



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE UPMINSTER GARDEN CENTRE

AGENDA

10.30 am	Monday 12 September 2011	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Linda van den Hende
Lynden Thorpe

**For information about the meeting please contact:
Andrew Beesley
01708 432437 - andrew.beesley@haverling.gov.uk**

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DECLARATIONS OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 30)

Application for a Premises Licence – Upminster Garden Centre, Nags Head Lane, Upminster. RM14 1TS

**Ian Buckmaster
Committee Administration & Member Support
Manager**



4

LICENSING SUB-COMMITTEE

REPORT

12 September 2011

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

Andrew Beesley (01708) 432437
e-mail: andrew.beesley@havering.gov.uk

Members are advised that, when considering application for a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**

A members of the Licensing Committee will be excluded from hearing an application where he or she:

has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or

is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or

is a Ward Councillor for a Ward which is likely to be affected by the application or;

has a personal interest in the application.

2. Roles of other participants:

2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.

2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Representation validation meeting:

3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.

3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.

4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

- The prevention of crime and disorder;**
- Public safety;**
- The prevention of public nuisance; and**
- The protection of children from harm.**

7. Failure of parties to attend the hearing:

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
 - Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
 - Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
 - Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being

received. In default of a decision not being made within this period the application will be treated as being granted;

- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.



LICENSING SUB-COMMITTEE

REPORT

12th September 2011

Subject heading:

Upminster Garden Centre
Nags Head Lane Upminster RM14 1TS
Premises licence application
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692

Report author and contact details:

This application for a premises licence is made by The Garden Centre Group Trading Ltd under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 26th July 2011.

Geographical description of the area and description of the building

The premises is a garden centre with indoor and outdoor retail areas. The indoor areas contain a restaurant and a retail area from where it is intended that alcohol sales will be made. The front exterior of the premises is used as a car park. A map of the area is attached.

Details of the application

The application is to enable the provision of the following licensable activities:

Live music, recorded music, supply alcohol, hours premises open to the public		
Day	Start	Finish
Monday	08:00	21:00
Tuesday	08:00	21:00
Wednesday	08:00	21:00
Thursday	08:00	21:00
Friday	08:00	21:00
Saturday	08:00	21:00
Sunday	08:00	21:00

NB The application clarifies thus: "Normal opening hours shall be 08:00 to 18:00. Licensable activity shall extend beyond 18:00 on no more than six occasions during any calendar year".

Comments and observations on the application

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 insofar as an appropriate notice was installed at the premises. The applicant advises that an appropriate notice was installed in the 10th August 2011 edition of the Yellow Advertiser; however this was unable to be confirmed at the time of writing.

Summary

There were two representations against this application from interested parties. There were no representations against this application from any of the following responsible authorities:

- The Metropolitan Police
- Public Health
- The London Fire and Emergency Planning Authority
- The Health & Safety Enforcing Authority
- The Trading Standards Service
- Planning Control & Enforcement
- Children & Families Service

Details of representations

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

Interested parties' representations

Both interested parties' representations are based upon the prevention of public nuisance licensing objective.

Paul Jones
Licensing Officer
London Borough of Havering

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We The Garden Centre Group Trading Ltd.

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Upminster Garden Centre, Nags Head Lane, Upminster Common,			
Post town	Essex	Post code	RM14 1TS
Telephone number at premises (if any)		01708 342469	
Non-domestic rateable value of premises		£54,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name The Garden Centre Group Trading Ltd.
Address Syon Park, Brentford, Middlesex TW8 8JF
Registered number (where applicable) 00662286
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) 01432 276568
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
2	4	0	8	2	0	1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		

Please give a general description of the premises (please read guidance note1)
These premises trade as an established garden centre with indoor and outdoor retail sales areas.

Off sales of alcohol are planned from part of the covered retail shop floor. The display will be limited to a small area near the tills. Consumption of alcohol is anticipated within the restaurant and small outside seating area adjacent. The restaurant itself is located within the main building and sells a selection of snacks and full meals. The layout of the premises is shown on the plans provided.

Any music played (live or recorded) will be predominantly background only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Anticipated only occasionally in support of promotional activity within the licensed trade areas.		
Mon	0800	2100			
Tue	0800	2100	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	0800	2100			
Thur	0800	2100			
Fri	0800	2100	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2100			
Sun	0800	2100			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Anticipated only occasionally in support of promotional activity within the licensed trade areas.		
Mon	0800	2100			
Tue	0800	2100	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	0800	2100			
Thur	0800	2100			
Fri	0800	2100	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2100			
Sun	0800	2100			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)		Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Fri					
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	0800	2100	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0800	2100			
Wed	0800	2100			
Thur	0800	2100	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0800	2100			
Sat	0800	2100			
Sun	0800	2100			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Darren Mogg	
Address Antiquity House, 4 The Forum, Westlea, Swindon, Wiltshire	
Postcode	SN5 7DQ
Personal Licence number (if known) 881090186	
Issuing licensing authority (if known) Swindon Borough Council	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2100	
Tue	0800	2100	
Wed	0800	2100	
Thur	0800	2100	
Fri	0800	2100	
Sat	0800	2100	
Sun	0800	2100	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) The normal opening times of the premises are at present 08.00 to 18.00 hrs. The hours shown here allow for occasional late openings for promotional evenings and the like.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Normal opening hours are 08.00 to 18.00 hrs. Licensable activity will extend beyond 18.00 hrs on no more than six occasions during any calendar year.

b) The prevention of crime and disorder

Any display of alcohol for consumption off the premises shall not exceed 10 square meters and be so positioned as to be within clear line of sight of the tills. This licenced area for off-sales shall be contained within the blue outline on the plan supplied.

Any alcohol for sale shall be restricted to a limited range of wines, ciders and beers, apart from recognised gift packs and hampers. There will be no promotions offering discounted beers of lagers.

Alcohol shall not be sold in an open container by way of off sales.

A written incident record shall be maintained at the premises to record all incidents in respect to crime and disorder.

The incident record shall be available to Police upon request.

The Licensee shall take all reasonable steps to ensure youths do not gather outside the premises.

A properly specified and fully operational CCTV maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which is readily available for inspection by the relevant authority.

- Site plan showing position of cameras and their field of view.
- Code of Practice.
- Operational requirement.
- Incident log. Maintenance records including weekly visual checks.

The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained & fully operational throughout the hours that the premises are open for any licensable activity.

The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

c) Public safety

The applicants will ensure that all fire safety and other safety equipment is properly maintained.

d) The prevention of public nuisance

The Licence holder or their representative must ensure that any regulated entertainment carried out at the premises does not give rise to unacceptable levels of noise and disturbance to nearby residents.

e) The protection of children from harm

The Licensee shall operate a "Challenge 25" scheme on the premises whereby those persons attempting to buy alcohol who appear to be under 25 years of age will be required to prove they are 18 years of age or older. Acceptable proof of age shall consist of passport, photographic driving licence or proof of age cards with the "PASS" logo.

Clear and legible signs shall be displayed advising patrons who appear to be under 25 years of age that they shall be required to prove they are at least 18 years of age.

A refusals register be kept and details of persons refused the sale of intoxicating liquor entered in an incident log. Details to include date & time, description and apparent age of person refused the sale. The refusals register shall be made available to Police or Licensing Authority officers upon request.

The Licensee shall ensure that all staff are adequately trained on age identification.

Written staff training records for all staff engaged in the sale of alcohol shall be maintained by the licensee and retained on the premises.

Please tick yes

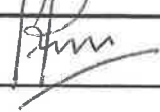
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable

- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	25/7/11
Capacity	Authorised Agent

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Peter Rosser
Melrose Associates
14 High Street
Thornbury

Post town	Bristol	Post code	BS35 2AQ
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Telephone number (if any)	01454 419262
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
melrose@pubcare.co.uk

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Consent of individual to being specified as premises supervisor

I Darren J. Mogg
[full name of prospective premises supervisor]

of Antiquity House, 4 The Forum, Westlea,
Swindon, Wiltshire, SN5 7DQ. DOB 20.8.70

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence [type of application]

by The Garden Centre Group (Trading) Limited [name of applicant]

relating to a premises licence new application [number of existing licence, if any]

for Upminster Garden Centre,

Nags Head Lane, Upminster Common,

Ernest R14 1TS

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by as above [name of applicant]

concerning the supply of alcohol at

as above

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 881090186
[insert personal licence number, if any]

Personal licence issuing authority Swindon Borough Council
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

Darren J. Mogg name (please print)

25/7/11 dated

Old Trees,
Nags Head Lane
Upminster
Essex
RM14 1TS

Your Reference PPC/010529

21 August 2011

Dear Sir/Madam

Premises Licence Application for Upminster Garden Centre, Nags Head Lane, RM14 1TS.

We write as a result of the licence application submitted on behalf of Roots and Shoots Garden Centre, referred to in the application as Upminster garden Centre. The application is for both alcohol sales and for the playing of music.

As neighbours of the garden centre we are concerned that the granting of a licence may result in nuisance caused by noise pollution. The application proposes the playing of recorded and live music during normal business hours and occasionally for extended hours at promotional events. The application states that this will be 'predominantly background only', but leaves scope for any volume by the vagueness of the words predominantly and background. On 2 recent occasions music played late into the evening for the enjoyment of staff and builders working on-site was loud enough to drive us from our garden to avoid the unwelcome noise, which was still audible indoors. A complaint to the garden centre manager, Mr Michael Stephanou, elicited an apology but he thought the music had only played as background music and was surprised it was audible from our property. We are concerned that the granting of a licence to play music 'at background levels' as a regular activity will only increase the frequency with which we, and our neighbours, must suffer unwanted noise whilst trying to enjoy the amenity of our otherwise quiet and tranquil gardens.

Turning to the licence for alcohol sales. Considerable weight is placed in the application on the security of the premises imparted by the presence of a CCTV system to prevent crime or disorder. It is claimed this CCTV system is of 'identification standard' and could be used by police to identify individuals committing unlawful acts. However, this system was not able to assist police in identifying the individual(s) or vehicle used in a recent theft from the garden centre. If the CCTV system has proved inadequate so far in assisting the apprehension of individuals committing offences, unless it has been subsequently updated, how can it be expected to fulfil this claimed role on future occasions? We would suggest that the security of the premises is less than desirable for the storage of alcohol prior to either off-sales or sale in the restaurant area.

We hope that these thoughts will influence your deliberations and that you will reject the application at this time.

Yours sincerely

Richard Wells & June Gillard

By e-mail

Paul Jones

From: davidmurray [davidattudoroak@talktalk.net]
Sent: 22 August 2011 15:30
To: Paul Jones
Subject: The Prevention of Crime and Disorder

Thank you for your e-mail and we enclose our observations concerning this application re Upminster Garden Centre PPC/010529

The Prevention of Crime and Disorder

As the Licensee has stated in his Application he is to take reasonable steps to ensure youths do not gather outside the premises. Our observations and experiences since Country Gardens have been trading as a Garden Centre over a period of 6/7 years has been that any reasonable steps have and has not ever been taken to ensure youths do not gather outside the premises. Youths do gather outside, sometimes for hours at a time after trading has finished with music loudly playing and causing a disturbance to the neighbourhood. As the Garden Centre is situated in Nags Head Lane which is in the quiet 'Green Belt' the Police are very rarely seen in the area.

Supplying alcohol by way of an Off License Sales could possibly attract youths to gather outside the premises – it is necessary to know what the Garden Centre has put into place regarding the reasonable steps and assurances so that this scenario won't happen.

With reference to the application (page 13) 'System File' which refers to the positions of all CCTV cameras clearly shown on the set of plans we have not been able to locate the positions of these cameras as the plans have not been made available to us.

After looking through the Application for the Alcohol License on (page 14) it has been completed stating that the Plan has been sent to responsible authorities and 'others'. Although we have approached the Garden Centre for a copy or perhaps sight of the plans we have up to the present date not been approached or shown a copy of these Plans. As we are direct neighbours of the Garden Centre we consider that we would come under the category of 'others' on the application and therefore it is very important that we see these plans as they form part of the application in question.

The Upminster Garden Centre which occupies a very large area and having applied for Off License Sales. From our own experiences over the many years that they have been trading we have seen instances where strangers in cars and mini trucks have driven up to the wooden gates which are located by the exit and entrance area for delivery trucks have been seen to get into the Garden Centre through or over these gates when it has been closed and not trading. They drive up to the gates and enter the Garden Centre by climbing over them to help themselves to what is available on the other side of these gates. The truck is already positioned to drive off loaded up with what they have managed to grab. There has never ever been good security arrangements at these gates – only a bar and padlock across – never any CCTV cameras. This makes the Garden Centre very vulnerable to theft in this way.

As we have stated before, we are willing to accept the serving of alcoholic drinks in the restaurant with meals etc, but we are opposed to the Garden Centre being able to sell drinks to the public by way of an Off License facility.

You will therefore understand that we require all of these points to be taken into account and fully discussed before any decision is taken for an Alcohol License to be granted.

Kind regards. Mr & Mrs Murray

Paul Jones

From: davidmurray [davidattudoroak@talktalk.net]
Sent: 23 August 2011 13:06
To: Paul Jones
Subject: RE: The Prevention of Crime and Disorder

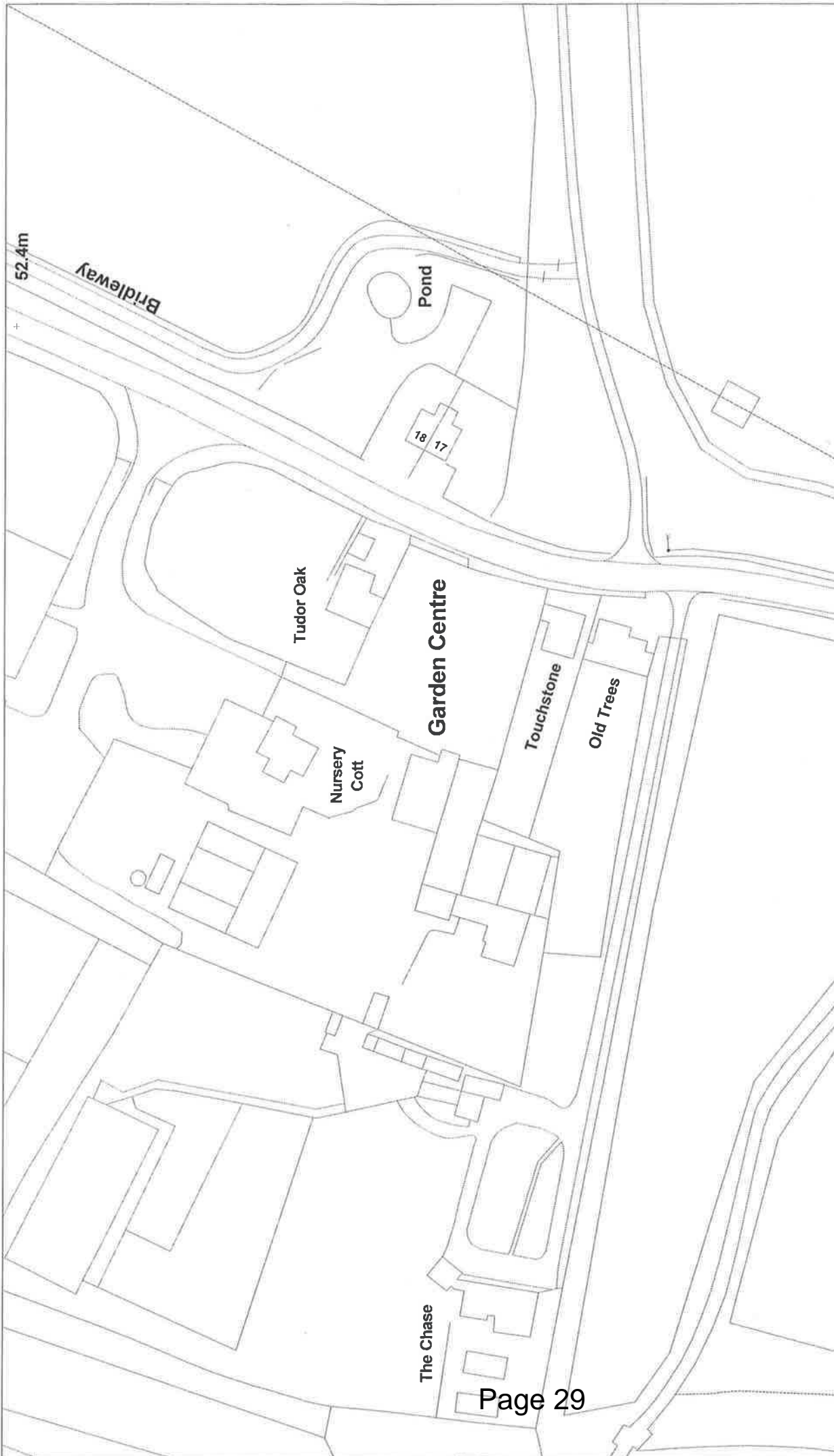
Dear Mr Jones,

Thank you for your e-mail and note that you have accepted it for consideration in the application process. As requested our home address you already have, but I will give it to you again: Mr & Mrs Murray of Tudor Oak, Nags Head Lane, Upminster RM14 1TS.

In your earlier e-mail of last week, you also made it clear we had to look through the applicant's completed application and make our observations accordingly and that the Licensee does not have to provide a copy of the plans lodged with the Licensing Authority, although of course the plans do form a greater part of the application and we are unable to comment on anything within the plans until we have sight of them. We can of course make an appointment with your office to look through them, but as my husband is 75 years and I am also in my 70's, it would have been a gesture of goodwill that perhaps as we are immediate neighbours of the Garden Centre we wouldn't have to make a 'special visit' to see them, however, we are prepared to make the necessary appointment to come along to your office.

Perhaps you could make arrangements for us to come along and view the plans we of course need to know the location of your offices, a date and a time for this.

We await your response, with kind regards, Mr & Mrs Murray



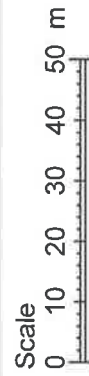
Upminster Garden Centre

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343



Map Reference: TQ5690NW
 Date: 24/08/2011

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