

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
17 December 2018 (11.00 - 11.26 am)**

Present:

COUNCILLORS

Conservative Group Philippa Crowder (Chairman) and Christine Vickery

Residents' Group Reg Whitney

The Chairman reminded Members of the action to be taken in an emergency.

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

There were no apologies for absence received.

2 DISCLOSURE OF INTERESTS

Councillor Crowder declared that she had been a member of the Planning Committee that resolved to refuse Planning Application P0235.15, in respect of 1b Sunnyside Gardens, Upminster RM14 3DT; and that she had been a member of the Licensing Sub-Committee that determined the initial Licensing application for the premises.

Councillor Whitney declared that he had been a member of the Planning Committee that resolved to refuse Planning Application P0235.15, in respect of 1b Sunnyside Gardens, Upminster RM14 3DT.

3 APPLICATION TO VARY A PREMISES LICENCE - UPMINSTER TAP ROOM, 1B SUNNYSIDE GARDENS, UPMINSTER, RM14 3DT

PREMISES

Upminster Taproom
1b Sunnyside Gardens
Upminster
RM14 3DT

APPLICANT

Mr Robert Knowles

Details of Application

Variation applied for:

Late Night Refreshment & Supply of alcohol		
Day	Start	Finish
Monday		
Tuesday		
Wednesday		
Thursday		
Friday	11:00	00:00
Saturday	11:00	00:00
Sunday		

Non-standard timings:

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

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.

1. Details of Representations

There were 0 representations against the application from interested persons.

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.

There was no representative from the planning department present at the hearing.

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.

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.

4. Applicants Response

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.

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.

Decision

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.

The Licensing Sub-Committee formed this view because:

- 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.
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.

Chairman