

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 28 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

<p>A1</p>	<p>APPLICATION TO VARY A PREMISES LICENCE - HORNCHURCH FOOD & WINE</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Hornchurch Food & Wine 77 Park Lane Romford RM11 1BH</p> <p>APPLICANT Pararajasingam Kunaraja</p> <p>1. Details of requested licensable activities</p> <p>This application to vary a premises licence is made by Pararajasingam Kunaraja under section 34 of the Licensing Act 2003. The application was received by Havering’s Licensing Authority on 6 May 2022.</p> <p>The application is to:</p> <p>Extend the hours for sale of alcohol and openings times as follows:</p> <p>Alcohol: Monday to Sunday 08:00 – 23:00 (Amended from 06:00 by agreement with Police)</p> <p>Amended Conditions:</p> <p>THE EXISTING CONDITIONS WILL BE REMOVED AND REPLACED WITH THE CURRENT</p>
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		<p>CONDITIONS - MORE APPROPRIATE FOR THIS SMALL RETAIL STORE:</p> <ol style="list-style-type: none"> 1. The premises shall have CCTV cameras installed covering the entrance together with comprehensive internal viewing. The CCTV system shall be maintained regularly and recordings shall be kept with the previous 31 days' data. This information shall be made available to the Police or other authorised persons upon request. 2. The premises shall be fitted with a digital CCTV system which shall conform to the following points: <ol style="list-style-type: none"> (i) If the CCTV equipment is inoperative or not working to the satisfaction of the Police the premises shall not be used for licensable activities unless with prior agreement from the Police. (ii) CCTV cameras must be sited to observe the entrance door both inside and outside the counter areas and all alcohol displays. 3. A refusals book shall be kept at the point of sale or electronically recorded on the till. A record shall be kept on each occasion that a sale is refused. This book shall be made available immediately to the Police and the Local Authority when requested. 4. Staff training records shall be kept for a minimum period of two years. The records shall be immediately made available to the Police and Local Authority upon request. 5. All staff who make sales of alcohol shall receive regular training, induction and refresher. This shall include: (i) application for relevant proof of age scheme or similar; (ii) penalties for selling to an underage person; (iii) asking for appropriate photographic identification. This must be either a passport, photographic driving licence or an identity card with the PASS logo (Proof of Age Standards Scheme); (iv) the refusals process; and (v) any other information as deemed appropriate. 6. Deliveries to the premises shall only be made during normal working hours. 7. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, ongoing and under constant review, and must be made available to a relevant Responsible Authority when called upon. 8. Prominent clear notices shall be displayed at the point of entry to the premises and in a

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		<p>suitable location at any points of sale advising customers that they may be asked to produce evidence of their age.</p> <p>9. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence which shall include a photograph of the customer shall include a passport, photographic driving licence or Proof of Age card carrying a 'PASS' logo.</p> <p>10. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.</p> <p>11. The premises shall adopt a Challenge 25 policy. This means that the premises shall challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 25 and shall not sell to such persons unless they can prove they are over 18 by providing a passport or photographic driving licence.</p> <p>12. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months</p> <p>Comments and observations on the application</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><u>SUMMARY</u></p> <p>The Licensing Sub-Committee has considered an application from Kunaraja Pararajasingam to vary the existing premises licence in respect of the premises known as Hornchurch Food & Wine situated at 77 Park Lane, Romford RM11 1BH</p>

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		<p>The application sought the following variations:</p> <ul style="list-style-type: none"> a) to extend the current hours for the sale of alcohol from 08:00 hours - 20:00 hours to 08:00 hours - 23:00 hours and b) to replace the current licence conditions with the following: <ul style="list-style-type: none"> 1. The premises shall have CCTV cameras installed covering the entrance together with comprehensive internal viewing. The CCTV system shall be maintained regularly and recordings shall be kept with the previous 31 days' data. This information shall be made available to the Police or other authorised persons upon request. 2. The premises shall be fitted with a digital CCTV system which shall conform to the following points: <ul style="list-style-type: none"> (i) If the CCTV equipment is inoperative or not working to the satisfaction of the Police the premises shall not be used for licensable activities unless with prior agreement from the Police. (ii) CCTV cameras must be sited to observe the entrance door both inside and outside the counter areas and all alcohol displays. 3. A refusals book shall be kept at the point of sale or electronically recorded on

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		<p>the till. A record shall be kept on each occasion that a sale is refused. This book shall be made available immediately to the Police and the Local Authority when requested.</p> <p>4. Staff training records shall be kept for a minimum period of two years. The records shall be immediately made available to the Police and Local Authority upon request.</p> <p>5. All staff who make sales of alcohol shall receive regular training, induction and refresher. This shall include: (i) application for relevant proof of age scheme or similar; (ii) penalties for selling to an underage person; (iii) asking for appropriate photographic identification. This must be either a passport, photographic driving licence or an identity card with the PASS logo (Proof of Age Standards Scheme); (iv) the refusals process; and (v) any other information as deemed appropriate.</p> <p>6. Deliveries to the premises shall only be made during normal working hours.</p> <p>7. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, ongoing and under constant review, and must be made available to a relevant Responsible Authority when called upon.</p> <p>8. Prominent clear notices shall be displayed at the point of entry to the</p>

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		<p>premises and in a suitable location at any points of sale advising customers that they may be asked to produce evidence of their age.</p> <p>9. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence which shall include a photograph of the customer shall include a passport, photographic driving licence or Proof of Age card carrying a 'PASS' logo.</p> <p>10. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.</p> <p>11. The premises shall adopt a Challenge 25 policy. This means that the premises shall challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 25 and shall not sell to such persons unless they can prove they are over 18 by providing a passport or photographic driving licence.</p> <p>12. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months</p> <p>The Sub-Committee heard submissions from Councillor Judith Holt on the grounds of Public Safety, The Prevention of Public Nuisance and the Protection of Children from</p>

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		<p>Harm. Written representations were also received from 2 residents who did not attend the hearing. The Sub-Committee decided that it would proceed in their absence but would consider their written representations under Regulation 20(2) (b) and (3) of The Licensing Act 2003 (Hearings) Regulations 2005.</p> <p>The Licensing Sub-Committee decided that the variation should be granted in part but imposed additional conditions to those proposed in the written application.</p> <p><u>Reasons for the Decision</u></p> <ol style="list-style-type: none"> 1. 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 2003 and the Council’s own Statement of Licensing. 2. The Sub-Committee took into account that there were no representations from any Responsible Authorities but noted that the police had reached an agreement with the Applicant that the original application to sell alcohol from 06:00 hours to 23:00 hours should be amended to 08:00 hours to 23:00 hours. 3. Also, the Applicant had originally requested that the following 4 conditions should
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		<p>be removed from the premises licence:</p> <ul style="list-style-type: none"> a. Signs shall be displayed at the exit door of the premises requesting patrons to leave the premises quietly. b. Bottles and similar goods shall not be handled outside the premises in the late evening, night or early morning. c. Bins shall not be emptied outside the premises in the late evening, night or early morning. d. Rubbish from the premises shall be securely stored in a bin in a designated area <p>4. However, after an objection to this was raised by the council's Environmental Health Team, the Applicant agreed that those conditions should remain on the licence.</p> <p>5. Although there were no representations from Responsible Authorities the Sub – Committee had local knowledge of the area which contained a large number of residents. Although the premises were not in a Cumulative Impact Zone, the</p>

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		<p>Sub-Committee noted the councillor’s representations that there had been instances of anti-social behaviour in the area which had resulted in residents reporting the presence of street drinkers. The Sub-Committee was concerned that selling alcohol until 23:00 hours may encourage such anti-social behaviour.</p> <p>6. The Sub-Committee was also concerned that the Applicant’s agent had stated that the Applicant should be able to sell any type of alcohol he liked including alcohol of any strength.</p> <p><u>Further conditions</u></p> <p>7. The Sub-Committee agreed that the Applicant’s proposed conditions should be added to the premises licence. Also, the Sub-Committee decided that further conditions should be added to the licence in order to promote the licensing objectives of The Prevention of Public Nuisance, Public Safety and the Protection of Children in the area. These conditions are:</p> <p style="padding-left: 40px;">a. The supply of alcohol is to take place between 08:00 hours and 22:00 hours</p>

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		<p>b. Alcohol sold on the premises is not to exceed 6% ABV</p> <p>c. Staff training is to take place including refresher training every 12 months</p> <p>The full list of conditions to be placed on the premises licence is as follows:</p> <ol style="list-style-type: none"> 1. The premises shall have CCTV cameras installed covering the entrance together with comprehensive internal viewing. The CCTV system shall be maintained regularly and recordings shall be kept with the previous 31 days' data. This information shall be made available to the Police or other authorised persons upon request. 2. The premises shall be fitted with a digital CCTV system which shall conform to the following points: <ol style="list-style-type: none"> (i) If the CCTV equipment is inoperative or not working to the satisfaction of the Police the premises shall not be used for licensable activities unless with prior agreement from the Police. (ii) CCTV cameras must be sited to observe the entrance door both inside and outside the counter areas and all alcohol displays. 3. A refusals book shall be kept at the point of sale or electronically recorded on the till. A record shall be kept on each occasion that a sale is refused. This book

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		<p>shall be made available immediately to the Police and the Local Authority when requested.</p> <p>4. Staff training records shall be kept for a minimum period of two years. The records shall be immediately made available to the Police and Local Authority upon request.</p> <p>5. All staff who make sales of alcohol shall receive regular training, induction and refresher. This shall include: (i) application for relevant proof of age scheme or similar; (ii) penalties for selling to an underage person; (iii) asking for appropriate photographic identification. This must be either a passport, photographic driving licence or an identity card with the PASS logo (Proof of Age Standards Scheme); (iv) the refusals process; and (v) any other information as deemed appropriate.</p> <p>6. Deliveries to the premises shall only be made during normal working hours.</p> <p>7. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme, ongoing and under constant review, and must be made available to a relevant Responsible Authority when called upon.</p> <p>8. Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale advising customers that</p>

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		<p>they may be asked to produce evidence of their age.</p> <p>9. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence which shall include a photograph of the customer shall include a passport, photographic driving licence or Proof of Age card carrying a 'PASS' logo.</p> <p>10. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.</p> <p>11. The premises shall adopt a Challenge 25 policy. This means that the premises shall challenge anybody who attempts to buy an alcoholic drink who appears to be under the age of 25 and shall not sell to such persons unless they can prove they are over 18 by providing a passport or photographic driving licence.</p> <p>12. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.</p> <p>13. Signs shall be displayed at the exit door of the premises requesting patrons to leave the premises quietly.</p> <p>14. Bottles and similar goods shall not be handled outside the premises in</p>

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		<p>the late evening, night or early morning.</p> <p>15. Bins shall not be emptied outside the premises in the late evening, night or early morning.</p> <p>16. Rubbish from the premises shall be securely stored in a bin in a designated area</p> <p>17. The supply of alcohol shall take place between 08:00 hours and 22:00 hours</p> <p>18. Beers, lagers, stout and ciders sold at the premises should not exceed 6% alcohol volume.</p> <p>19. The Licensee is to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record is to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>20. The Licensee is to ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check</p>

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		<p>evidence of proof of age.</p> <p>21. The Licensee is to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.</p> <p>22. Refresher training shall be held every 12 months</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 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.
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A2		