

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 15 May 2014

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

<p>A1</p>	<p>APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003</p>	<p align="right">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Cosa Nostra (UK) Ltd, Retail Unit, Upminster Station, Station Road, Upminster RM14 2TD</p> <p>DETAILS OF APPLICATION</p> <p>This application for a new premises licence is made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Loredana Martino Retail Unit Upminster Station Station Road Upminster RM14 2TD</p>
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		<p>1. Details of requested licensable activities</p> <p>The premises will be an Italian Delicatessen and seeks both 'on' and 'off' sales of alcohol.</p> <table border="1" data-bbox="952 710 1780 861"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol, Recorded Music, Opening Hours</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td align="center">Monday - Friday</td> <td align="center">06:30hrs</td> <td align="center">19:00hrs</td> </tr> <tr> <td align="center">Saturday</td> <td align="center">09:00hrs</td> <td align="center">17:00hrs</td> </tr> </tbody> </table> <p>The sub-committee was informed that Ms Loredana Martino had now obtained her personal licence as the Designated Premises Supervisor (DPS) at the premises.</p> <p>2. Non Standard Timings</p> <p><u>Seasonal variations</u></p> <p>None.</p> <p><u>Non-standard timings</u></p> <p>None.</p>	Supply of Alcohol, Recorded Music, Opening Hours			Day	Start	Finish	Monday - Friday	06:30hrs	19:00hrs	Saturday	09:00hrs	17:00hrs
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		<p>3. Promotion of the Licensing Objectives</p> <p>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 the 2 April 2014.</p> <p>4. Details of Representations</p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>There was one representation against this application from an interested party.</p> <p>Councillor Linda Van den Hende made representation against this application under the prevention of public nuisance, prevention crime and disorder and public safety.</p> <p>At the hearing, Councillor Van den Hende reiterated her concerns to the sub-committee on the sale of alcohol on the premise from 6.30am. She explained that the site was very small and whilst the main purpose seems to be an Italian 'deli' if on site drinking was permitted given the small size it could lead to</p>

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		<p>disorder spilling out onto the road and taxi rank at the station. The station was a very busy one, used by school children attending schools in the area. The hours requested would cover the times when the station was being used by school children and commuters. She was also of the view that customers may prefer to stand outside the premises with their drink which may lead to a risk to public safety for users of the station who may be confronted by intoxicated patrons on a narrow pavement, especially at busy times.</p> <p>Councillor Van den Hende suggested that there was a high chance of disorder if a licence was granted for on-site drinking. She expressed that she had less of an issue for the off sales application, although the hours proposed seem to start very early would suggest a later start time if a licence was to be granted for alcohol.</p> <p>On the prevention of public nuisance objective, Councillor Van den Hende was concerned that by the small size also sought permission to play music played inside and outside the premise, although it was stated that it was for 'atmosphere' only, which again could add to a public nuisance issue.</p> <p>Councillor Van den Hende suggested to the sub-committee that if a licence was to be granted it should be for off sales only, starting later than 6.30am applied for and that any music was kept within the premise.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p>
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		<p>Planning Control & Enforcement: None Licensing Authority: None</p> <p>Public Protection: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None</p> <p>Health & Safety Enforcing Authority: None.</p> <p>Public Health: None</p> <p>Children & Families Service: None</p> <p>The Magistrates Court: None</p> <p>5. Applicant’s response</p> <p>The applicant, Ms Martino, informed the Sub-Committee that the premises would be an Italian Delicatessen. They sought premises licence in order to offer both ‘on’ and ‘off’ sales of alcohol.</p> <p>The applicant during the hearing made reference to the fact that they would only be selling sell imported high quality wine from northern Italy and some beer but no spirits. Given the hours applied for and the nature of the premises, there would not be an issue with people coming in and getting drunk.</p> <p>Ms Martino, as DPS, will be at the premises during all licensable hours.</p>

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		<p align="center">Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 15 May 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Cosa Nosa UK Ltd, Upminster.</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>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.</p> <p>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.</p>

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		<p>Agreed Facts <u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the licensing objectives.</p> <ul style="list-style-type: none"> <p>• Prevention of Public Nuisance</p> <p>The Sub-Committee noted the comments of the interested party about her concerns on the playing music and the sale of alcohol on the premise from 6.30am. The Sub-Committee accepted that the premise was a retail unit, which formed part of Upminster station and fronts onto Station Road. It noted the applicant response that the intention was to sell wine and other alcohol with the delicatessen on offer.</p> <p>• Protection of children from harm</p> <p>The Sub-Committee also noted the comment in respect of children walking past the premises. The Sub-Committee accepted the view of the applicant that the sale of alcohol would be under strict control.</p> <p>Having considered the written representations and oral responses, the Sub-Committee were satisfied that the application, given its hours, scope, and the operating schedule provided, would not impact negatively on the Licensing Objectives.</p> <p>The Sub-Committee therefore granted the application as applied for with a condition as per the operating schedule:</p>

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		<ul style="list-style-type: none"> • That no on-sale alcohol is to be consumed outside the premises. <p>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.</p> <p>7. Right of Appeal</p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates’ Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates’ Court may:</p> <ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.