse the application unless the applicant can demonstrate that the granting of the licence will not add to existing problems in the area.</p> <p>Where relevant representations are made, the authority must hold a hearing and then take such steps, as it considers necessary for the promotion of the licensing objectives. These steps</p>

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		<p>may include rejecting the application, or modifying the conditions to the extent that the authority considers necessary for the promotion of the licensing objectives</p> <p><u>Decision: Application Refused</u></p> <p>Having heard all the representations, written and oral, the sub-committee have decided to refuse the application.</p> <p>The premises is situated in a Cumulative Impact Zone. The council's statement of licencing policy has been recently revised and updated in September 2021. In considering whether to adopt such a Policy for the area, the council took the following steps as recommended by the Guidance:</p> <ul style="list-style-type: none"> • Gathered crime and disorder statistics, ambulance service statistics and such other relevant statistics • Identified serious concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder; • Identified the area in which problems are arising and the boundaries of that area. <p>The data gathered has resulted in Station Lane, Hornchurch, Romford, RM12 6NA and its environs to remain in the Cumulative Impact Zone. This was only revised as recently as September 2021. The council is aware of issues of crime and disorder and public nuisance around the premises. Therefore, it remains that there is a rebuttal presumption not to grant the application, unless the applicant can demonstrate that granting the application not have an adverse effect to the area. The applicant failed to rebut the presumption.</p> <p>In arriving to a decision, the sub-committee were aware that the Police, as a representative authority, had not made any representations against the application and that the Secretary of</p>

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		<p>States' guidance states the Police should be the licensing authority's main source of advice on matters relating to crime and disorder licensing.</p> <p>The sub-committee were also aware that the Council's Environmental Health Team withdrew representations after negotiating conditions with the applicant to promote the licensing objective of prevention of public nuisance and therefore, there were no representations against the application from the Council's Environmental Health Team.</p> <p>Further, the sub-committee accepted the applicant's submissions that the councillors representations were largely generic statements that lacked evidence linking the issues raised directly to the premises. The sub-committee were also aware that there has been no history of complaints or associated issues from the premises.</p> <p>However, the sub-committee's reason for refusal was due to the applicant not being familiar with her existing licensing conditions and not adhering to the conditions. This became known when the Members questioned the applicant during the hearing. The applicant, by her own admissions, stated that she did not undertake staff training every 12 months in relation to the sales of alcohol and had not given refresher training on how to deal with persons who are incapacitated due to drink or drugs every twelve months. These conditions were imposed when the premises licence was originally granted and the sub-committee were alarmed when hearing the applicant's response. Further, when questioned about keeping training records, the applicant could not confirm to the sub-committee that she had such records.</p> <p>The applicant also believed that CCTV recordings need to be stored for a period of 28 days as opposed to the specified 31 days. Again, the importance of CCTV on a premises licence such as this is vital as it helps police promote the licensing objectives of prevention of crime and disorder and is a vital tool in policing. Moreover, the applicant's response further demonstrated to the sub-committee that the applicant is not familiar with the conditions with her licence and</p>

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		<p>does not appreciate the significance of the conditions. The applicant’s lack of understanding and implementation of existing licensing conditions undermines all four licensing objectives.</p> <p>The sub-committee concluded that by allowing the variation, patrons, residents and the public would be at risk to crime and disorder, public nuisance and their safety would be at risk. These concerns are amplified as the premises lies within a cumulative impact zone, a challenging area, and that the variation seeks to allow later drinking hours and closing hours that will add to the existing pressures in the area. The premises has already over 50 conditions imposed on the licence, which is demonstrative of the challenges the premises faces.</p> <p>The sub-committee did consider imposing a condition requiring the applicant, as a DPS, to undertake licensing training with a reputable licensing training provider before the licence can be in effect. This consideration was part of the consideration as to what steps the members can take to promote the licensing objectives. However, the sub-committee could not depart from the fact that the applicant appeared not to be complying with her existing licencing conditions and therefore were not confident that the applicant would meet this, or any other condition.</p> <p>For the reasons stated above, the applicant had failed to rebut the presumption against granting the variation and the application is refused.</p> <p>Right of Appeal</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"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been

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		made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
A1		
A2		