

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 17 December 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

A1	APPLICATION TO VARY A PREMISES LICENCE - UPMINSTER TAP ROOM, 1b Sunnyside Gardens, Upminster, RM14 3DT	<p>PREMISES Upminster Taproom 1b Sunnyside Gardens Upminster RM14 3DT</p> <p>APPLICANT Mr Robert Knowles</p> <p>Details of Application</p> <p>Variation applied for:</p> <table border="1"> <thead> <tr> <th colspan="3">Late Night Refreshment & Supply of alcohol</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> </thead> <tbody> <tr> <td>Monday</td><td></td><td></td></tr> <tr> <td>Tuesday</td><td></td><td></td></tr> <tr> <td>Wednesday</td><td></td><td></td></tr> <tr> <td>Thursday</td><td></td><td></td></tr> <tr> <td>Friday</td><td>11:00</td><td>00:00</td></tr> <tr> <td>Saturday</td><td>11:00</td><td>00:00</td></tr> <tr> <td>Sunday</td><td></td><td></td></tr> </tbody> </table>	Late Night Refreshment & Supply of alcohol			Day	Start	Finish	Monday			Tuesday			Wednesday			Thursday			Friday	11:00	00:00	Saturday	11:00	00:00	Sunday		
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		<p>Non-standard timings:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Day</th><th style="text-align: left;">Start</th><th style="text-align: left;">Finish</th></tr> </thead> <tbody> <tr><td>Christmas Eve</td><td>11:00</td><td>00:30</td></tr> <tr><td>Boxing Day</td><td>11:00</td><td>00:30</td></tr> <tr><td>New Years Eve</td><td>11:00</td><td>00:30</td></tr> <tr><td>Easter Thursday</td><td>11:00</td><td>00:30</td></tr> <tr><td>Good Friday</td><td>11:00</td><td>00:30</td></tr> <tr><td>Easter Monday</td><td>11:00</td><td>00:30</td></tr> <tr><td>Bank Holiday Sundays</td><td>11:00</td><td>00:30</td></tr> <tr><td>All Saints Day</td><td>11:00</td><td>00:30</td></tr> <tr><td>St Georges Day</td><td>11:00</td><td>00:30</td></tr> <tr><td>St Patricks Day</td><td>11:00</td><td>00:30</td></tr> </tbody> </table> <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 16 November 2018 edition of the Romford Recorder.</p> <p>1. Details of Representations</p> <p>There were 0 representations against the application from interested persons.</p> <p>There was 1 representation against the application from a responsible authority, namely Havering's Planning Authority. The representation from the planning authority related to the prevention of public nuisance objective.</p>	Day	Start	Finish	Christmas Eve	11:00	00:30	Boxing Day	11:00	00:30	New Years Eve	11:00	00:30	Easter Thursday	11:00	00:30	Good Friday	11:00	00:30	Easter Monday	11:00	00:30	Bank Holiday Sundays	11:00	00:30	All Saints Day	11:00	00:30	St Georges Day	11:00	00:30	St Patricks Day	11:00	00:30
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		<p>There was no representative from the planning department present at the hearing.</p> <p>An assessment by the planning services had previously been undertaken under a planning application. Upon review of all material considerations in terms of the use of the property, it was deemed necessary and expedient to restrict the use of the property to prevent a public nuisance. The use had subsequently been conditioned so that 'the use hereby permitted shall not be open to customers outside the following times: 11:00 - 23:00'. The Planning Team had not received any application to vary this condition.</p> <p>The licence application proposed a use that exceeded the restrictions that had been placed on the use by the planning department; and the use proposed did not have lawful planning status and the application therefore did not accord with Licensing Policy 6.</p> <p>4. Applicants Response</p> <p>Mrs Knowles presented the application on behalf of Mr Knowles. Mrs Knowles advised that the application had been amended to reduce the hours for selling alcohol to a more moderate level as detailed in the report of the Licensing Officer. Mrs Knowles explained that the premises had been operating since January 2016 as a licensed premises and provided a community hub for local customers.</p> <p>Mrs Knowles further explained that due to unforeseeable circumstances, an application to remove a planning condition had been delayed and that it was the intention of the applicant to submit a planning application in the near future. The applicant confirmed that they were aware that an application would need to be approved to remove the planning restrictions that had been placed on the use by the planning department, in order for the premises to operate under any amended extended hours in accordance with Licensing Policy 6.</p>

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		<p><u>Decision</u></p> <p>The Licensing Sub-Committee was satisfied by the representations of Mrs Knowles and the steps offered within the operating schedule that granting of the variation to the existing license would not affect the licensing objectives in a negative way and, in particular the objective of the prevention of public nuisance.</p> <p>The Licensing Sub-Committee formed this view because:</p> <ol style="list-style-type: none"> 1. There had only been no representations against the application from interested persons. The Licensing Sub-Committee considered that this was indicative of a lack of public nuisance associated with the premises as members were aware that there had been significant local opposition to the granting of the original licence. It would be expected that further representations would have been received if there was a problem with public nuisance related to the premises. 2. Since the granting of the original licences there had been no complaints about public nuisance. 3. The Licensing Sub-Committee had been impressed by Mrs Knowles presentation, along with the application and considered this to be a well run premises. 4. There was only 1 representation against the application from a responsible authority, namely Havering's Planning Authority. This did not set out any evidence to support its representation it had concerns that the extension of licensing times would not promote the objective of the prevention of public nuisance.

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		<p>5. Mrs Knowles had confirmed that she understood that the new licenced hours could not be put into effect until their planning application had been granted which they intended to do before they could operate their extended hours.</p>
A1		
A2		