

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
7 January 2014 (10.30 - 11.30 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Linda Trew

Residents' Group

Labour Group Denis Breading

**Independent Residents
Group**

There were no declarations of pecuniary interest.

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

Present at the meeting were Maureen Fowler and Tracey Saunders representing the applicant. Councillor Linda Van den Hende. Mr Paul Campbell Licensing Officer.

Also present were the Legal Adviser and the Clerk to the Sub-Committee.

**1 APPLICATION FOR A PREMISES LICENCE FOR SWEET TREATS 162
 ST MARY'S LANE UPMINSTER ESSEX RM14 3BS**

PREMISES

Sweet Treats
162 St Mary's Lane
Upminster
Essex
RM14 3BS

APPLICANT

Mrs M Fowler
5 Maltings Lane
Orsett
Essex
RM16 3HL

Details of the application

Supply of Alcohol		
Day	Start	Finish
Monday to Sunday	09:00hrs	23:00hrs

Music was not part of this application background music as mentioned under the prevention of public nuisance is not a licensable activity under the Licensing Act 2003.

Seasonal variations & Non-standard timings

There are no seasonal variations or non-standard timings in this application.

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 Romford Recorder on Friday 15th November 2013.

Summary

There was one valid representation against this application from interested parties.

There were no representations against this application from responsible authorities.

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

The interested parties representation falls under the headings of the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

Responsible Authorities' representations

None

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
Health Authority
Licensing Authority

Details of Representations

Ward Councillor – Councillor Linda Van den Hende appeared and reiterated her written objection against the application. She stated that:

- The hours applied for were not in keeping with the current main business of the premises as a bakery/coffee shop.
- If the licence was granted there was nothing to stop a future change of use to a wine bar or similar.
- The premises was located in a very busy area and was situated adjacent to a primary school.
- The provision of tables and chairs outside the premises allowing customers to consume food and alcoholic beverages could lead to issues of public nuisance.

Applicant's response.

The applicant, who was represented by her daughter (Ms Saunders), responded to the points made by Councillor Van den Hende.

Ms Saunders stated that they were applying for the licence on the basis that the premises was a bakery/cake shop and training school.

The sub-committee was advised that the applicant had spent over two years and a considerable amount of money in establishing a very successful cake business, boutique bakery and training school.

Members were also advised that the applicant believed that they had a unique selling point and position within the Upminster area and therefore had no intentions of changing their operating model or business direction but felt revenue streams could be increased by allowing the sale of alcohol along with their current products.

Ms Saunders also confirmed that the application for a licence to sell off-sales alcohol was so that the business could offer cake, cupcake bouquets and cookie baskets for sale accompanied by either wine or champagne in a "hamper/gift box" style which would be collected from the premises by the customer.

The sub-committee noted that the applicant had requested the licensable hours to allow the running of evening events such as bake together

evenings, cake decorating demonstrations and cupcake decorating classes to take place as their had previously been shown a demand for this type of service.

Ms Saunders advised members that the business had worked closely with several local organisations in providing free cake decorating classes and had offered work placements in the bakery to people looking to return to full time work.

In reply to the matter regarding possible public nuisance emanating from the outside seating area, Ms Saunders confirmed that the seating area was separated from the highway and could either be used for off street parking or for the provision of tables and chairs for customers.

Ms Saunders also advised members that the Designated Premises Supervisor for the premises would be her father Mr Fowler.

Determination of Application

Consequent upon the hearing held on 7 January 2014, the Sub-Committee's decision regarding the application for a premises licence for Sweet Treats is as set out below, for the reasons stated:

The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.

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 section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts Whether the granting of a premises licence would undermine any of the four licensing objectives.

- **Prevention of Public Nuisance**

That Councillor Van den Hende raised an objection on the grounds of the potential of noise disturbance being experienced by nearby residents using the outside seating area to consume food and alcohol.

The sub-committee was of the view that there was no evidence of noise complaints linked to the premises.

- **Prevention of Crime and Disorder**

That Councillor Van den Hende raised an objection on the grounds of the possible grounds that the business could become a wine bar or similar and thus have a detrimental effect on the amenity of neighbouring residents.

The sub-committee was of the view that the applicant had successfully demonstrated that the application was for a licence to enhance her current business (cake shop/coffee shop and training school) and that this would remain the case.

Decision

Having considered the oral and written submissions of the objector and the applicant in relation to the application, the Committee decided to **grant** the application with the following conditions:

Supply of Alcohol		
Day	Start	Finish
Monday to Saturday	11:00hrs	23:00hrs
Sunday	11:00hrs	19:00hrs

- No spirits to be sold
- Alcohol off-sales only to be supplied along with food products in a "hamper/gift box" format

The Sub-Committee was satisfied that the application before them would not have any negative impact upon any of the licensing objectives. The business was to continue as a bakery/coffee shop/training school, the applicant having taken steps to establish and enhance that business. Any concerns in terms of off sales were dealt with an agreed condition to sell only as part of a package/hamper including food.

Richard Cursons

Clerk to the Sub-Committee

Chairman