

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
26 June 2012 (10.30 - 11.00 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Frederick Thompson

Residents' Group Linda Van den Hende

Present at the hearing were: M O'Meara & A Furze (on behalf of the applicant),
Objector: S Ramsden.

Also present were P Jones (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk.

The Chairman advised those present of action to be taken in the event of emergency and the evacuation of the Town Hall becoming necessary.

There were no declarations of interest by Members.

PREMISES

The Diner
13 Farnham Road
Harold Hill
RM3 8ED

DETAILS OF APPLICATION

An application for a premises licence under section 17 of the Licensing Act 2003 ("the Act").

APPLICANTS

Mr Alan Masters and Mr Michael O'Meara
70 Birch Road
Romford
RM7 8ER

1. Details of the application:

Recorded Music		
Day	Start	Finish
Monday to Saturday	08:00hrs	22:00hrs
Sunday	09:00hrs	17:00hrs

Supply of Alcohol		
Day	Start	Finish
Monday to Saturday	11:00hrs	22:00hrs
Sunday	11:00hrs	17:00hrs

Seasonal variations

There are no seasonal variations applied for in the application.

Non-standard timings

Under non-standard timings the supply of alcohol on Christmas Day and New Year's Day will start at 09.00hrs.

2. Comments and observations on the application:

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 16 May 2012.

3: Summary:

There was one valid representation against this application from an interested party.

There were no representations against this application from responsible authorities.

4. Promotion of the licensing objectives:

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

Representation from the interested party

This covers several aspects concerning the prevention of public nuisance, and the prevention of crime and disorder.

Representation from the responsible authority

There were no representations from 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

5. Determination of Application

Decision:

Consequent upon the hearing held on 26 June 2012, the Sub-Committee's decision regarding the application for a Premises Licence for The Diner was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

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

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts Facts/Issues

The prevention of public nuisance and crime and disorder

Whether the granting of the requested variation to the premises licence would undermine the licensing objectives.

Mr S Ramsden said that he had concerns about the application because:

- The area was prone to anti-social activities and, in 2011 a Dispersal Zone which had been in place to provide some relief to residents had come to an end and some of the problems were beginning to return. Allowing this premises to sell alcohol would encourage this trend to continue and even escalate.
- He argued that there had been recent acts of violence in the vicinity and that some residents were fearful.
- Mr Ramsden stated that with this being a residential area, parents were concerned that their children's sleep would be disturbed, not only by late-night diners, but the removal and disposal of bottles and general rubbish and also by early morning deliveries to the premises.
- Mr Ramsden alerted the Sub-Committee to the fact

that certain undesirable elements had already begun to loiter in the near-by memorial gardens, openly drinking and causing residents unease.

- He concluded by saying that the area had a well-known drink and drugs problem (which it was trying to eradicate) and if the Diner were to be allowed to operate, it could become a place that would attract this sort of behaviour.

In reply, Mr Furze, on behalf of the applicants explained that:

- His clients were not irresponsible people – one was a school governor and had served on the Parish Council of St Dominic’s.
- The premises itself was a seated diner in which alcohol would only be served at table and in small quantities to accompany a meal
- The licence was only until 10.00pm Monday to Saturday and only until 5.00pm on Sunday so this was not a late night establishment which was likely to cause disruption to residents’ sleep.
- The business was a themed “retro” style American diner and was specifically designed to attract families. No drinking was to be allowed outside the premises.
- He assured the Sub-Committee that the intention of the applicants was only to provide a high-class restaurant facility which would they hoped be contribute positively to the area.
- He concluded by drawing the Sub-Committee’s attention to the fact that none of the responsible authorities had raised any objection and that the only objection from the interested party was of a general nature and not specific to his client’s premises.

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council’s Licensing Policy.

Given the stated nature of the premises to be a seated eatery in which limited quantities of alcohol would be consumed at table, and that the objections raised could not be linked to either the premises itself nor the applicants, the Sub-Committee granted the application as made, subject to one small amendment to the Operating Schedule which was that the incident log should be a “hard back” variety and not a “loose-leaf” folder:

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The Chairman added that the objections concerning issues in the local area had been heard and considered but the Sub-Committee did not think that the premises would, in any way add to the problems described. As the premises was to close at 10.00pm disruption to residents' sleep patterns would be unlikely to arise and the applicant had already confirmed that there would be no late night removal of bottles etc.

Chairman