



LICENSING SUB-COMMITTEE

REPORT

Date: 25 November 2014

Subject heading:

Malthurst Faringdon
Faringdon Avenue, RM3 0AB
Application to vary a premises licence
Arthur Hunt, Licensing Officer
5th floor Mercury House
01708 432777

Report author and contact details:

This application for a variation to a premises licence is made by Malthurst Limited under section 34 of the Licensing Act 2003. The application was received by Haverling's Licensing Authority on 7 October 2014.

Geographical description of the area and description of the building

The premise is a garage forecourt selling petroleum products with a attached shop premises. It is situated in Faringdon Avenue at the junction with Neave Crescent.

The properties in this section of Faringdon Avenue are predominantly commercial premises. However, on the southwest corner of the junction there is a residential nursing care home for young physically disabled people, frail older people and those with dementia. Behind the premises in Neave Crescent are primarily residential properties.

A map of the area is attached.

Details of the application

The premise currently has a premises licence (attached below) which allows it to supply off sales of alcohol for the hours stated below:-

Supply of alcohol		
Day	Start	Finish
Monday to Sunday	06:00	23:00

The application seeks to add Late Night Refreshment to the current licence for the below hours:-

Late Night Refreshment		
Day	Start	Finish
Monday to Sunday	23:00	05:00

In addition, the applicant wishes to change the layout of the shop premises.

Comments and observations on the application

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. The required public notice was installed in the Romford Recorder on the 10 October 2014.

There were some attempts to mediate with the applicant by the Police and Licensing Authority. However, these attempts were seemingly unsuccessful.

Summary

There were no representations against this application from interested persons.

There were 3 representations against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

Responsible authorities' representations

PC Lee Davies makes representations on behalf of the Metropolitan Police based on the prevention of public nuisance Licensing Objective.

Mr Gasson, Noise Specialist, makes a representation on behalf of the Environmental Health (noise) team, also on the prevention of public nuisance Licensing Objective

Mr Jones, also on the prevention of public nuisance Licensing Objective, makes a representation for the Licensing Authority.

There were no representations from any other responsible authority.

Arthur Hunt
Licensing Officer



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Part A

Premises licence number

11658

Part 1 – Premises details

Postal address of premises

Malthurst Faringdon
Faringdon Avenue Romford RM3 0AB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 06:00 to 23:00

The opening hours of the premises

24 hours

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Malthurst Ltd
Vincent House 4 Grove Lane Epping CM16 4LH
01992 571937

Registered number of holder

03445529

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Navaratnasingam Jeyachandran

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Mandatory conditions

1. **No supply of alcohol may be made under the premises licence:**
 - (a) **at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
2. **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
3. (1) **The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**
(2) **The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
(3) **The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—**
 - (a) **a holographic mark, or**
 - (b) **an ultraviolet feature.**
4. **A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.**
5. **For the purposes of the condition set out in paragraph 4 —**
 - (a) **“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;**
 - (b) **“permitted price” is the price found by applying the formula —**
$$P=D+(D \times V)$$
where —
 - (i) **P is the permitted price,**
 - (ii) **D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
 - (iii) **V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
 - (c) **“relevant person” means, in relation to premises in respect of which there is in force a premises licence —**
 - (i) **the holder of the premises licence,**

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
6. Where the permitted price given by paragraph (b) of paragraph 5 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
7. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 5 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – conditions consistent with the operating schedule

1. A CCTV system shall be installed or the existing system maintained; such system shall be fit for purpose.
 2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings shall either be recorded on good quality video tape or digitally onto CD/DVD or other equivalent medium.
 3. Any CCTV recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available subject to compliance with Data Protection legislation to the Police for inspection on request.
 4. The precise positions of the cameras may be agreed subject to compliance with Data Protection legislation with the Police from time to time.
 5. The CCTV system shall display on any recording the correct time and date of the recording.
 6. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for the provision of any licensable activity.
 7. CCTV cameras shall cover the petrol forecourt area and night pay window.
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Annex 2 – conditions consistent with the operating schedule

- 8. The premises licence holder shall at all times maintain adequate levels of staff. Such staffing levels shall be disclosed on request to the Licensing Authority and the Police.**
 - 9. Adequate waste receptacles for customers' use shall be provided in and immediately outside the premises.**
 - 10. The premises licence holder shall ensure that an age verification policy applies to the premises whereby all cashiers are trained to ask any customer attempting to purchase alcohol who appears to be under the age of 25 years (or older if the licence holder so elects) to produce before being sold alcohol identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme or similarly accredited scheme hologram.**
 - 11. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:**
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member**
 - Refresher/reinforcement training at intervals of no more than 6 months**

Training records shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 12. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register shall contain:**
 - Details of the date and time the refusal was made**
 - The identity of the staff member refusing the sale**
 - Details of the alcohol the person attempted to purchase**

This book/register shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 13. An incident book/register shall be maintained to record:**
 - All incidents of crime and disorder occurring at the premises**
 - Details of occasions when the Police are called to the premises**

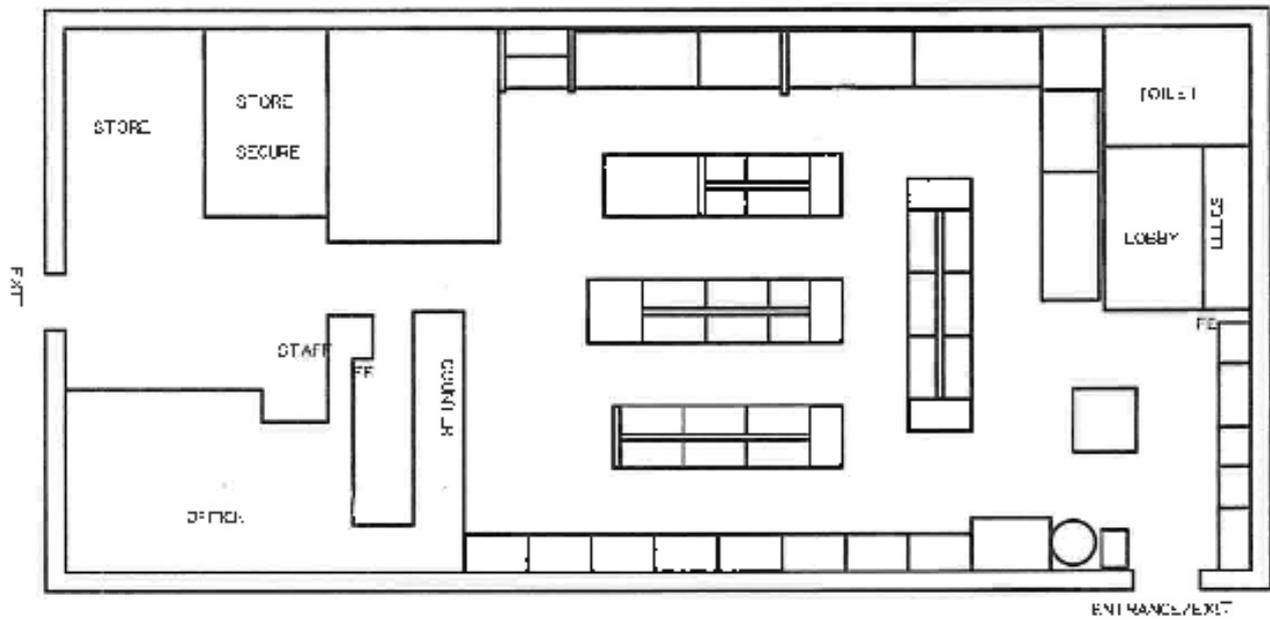
This book/register shall be made available for inspection on request by a Police officer, trading standards officer or licensing officer.
 - 14. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.**
 - 15. The entrance door to the shop shall be closed to customers between the hours of 23:00 and 05:00.**
 - 16. Signage shall be prominently displayed informing customers that an age verification scheme is in operation at the premises.**
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Annex 3 – conditions attached after a hearing by the Licensing Authority

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of the Police or an authorised council officer throughout the preceding 31 day period.**
- 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. The staff member must be able to show the Police or an authorised council officer recent data or footage with the absolute minimum of delay when requested.**
- 3. 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. Refresher training shall be at a minimum of six monthly intervals. These records must be available to a relevant responsible authority when called upon.**
- 4. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.**
- 5. Alcohol shall not be displayed within three (3) metres of the entrance.**
- 6. There shall be no sales of beer, lager or cider in single cans or bottles less than 500ml in size. The minimum sale of such items shall be a pack of four.**
- 7. A proof of age scheme such as Challenge 21/25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence or passport.**
- 8. A log shall be kept detailing all refused sales of alcohol. The log shall not be in a loose-leaf format and should include the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the council at all times whilst the premises is open.**
- 9. 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 they may be asked to produce evidence of their age.**
- 10. Prominent clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.**
- 11. The premises licence holder shall monitor the primary use of the premises and if the data demonstrates that the premises is an excluded premises pursuant to s.176 of the Licensing Act 2003 the sale of alcohol shall cease until such time as the data demonstrates that the premises is not so excluded. Such data shall be available on request to the Police and the Licensing Authority.**

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering.





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Part B

Premises licence summary

Premises licence number

11658

Premises details

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Faringdon Avenue Romford RM3 0AB

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Name, (registered) address of holder of premises licence

Malthurst Ltd
Vincent House 4 Grove Lane Epping CM16 4LH

Registered number of holder

03445529

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Navaratnasingam Jeyachandran

State whether access to the premises by children is restricted or prohibited

Not applicable

2 of 2
