

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 4 January 2018

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 FOR A PREMISES LICENCE MADE BY WHITBREAD GROUP PLC UNDER SECTION 17 OF THE LICENSING ACT 2003 - THE PREMIER INN MARKET PLACE ROMFORD</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Premier Inn Romford 25-29 Market Place Romford RM1 3AB</p> <p>DETAILS OF APPLICATION</p> <p>This application for a premises licence is made by Whitbread Group PLC under section 17 of the Licensing Act 2003("the Act).</p> <p>APPLICANT Whitbread Group PLC Houghton Hall Business Park Porz Avenue, Dunstable Bedfordshire LU5 5XE</p> <p>1. Details of requested licensable activities</p> <p>The Sub-Committee considered an application for a new premises licence for Premier Inn Romford, 25-29 Market Place, Romford, RM1 3AB made by Whitbread Group PLC.</p>
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		<p>2. Promotion of the Licensing Objectives</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. The required public notice was installed in the Yellow Advertiser on Wednesday 22nd November 2017.</p> <p>The Non-standard timings in section J (which if granted will relate to all licensed activity) “To extend the licensing hours on New Year’s Eve: 10:00 to New Year’s Day 00:30 (being 2nd January). This point required clarification –New Year’s Day is the 1st January. Does the applicant wish to be licenced from the end of licensable hours on New Year’s Eve (into New Year’s Day) to the end of Licensable hours on New Year’s Day (into 2nd January).</p> <p>3. Details of Representations</p> <p>There were three representations from Responsible Authorities against the application for a new premises licence.</p> <p>4. Determination of Application</p> <p>The Sub-Committee’s hearing was opened by Paul Campbell of the Council’s licensing Team.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Mr Giles from the Council’s Health and Safety Team, objecting on the grounds of crime and disorder and prevention of children from harm.</p>
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		<p>The Sub-Committee received written representations, and heard evidence and oral submissions from PC Goodwin on behalf of the Metropolitan Police. Although PC Goodwin's written representations objected on the grounds of crime and disorder and prevention of children from harm, following the applicant providing further information and discussions between her and the applicant's representatives, in oral submissions PC Goodwin appeared not to pursue her initial objections.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Paul Jones objecting on the grounds of crime and disorder.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Mr Shields on behalf of the applicant.</p> <p><u>Legal Framework</u> The Sub-Committee reminded itself that it must promote the licensing objectives and must have regard to the Statutory Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.</p> <p>The Sub-Committee also reminded itself that as the premises under discussion lies within a Cumulative Impact Zone, there is a rebuttal presumption that applications for a new premises licence in respect of such premises would normally be refused.</p> <p><u>Decision and reasons</u> Having considered all the evidence the Sub-Committee is of the view that the licence should be granted subject to the conditions proposed by the applicant in its initial application and operating schedule and those set out in the written submissions provided on behalf of the applicant dated December 2017, save for two conditions.</p>

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		<p>The Sub-Committee was of the view that in relation to the licensable hours over the New Year period, the licensable activity should be between 10am on 31st December until 12:30am on the 1st January, the following day. The Sub-Committee noted that Mr Shields indicated that the condition as originally proposed was inserted simply because the initial application was a standard application however he was not seeking to pursue this condition as originally proposed.</p> <p>In additional, the Sub-Committee considered carefully the representations made in relation to the age verification policy that should be adopted. The Sub-Committee noted that the policy of the local authority is Challenge 25 (Licensing Policy 20). Whilst the Sub-Committee accepts that Challenge 21 is mentioned within the Council’s statement of Licensing Policy, the actual policy is Challenge 25. The Sub-Committee noted that there is a drive to implement Challenge 25 over Challenge 21 across the borough principally because this is, in the council’s view, the best way of promoting the licensing objectives, and in particular the protection of children from harm. Having considered the matter at length, the Sub-Committee could see no reason to depart from the policy stated in Licensing Policy 20. The Sub-Committee was of the view that there was nothing exceptional about the applicant or in the application justifying departure from the Challenge 25 Policy. Therefore, the condition will be “the premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years”.</p> <p>In conclusion, the sub-committee is of the view that the granting of the licence subject to all of these licencing conditions would meet all of the licencing objectives. The sub-committee was further of the view that the applicant has demonstrated that there would be no negative impact on the licencing objectives and therefore the applicant had rebutted the presumption against the grant of the licence.</p>

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		<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		