

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
---------------------------	--------------	-----------------

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

A1	APPLICATION FOR A NEW PREMISES LICENCE - PANDORA'S SUSHI CITY, 44 HIGH STREET, HONCHURCH, RM12 4UN	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Pandora's 44 High Street Hornchurch RM12 4UN</p> <p>DETAILS OF APPLICATION</p> <p>This application for a (new premises licence) was made under section 17 of the Licensing Act 2003 ("the Act").</p> <p>APPLICANT Mrs Lorraine Webb</p> <p>1. Licensable Activities applied for:</p>
-----------	--	--

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
-----------------------	--------------	-----------------

		<table border="1"> <tr> <td colspan="3">Plays, films, live music, recorded music, performances of dance, anything similar to live music, recorded music or performances of dance</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Sunday</td><td>07:00</td><td>23:00*</td></tr> </table> <p>*NB the applicant reduced this terminal hour from that originally sought subsequent to the application's submission.</p> <table border="1"> <tr> <td colspan="3">Late night refreshment</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Wednesday</td><td>23:00</td><td>00:00</td></tr> <tr> <td>Thursday, Sunday</td><td>23:00</td><td>01:00</td></tr> <tr> <td>Friday & Saturday</td><td>23:00</td><td>02:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Supply of alcohol (on and off premises)</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Wednesday</td><td>07:00</td><td>00:00</td></tr> <tr> <td>Thursday, Sunday</td><td>07:00</td><td>01:00</td></tr> <tr> <td>Friday & Saturday</td><td>07:00</td><td>02:00</td></tr> </table> <table border="1"> <tr> <td colspan="3">Hours premises open to the public</td></tr> <tr> <td>Day</td><td>Start</td><td>Finish</td></tr> <tr> <td>Monday to Wednesday</td><td>07:00</td><td>00:30</td></tr> <tr> <td>Thursday, Sunday</td><td>07:00</td><td>01:30</td></tr> <tr> <td>Friday & Saturday</td><td>07:00</td><td>02:30</td></tr> </table>	Plays, films, live music, recorded music, performances of dance, anything similar to live music, recorded music or performances of dance			Day	Start	Finish	Monday to Sunday	07:00	23:00*	Late night refreshment			Day	Start	Finish	Monday to Wednesday	23:00	00:00	Thursday, Sunday	23:00	01:00	Friday & Saturday	23:00	02:00	Supply of alcohol (on and off premises)			Day	Start	Finish	Monday to Wednesday	07:00	00:00	Thursday, Sunday	07:00	01:00	Friday & Saturday	07:00	02:00	Hours premises open to the public			Day	Start	Finish	Monday to Wednesday	07:00	00:30	Thursday, Sunday	07:00	01:30	Friday & Saturday	07:00	02:30
Plays, films, live music, recorded music, performances of dance, anything similar to live music, recorded music or performances of dance																																																								
Day	Start	Finish																																																						
Monday to Sunday	07:00	23:00*																																																						
Late night refreshment																																																								
Day	Start	Finish																																																						
Monday to Wednesday	23:00	00:00																																																						
Thursday, Sunday	23:00	01:00																																																						
Friday & Saturday	23:00	02:00																																																						
Supply of alcohol (on and off premises)																																																								
Day	Start	Finish																																																						
Monday to Wednesday	07:00	00:00																																																						
Thursday, Sunday	07:00	01:00																																																						
Friday & Saturday	07:00	02:00																																																						
Hours premises open to the public																																																								
Day	Start	Finish																																																						
Monday to Wednesday	07:00	00:30																																																						
Thursday, Sunday	07:00	01:30																																																						
Friday & Saturday	07:00	02:30																																																						

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
		<p>Non-standard timings for all licensable activities</p> <p>From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year Day.</p> <p>From the start of normal hours until 02:30 on Christmas Eve, Christmas Day, Boxing Day, St George's Day, Good Friday and Sunday preceding a bank holiday.</p> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the application. The required public notice was installed in the week ending 7 September 2018 edition of the Romford Yellow Advertiser</p> <p>2. Details of Relevant Representations</p> <p>There was one representation against this application submitted by the owner of the flats opposite the premises.</p> <p>There was one representation against this application from a responsible authority.</p> <p>The objection from Mr Stephenson objected under the prevention of crime and disorder and prevention of public nuisance licensing objectives.</p> <p>The objection from Mr Campbell, representing the Council's licensing team, objected under the licensing objectives of Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
		<p>Those making representations were concerned that granting the licence would lead to increased noise and nuisance in the area, and to the risk of crime and disorder associated with late-night drinking. Mr Campbell in his written representations also expressed the view that the application did not adequately address cumulative impact and was unclear as to whether the premises were to be run as a restaurant or bar, or both.</p> <p>The premises lay within a cumulative impact zone. The Council's statement of licensing policy created a rebuttable presumption that applications for new premises licences would normally be refused, unless the applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives.</p> <p>The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.</p> <p>Mr Campbell attended and addressed the sub-committee. He referred to his written representation, but said that some of his concerns had been allayed by Mrs Webb following his meeting with her, which had resulted in her offering additional conditions. Mr Campbell stressed that the application still fell outside the Council's standard licensing hours. Mr Campbell confirmed that the police were fully aware of the application and no objection had been received from them.</p> <p>3. Applicant's response</p> <p>Mrs Webb attended the hearing and addressed the Sub-Committee in support of her application. She stressed her considerable experience as a licensee and the fact that she had an unblemished record. She emphasised that her aim was to provide a nice, safe, relaxed venue for a meal and night out, which she expected to attract decent patrons. In her view, there</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
		<p>was currently no venue in Hornchurch providing this option.</p> <p>The Sub-Committee were also provided with a copy of an email prepared by Mrs Webb following her meeting with Mr Campbell, in which further conditions were offered and some matters clarified – for example the use of push-button door opening from inside to restrict entrance after midnight, the use of hand-stamping to regulate the re-entry of smokers, non-opening windows and air conditioning to prevent noise escape and the exclusion of under 14s after 10.00 p.m.</p> <p>4. Decision</p> <p>In considering and making its decision, the Licensing Sub-Committee had regard to the Guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the promotion of the licensing objectives.</p> <p>The Sub-Committee considered an application for a new premises licence for the Pandora's 44 High Street Hornchurch RM12 4UN.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy.</p> <p>The Sub-Committee noted that the premises were in a Cumulative Impact Zone and that there was a presumption against the grant of new licences in the circumstances set out above.</p> <p>The Sub-Committee considered with care the representations made by Mr Kevin Stephenson and Mr Paul Campbell and the concerns they raised, together with the representations in</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
		<p>support of the application made by Mrs Webb.</p> <p>On balance the Sub-Committee took the view that the conditions in the operating schedule, together with limitations on the licensing hours and some additional conditions imposed by the Sub-Committee itself would be sufficient to promote the licensing objectives in the case.</p> <p>In particular, the Sub-Committee considered that as the premises was intended to provide a dining experience, all alcohol sales should be ancillary to table meals. The Sub-Committee also considered that in order to avoid additional cumulative impact, the licensing hours should be consistent with those in the Council's statement of licencing policy.</p> <p>Without these limitations and conditions, the Sub-Committee believed that the premises would add to the cumulative impact of premises in the area, in the form of noise nuisance and the risk of crime and disorder associated with customers standing outside the premises or leaving late at night.</p> <p>The Sub-Committee therefore decided to grant a new premises licence pursuant to section 18(4)(a) of the Licensing Act 2003, subject to the conditions set out in the operating schedule, modified as follows:</p> <ul style="list-style-type: none"> (i) The hours for the supply of alcohol will be 11.00 to 23.00 hours from Sunday to Thursday and 11.00 to 00.00 hours on Friday and Saturday; (ii) Alcohol may only be supplied for consumption on the premises; (iii) All sales of alcohol must be ancillary to a table meal; (iv) No alcoholic drinks are to be taken outside the premises; (v) The hours for late night refreshment will be 23.00 to 00.00 on Friday and Saturday; (vi) The opening hours for the premises will be 11.00 to 23.30 from Sunday to Thursday and 11.00 to 00.30 on Friday and Saturday.

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
		<p>The Sub-Committee considered these limitations and conditions necessary to promote the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance.</p> <p>Right of Appeal</p> <p>The Applicant, Premises Licence holder or any interested person or Responsible Authority, who 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; 2. Substitute another decision which could have been made by the Sub-Committee; 3. Remit the case to the Licensing Sub-Committee to dispose of it in accordance with the direction of the Court; 4. Make an order for costs as at its discretion. <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
A1		

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 18 October 2018

Agenda Item No	Topic	Decision
---------------------------	--------------	-----------------

A2		
-----------	--	--