

### Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

**Applicant:** Ms Kusumben Patek  
**Premises:** Harold News, 168 Petersfield Ave, RM3 9PH  
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**Name:** Oisín Daly  
**Organisation:** London Borough of Havering Licensing Authority  
**Address:** c/o Town Hall Main Road Romford RM1 3BD  
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**Telephone no.:** 01708 433661  
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#### Objection summary:

The application is to permit the sale of high strength alcohol in an area renowned for street drinking.

The premises licence holder is currently in breach of conditions which specifically relate to training in those areas.

There is a risk that the licensing objectives of the prevention of crime and disorder and public nuisance be undermined should the application be granted.

#### Licensing Policy Considerations:

##### 13. Standards of Management

The Operating schedule

13.1 When assessing the applicant's or licence holder's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether they

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003

- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

13.2 Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.

#### **14. Alcohol induced crime and disorder and antisocial behaviour**

14.1 The Licensing Authority expects licence holders to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:

- The sale of alcohol to underage children;
- Drunkenness on premises;
- Irresponsible drinks promotions.

14.2 Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licence.

14.3 Licensing enforcement is a multi-agency activity and it is important that work is coordinated between agencies to deliver solutions. The need for intervention will be risk based and take full account of data, intelligence and information available to both the Council and partners.

14.4 Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include removing the sale of super strength beer, lager and cider in premises as part of a package of measures to deal with the problems associated with street drinking.

#### **Representation**

1. This premises are located in a mixed-use residential area within what is known as Farnham Rd shops in Harold Hill.
2. This is an area which has been subject to a number of multi-agency enforcement campaigns to deter and prevent street drinking in the immediate area.
3. I have personally attended these and have witnessed first hand groups congregating on benches drinking high strength alcohol.
4. The sale of high strength alcohol is known to attract persons who have alcohol dependency and abuse issues, there are many schemes across the country which promote reducing the strength available to assist in upholding the licensing objectives.
5. When the original licence application was received, consideration was given to the fact that the area had been identified as a cumulative impact zone. Partially down to the risk of high strength alcohol being available to dependent drinkers.
6. Six roads in close vicinity to the premises in Harold Hill, including Barnstaple Road, Hailsham Road and Montgomery Crescent, have been ranked at number 2,185 out of 32,844 lower super output areas (LSOAs) in England - meaning the area is classed as among the 10pc most deprived in the country.

7. On the 03/04/2023 I visited the premises during the consultation period and found that there were several conditions being breached. These included no training being available (including details of training on street drinking, proxy sales and the licensing act), no personal licence holder on site, no staff being present to operate the CCTV, no incident book and no street drinker signs. A refusals register, which had national lottery on the front cover, was produced with a last entry of the 13/07/2022.

The staff member was advised to inform the PLH of the issues and that I would return during the consultation period. The staff member stated that she was the previous licence holder and had sold the premises to the new owner. She stated that she would inform her of the issues raised.

8. The licence was transferred on the 04<sup>th</sup> March 2023. It would be expected for a new licensee to examine the operating schedule in any new premises they have taken over and to ensure that they carry out whatever the requirements are.

Given the application is to amend a condition within that operating schedule, it is clear that the applicant has had time to consider conditions but has not ensured that all conditions are compliant.

The applicant is also a licence holder of another shop in the vicinity.

9. I revisited the premises on the 24<sup>th</sup> April 2023 and found the following conditions to be in breach:

**1. There shall be a refusals book used on the premises. The refusals book shall be examined on a regular basis by the DPS or a nominated person/s and the date and time of each examination shall be endorsed in the book. An analysis of staff refusals and data such as the time/day of refusals shall be carried out by the DPS on a regular basis in order to predict trends and identify staff training requirements.**

**2. All staff shall be trained in the use of the refusal book.**

**8. Staff training shall occur at four monthly intervals, shall be recorded in writing and made available to the Police or responsible authorities on request. This training shall cover among other licensing matters:**

- age verification
- consequences of under age sales
- street drinkers
- proxy sales
- drunks
- licensing hours
- conditions of the licence

**9. Staff training sheets shall contain details of the name, date of birth and address of each staff member trained.**

**10. A training log shall be kept for all staff members in which staff shall sign that they have received the relevant training in regards to the licensing objectives and relevant parts of the Licensing Act 2003.**

**11. There shall be a personal licence holder on duty during all times alcohol is offered for sale.**

**13. Signage further to Challenge 25, proxy alcohol sales and leaving quietly shall be displayed at the entrance to the premises, at the display section of alcohol and at the point of sale.**

14. There shall be an incident book to record crime, disorder or relevant matters and any action taken in response to such incidents.

18. A notice shall be displayed asking patrons not to litter after leaving the premises.

21. Signage shall be displayed stating that street drinkers shall not be served.

10. The training log, also contained within the national lottery folder, did not give sufficient detail to satisfy the conditions. The male behind the counter did not know what proxy sales were and this had to be explained to him. He stated he had a personal licence but could not produce it.

Date	STAFF Signature	Comments / Actions
18/10/21	KARANSINH. [Signature]	AGE VERIFICATION, STREET DRINKERS, PROXY, LICENCING, UNDER AGE SALES
18/10/21	KRUTIKA PATEL [Signature]	AGE VERIFICATION, STREET DRINKERS, PROXY, LICENCING, UNDER AGE SALES
20/01/22	KRUTIKA PATEL	TRAINING REFRESHER.
22/04/22	[Signature]	TRAINING REFRESHER.
05/11/23	11:00 STAFF TRAINING	CIG. ALCOHOL, AGE VERIFICATION, STREET DRINKERS + P.Y.P.A?

**Complaint and inspection history (if applicable)**

Not applicable.

## **Summary**

I consider that this application is incompatible with Havering's licensing policy aims. The applicant has not evidenced strong management controls or regard for licence conditions in the very short period they have been in control of the premises.

Due to the persistent breaches of conditions the premises will now require revisits to ensure compliance and may face further enforcement action. I would ask the committee to consider whether it is appropriate to grant a variation of this nature to a non-compliant premises.

The area is regularly subject to multi-agency days of action to combat street drinking, the proposed variation could have the potential to increase that.

There is a significant potential that granting the variation application as submitted would add to nuisance and potentially crime and disorder in the area.

**Signed** *Oisin Daly*

**Dated** 24/04/2023