

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 31 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 NEW PREMISES LICENCE - BLACK MOTH BARBERS, 210 HORNCHURCH ROAD, HORNCHURCH, RM11 1QJ</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Black Moth Barbers 210 Hornchurch Road Hornchurch RM11 1QJ</p> <p>DETAILS OF APPLICATION</p> <p>This application for a premises licence is made by Black Moth Barbers Ltd under section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Black Moth Barbers Ltd 210 Hornchurch Road Hornchurch RM11 1QJ</p> <p>1. Details of requested licensable activities</p> <p>The Sub-Committee considered an application for a new premises licence for Black Moth Barbers Ltd.</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 application. The required public notice was installed in the Romford Recorder on Friday December 2017.</p> <p>3. Details of Representations</p> <p>There were three representations against the application for a new premises licence.</p> <p>There was one representation from interested persons; a letter with two persons named objectors.</p> <p>There were two representations from responsible authorities namely Trading Standards Licensing Authority.</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 Kasey Conway, Havering Licensing Authority, objecting on all four licensing objectives and the lack of detail within the application.</p> <p>The Sub-Committee was informed that the application caused the Licensing Authority concern by the minimum amount of information in the operating schedule as submitted appeared inadequate to support the premises intended usage as a barbershop. The applicant was</p>
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		<p>advised to look at Havering’s Licensing Policy and re-submit an updated operating schedule, which seemed to have been ignored. The application was not clear how the storage of alcohol would be managed, how it would be dispensed and what provisions would be put in place to supervise people’s conduct when on the premises.</p> <p>It was mentioned that the Authority had a high standard and the application submitted fell below that standard and given these concerns the Authority had little confidence that the business operators had a sufficiently diligent approach to promoting the Licensing objectives. Consequently, the Authority was unable to support the application at this time.</p> <p>The Sub-Committee was informed that if the application was refused and the applicant wished, a new application could be submitted, complete with a full operating schedule. The Authority would like to review an application that informed exactly how the premises would address the licensing objectives within the appropriate conditions offered, so problems would not arise in the future if the licence were transferred to another person/body.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Ms Taylor, Havering Trading Standards, objecting on the grounds of protection of children from harm.</p> <p>Ms Taylor informed the Sub-Committee that following receipt of the application, it was her opinion that in its current state, the applicant had not addressed the concerns of Trading Standards, with regards to the licensing objective of protection of children from harm.</p> <p>Following communication with the applicant and his representative, Trading Standards had suggested some conditions on the licence if the application was to be granted. Ms Taylor stated that Trading Standards was willing meet the applicant and discuss the age verification policy</p>

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		<p>Mr and Mrs Roast, interest persons also attended the hearing to reiterate their written representations. The Sub-Committee was informed that the noise from music emanating from the premises was an issue of concern and it was consider that this had not been addressed by the applicant.</p> <p>Mr Roast also raised concern and sought clarification regarding the amount of people drinking on the premises before and after trading hours.</p> <p>The Sub-Committee received written representations, and heard evidence and oral submissions from Mr Andy Newman on behalf of the applicant.</p> <p>The Sub-Committee was informed that Black Moths Barbers, whilst catering for a wide range of clients, catered for a niche market in Havering.</p> <p>Mr Newman indicated that there was a business need to obtain a licence that would enable the business to provide added value with sponsors, advertisements and branding allied to opportunities working at various events.</p> <p>The Sub-Committee was informed that the revenue obtained by the premises would help sustain and grow the business..</p> <p>In support of the application, the Sub-Committee was informed that the innovative approach of the business was underpinned by the Home Office Revised Guidance, issued under Sec. 182 of the Licensing Act 2003 (April 2017), where under Section 1.5 it states:</p> <p><i>“However the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.”</i> and</p>

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		<p><i>(among others):</i></p> <p><i>“Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation, and supporting responsible premises”.</i></p> <p>Mr Newman representing the applicant was of the view that the additional evidences submitted had addressed the issues raised by the Licensing Authority having and given due regard to Havering Statement of Licensing Policy.</p> <p>It was mentioned that the premises was outside of the Special Policy Area (SPA) and it was the opinion of Mr Newman that the applicant had provided sufficient conditions to allay any concerns and that the applicant was willing to participate in any appropriate local initiatives which promoted the licensing objectives.</p> <p>Mr Newman was of the view that under LP3 5.5, the application met the Special Policy exceptional criteria, that supported small premises with a capacity of 50 persons or less who only intended to operate during hours specified in the Licensing Policy, which are not alcohol led, and operate only within the hours specified in the Licensing Policy.</p> <p>Mr Newman also stated that it was recognised that the Police, as a responsible authority, had made no representation against the application for the premises licence.</p> <p>Mr Newman concluded that with the conditions suggested by Trading Standards and the control measures offered by the applicant, the concerns under the Act and the Policy would be satisfied by the business.</p> <p><u>Legal Framework</u></p> <p>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</p>

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		<p>Council's Statement of Licensing Policy.</p> <p><u>Decision and reasons</u> Having considered all the evidence, the Sub-Committee was of the view that although progress had been made at the hearing it was not satisfied that the licensing objectives would be upheld if the licence were to be granted.</p> <p>The Sub-Committee was concerned at the confused nature of the application. The applicant had submitted 3 different documents to the Sub-Committee prior to the hearing including a supplementary agenda the day before. The first agenda contained very little by way of an operating schedule. The second document proposed a number of conditions. However, the applicant, while acknowledging that the premises was not in the Cumulative Impact Zone ("CIZ"), relied on paragraph 5.5 of the LBH Licensing policy concerning exceptional applications for premises in the CIZ. The third document, the supplementary agenda, repeated the same conditions, but also set out the offences that might arise at the premises and the disciplinary action that would subsequently be taken. Additional submissions were made at the hearing which also required the sub-committee to seek further clarification as to the nature of the application. Internal photographs of the premises were also submitted for the first time at the hearing.</p> <p>Therefore the Sub-Committee was of the opinion that the application was not sufficiently clear for a licence to be granted at this stage and that a clearer, comprehensive application was required</p> <p>The Sub-Committee also suggested that the applicant may wish to consult with the council's Trading Standards team and Licensing Authority if he decided to make such an application in the future.</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		