

BEFORE THE LICENSING SUB-COMMITTEE OF HAVERING COUNCIL

APPLICATION FOR THE VARIATION OF PREMISE LICENCE, IN RELATION TO 91-93 PARK LANE, HORNBURCH, RM11 1BH

SUBMISSIONS

1. The applicant has applied to vary the existing premises licence at 93 Park Lane, Hornchurch, RM11 1BH as follows. The applicant (who recently purchased both the premises 91 and 93 Park Lane) has applied to extend the premises licence held in relation to 93 Park Lane, to also cover 91 Park Lane, and at the same time, to vary the hours as follows:

Opening times and alcohol sales for 93 Park Lane

(The current position)

Monday to Saturday: 10:00 – 22:00 hours

Sunday: 11:00 – 22:00 hours

Good Friday: 08:00 – 22:30

Christmas Day: 12:00 – 15:00 and 19:00 – 22:30

2. The applicant requests the following variation to the hours, which would apply to 91 - 93 Park Lane, which now forms a single premises. The new opening hours/sale of alcohol hours which would apply to 91 – 93 Park Lane (which forms a single premises) are as follows:

Sunday to Saturday: 07:00 – 22:00 hours (proposed opening times)

Sunday to Saturday: 09:00 – 22:00 hours (proposed time for sale of alcohol)

Good Friday and Christmas Day: 08:00 – 22:30 (proposed opening time / sale of alcohol)

Points to note

3. If the new variation is granted, the premises would open three hours earlier, on Mondays to Saturdays (namely, 07:00 as opposed to 10:00 hours) and four hours earlier on Christmas Day (08:00 as opposed to 12:00 hours) and the premises would remain open and able to sell alcohol throughout the day until 22:30, as opposed to the staggered times which appear on the current licence for 93 Park Lane.

Objections

4. Objections have been received. We have received notification of five separate objections and in particular from the following individuals, who are identified as: (a) Linda Marsham, dated 20th July 2021 (a resident), (b) Councillor Judith Holt, dated 22nd July 2021, (c) An unnamed objector, dated 23rd July 2021, (d) Janet Hayworth (undated) and (e) Graham K Stone, dated 4th August 2021.

Response to objections

5. We hereby respond to each objector in turn.

Linda Marsham

6. Ms Marsham raises the following objections.

- There are two other stores along the parade. There will be an increase of shouting by youths, by young people and others who would hang around about the shops.
- There would be an increase in waste being disposed in the alleyways at the rear of the premises, including Ms Marsham's.
- There would be an increase in traffic congestion. The proposal to increase hours and alcohol on Christmas Day and Good Friday, is 'disgraceful and should not be allowed'.
- There was an incident where rubble was kept outside the premises, leading to nuisance to neighbours and this suggests that the owners would similarly fail to properly manage their premises if the variation were granted.

7. We would respond as follows to Ms Marsham's objections:

- The reference to there being two other stores along the parade is not a relevant consideration to the Licensing Sub Committee. This is an application to vary an existing premises licence. It is not an application for a new premises licence and therefore, if this objection is relied upon to argue about the cumulative impact of the variation (which appears to be implied by the reference to there being two other stores on the parade), it is simply not relevant, this is not a Cumulative Impact Area.
- In relation to the shouting of youths and undesirables who hang around the shops, it must be kept in mind that this variation does not seek to extend the closing time of the premises and alcohol will not be sold later in the night. Street drinking typically becomes a source of anti-social behaviour late at night. The combined premises will not open later than the current licence permits 93 Park Lane to operate until. In any event, there is no correlation or factual evidence that "these shops" are a cause to antisocial behaviour (if any) rather the applicant has regenerated the area by introducing an exceptionally well-presented convenience store easily accessible for local residents.
- With regard to the comment in relation to waste, Ms Marsham complains that waste is often dropped behind an alleyway. However, Ms Marsham herself indicates that this has been occurring even while 93 Park Lane (previously Red Rose Wine Shop) was closed. Accordingly, the last premises could not be the source of this nuisance.
- In relation to rubble which was left outside the premises we are instructed that the rubble was initially inside the store but applicant struggled to hire a skip during the lockdown period. They managed to contact a company which had a 'grab' mechanism and that company

requested that the rubble be deposited outside the premises so they could collect it from the street. This company was unable to access the rubble due to a board which exists in front of the shop. The applicant then made concerted efforts to locate another company to remove the rubble. The rubble incident in no way reflects on the applicant's attitude to management of the shop and they acted as quickly as they could in the given circumstances.

- A public litter bin is already stored outside the premises, which would help to mitigate against any irresponsible disposal of any items purchased in the shop.
- In relation to the traffic concerns (which are cited by other objectors), it is contended that the premises in question are a commercial / mixed-use premises on a public road surrounded by other shops/trades. A convenience store has existed on this parade/corner since the 1990's with an existing licence to operate until 22:00PM. We refute any congestion concerns for opening from 7:00AM as any traffic is predominately caused by school runs and commuters and operating a convenience store earlier would have little or no bearing on the traffic.
- It must be noted that there is parking available directly outside and opposite the premises which is ample amount of parking for quick shoppers. It must also be stated that whilst parking issues are a matter for the Highways Authority (as opposed to the Licensing section of the Council), we would also suggest that it is not appropriate for an applicant for a premises licence, or a variation of a premises licence, to be disadvantaged by any apparent failure of the council to introduce appropriate parking controls on the parade.

Councillor Holt

8. Councillor Holt objects on the following grounds:

- Public safety – The park is very busy and regularly uses a cut through between Romford and Hornchurch.
- Councillor Holt states that the online shop open till 22.00 hours that would mean more cars later night all trying to park in a limited area and she compares this with other shops all the shops in the area which are only licenced until 8pm.
- Prevention of public nuisance - Councillor Holt refers to a large pile of rubble which is placed outside the premises for a number of weeks for which she suggests the applicants will not be responsible when it came to the sale of alcohol. She further refers to the application by Food and Alcohol Express of 65 Park Lane to extend their hours from 6:00 AM to 10:00 PM which was rejected on the basis of existing problems with street drinkers consistent with local knowledge held by members of the sub-committee.
- Protecting children from harm - Councillor Holt proposes a number of clauses to prevent children from harm.

In relation to Councillor Holt's objections, we will say as follows:

- In relation to public safety, we will argue that the applicants are not seeking to open their premises later rather than open earlier. Any congestion at that time of the morning is more likely to be caused by individuals going to work/or parents taking their children to school. Any negligible impact on congestion is therefore anticipated.
- In relation to public nuisance, Councillor Holt refers to the rubble incident. We refer the sub-committee to our representation made in relation to the incident.
- In relation to protection of children from harm, we will contend that the proposed conditions are misconceived. The conditions as to the sale of alcohol are misconceived since by definition, children cannot lawfully purchase alcohol in any event. There is no evidence before the sub-committee and that there is a need for a rule that two children should be allowed in the premises at one time. We can confirm that our client will not object to alcohol being screened off during unlicensed hours.

Mr G Brooks' objection

9. Mr Brooks objects on the following grounds:

- Public safety – Mr. Brooks argues that Park Lane is a highly residential area and raises concerns as to the possibility of all traffic accidents if the premises are open every day from 7:00 AM until 10:00 PM and 10:30 PM which would lead to more cars late at night. Mr. Brooks also points out that alcohol express in Hornchurch food and wine have licences up to 8:00 PM. Mr. Brooks also suggests that the floor plan he has seen of the applicant's premises indicates that alcohol will make up a large portion of potential sales in the shop. Mr. Brooks also raises issues around street drinkers and the exacerbation of the sale of illicit drugs.
- Prevention of public nuisance - Mr. Brooks refers to the pile of rubble incident and also asked whether a business contact number and email address for the DPS or manager be available for residents to raise any concerns.
- Protection of children from harm - Mr. Brooks objects that there is an absence of conditions that would prevent this objective and he cites possible conditions on the licence.
- Prevention of crime and disorder - Mr. Brooks refers to data from www.streetcheck.co.uk and photographs of the rubble of the premises

In relation to the anticipated contended traffic congestion the applicant further categorically denies the assertion that the vast proportion of potential sales in the shop will be alcohol related. This is not in fact the case. The bulk of the items sold in the enlarged premises will include confectionary, dairy products, frozen foods, bakery, soft drinks, fruit, vegetables, sandwiches, Costa Coffee, Payzone, Oyster top up, Newspapers, Magazines, Household goods etc. As such, alcohol will be a minor part of the items sold. In relation to the alleged exacerbation of the illicit sale of

drugs along Park Crescent, it is to be noted that neither the police, nor the council (both responsible authorities) have entered any objections. We would like the Licensing Sub-Committee to draw an inference from the absence of any representation from the responsible authorities and to accept that there would not be a further exacerbation of drug-related problems in the area. It is astonishing that no objections have been raised by any of these responsible authorities, if the anticipated ill-effects would be likely to arise were the application for variation granted.

10. In relation to public nuisance, we repeat our comments in relation to the rubble which was left outside of the premises. In relation to the more usual waste from customers of the premises we can confirm that the applicant would agree to provide a business contact number and email address, which can be used for contact purposes, should any issue arise.
11. In relation to the projection of children from harm, we again repeat our comment that the proposed condition of the strength of alcohol be limited to 6% ABV, to be completely misconceived, for the reason already stated. Our client is fully aware of the laws pertaining the sale of alcohol to those over the age of 18 and will strictly adhere to these rules. Further, if alcohol above 6% is readily available by other shops on the parade, proposing such conditions would not mitigate nor increase any existing issues (again if any) but would rather be biased and only hinder our client's opportunity to operate a convenience store with a full variety which sits at the core of the business purpose. We also repeat the proposed conditions to which our client would agree (our clients for example would agree to covering alcohol with a sheet or shutter during non-licensed periods).
12. In relation to the comment around crime and disorder, we note that Mr Brooks refers to data pertaining to Havering in general, but the data is not specific to the parade in question. As such, a limited weight can be attached to the reference made to the statistical data.

Janet Hayworth

13. Ms Hayworth's objections can be summarised as follows:

- Public safety – The shop is located near a busy road, with a lack of parking, which will exacerbate the parking problems in the area and 'late in the evening'.
- Prevention of public nuisance, prevention of crime and disorder – Ms Hayworth refers to the rejection of the Park Lane application, on the basis of an existing problem of street drinking; the location of the premises being near to the park, making it an attractive location for street drinkers to gather. The owner of 93 Park Lane decided to close around 20:00, following concerns raised by residents.
- Protection of children from harm – A series of conditions are proposed in relation to controlling the strength of alcohol.

- Prevention of public nuisance, public safety, protecting children from harm – Concern is raised about alcohol being sold in single cans. Reference is made to the pile of rubble that was left outside of the shop.

We would respond as follows to Ms Hayworth's concerns. We repeat our comment in relation to the congestion on the road. We further repeat our comment in relation to the decision made by the Licensing Committee in regard to Food Alcohol Express' application for an extended premises licence. In relation to the comment that the premises are close to the park, making for an attractive location for street drinkers, we would say as follows that the premises now having CCTV facing both inside and outside the premises and being well lit would in our submission dissuade any irresponsible drinking, loitering and overall deter and prevent any concerns of crime and or disorder.

14. In relation to the comment that Red Rose Wines agreed to close at 20:00, we would contend that the Licensing Committee is not able to remove the current licensed hours. The former owner of Red Rose Wines closed at a time earlier than that stated on their licence was a matter for the owner; he was under no legal compulsion to do so. The Local Authority cannot legally hold the applicant to hours that were not part of the licensing arrangement.
15. The objections in relation to the protection of children from harm, prevention of public nuisance and public safety are repeat objections made and our comments in relation to those are again repeated.

Graham Stone

16. Mr Stone raises the following objections.

- The corner of Park Lane and Hillcrest Road, being a location where people gather to buy drugs, is a problem that will be exacerbated if alcohol were immediately accessible at the corner superstore late at night. The location of the store impacts car parking at Hillcrest and there will be an increase in traffic congestion if the application is granted.
- Since there is already an international superstore along the parade of shops that sells alcohol, a further shop is likely to cause groups of drinkers to gather around those shops, increasing anti-social behaviour, particularly at night. In response to this objection, we would contend that Mr Stone's objections are fundamentally misconceived and go to the heart of our initial comment.

17. The application to the Licensing Sub-Committee is NOT an application for a new premises licence, but rather a variation of an existing licence. In fact, 93 Park Lane is already licensed until 22:00 on the weekdays. It is submitted that the objection that there is already an international superstore along the parade is misconceived and inadmissible. This is not an application for a premises license, where, among other things, the existence of a cumulative impact zone (if such a zone applied) were relied upon as a basis to reject the application. As

such, the fact that there is another superstore selling alcohol around the same parade is not in our submission a relevant consideration.

General comments

18. We would invite the Licensing Committee to have regard to the nature of these premises. We include in this application photographs of the new premises. The applicants/new owners of the premises have taken the time and costs to refurbish the premises and to expand the premises into a large grocery store. It is not an enlarged convenience store simply selling alcohol, but rather is a large shop, primarily catering to the sale of groceries. We contend that the very nature of the premises would discourage the problem drinking that would tend to attract more responsible clientele and discourage the type of clientele which have been highlighted in the various objections. We can also confirm that the proposed designated premises supervisor runs a premises in Ilford. Those premises are well managed and Mr Bhullar has demonstrated that he is a responsible manager of licensed premises for over 10 years. As such, the applicants have a strong record of running licensed premises in accordance with the licensing objectives. The applicants have also included robust conditions in their application, which in our submission are more than sufficient to satisfy the concerns of the objectors and ensure that they meet the licensing objectives under the Licensing Act 2003. Further, we request the Licensing Committee to have regard to the fact that there are over 600 residents surrounding the premises and only five representations opposing the application have been made which suggests that the other residents have no concerns with the proposed application for variation and we therefore invite the Licensing Committee to approve the variation for which the applicant has applied.

W Brown
Brown & Co Solicitors
George House
5 Greenwich South Street
Greenwich
London
SE10 8NW

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