

**Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 17 April 2015**

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><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE FOR UPMINSTER TAP 1B SUNNYSIDE GARDENS UPMINSTER RM14 3DT</p>	<p align="center"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Upminster Tap Room 1B Sunnyside Gardens Upminster Essex RM14 3DT</p> <p><b>DETAILS OF APPLICATION</b></p> <p>This application for a new premises licence was made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b> Robert Knowles 76 Taunton Road Harold Hill Romford Essex RM3 7SU</p>
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		<p><b>1. Details of requested licensable activities</b></p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</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 to Sunday</td> <td align="center">11:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <p><b>Premises Opening hours</b></p> <table border="1"> <thead> <tr> <th align="center" colspan="3">Supply of Alcohol</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 to Sunday</td> <td align="center">11:00</td> <td align="center">23:00</td> </tr> </tbody> </table> <p>Mediation had taken place between the Police and the applicant and the following conditions had been agreed to be included on the licence if the application was granted.</p> <p><b>“ No children under the age of 14 years to be allowed inside the premises after 21.00. Children under the age of 14 years will be allowed in the outside area of the premises within the perimeter boundary. “</b></p> <p><b><u>Seasonal variations / Non-standard timings</u></b></p> <p>The following seasonal variations or non-standard timings were applied for.</p> <p>24 December 2015 11.00-00.30                  26 December 2015 11.00-00.30</p>	Supply of Alcohol			Day	Start	Finish	Monday to Sunday	11:00	23:00	Supply of Alcohol			Day	Start	Finish	Monday to Sunday	11:00	23:00
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		<p>31 December 2015 11.00-00.30                      17 March 2016 11.00-00.00                      25 March 2016 11.00-00.00                      23 April 2016 11.00-00.00</p> <p><b>2. Promotion of the Licensing Objectives</b></p> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the application. The required public notice was installed in the Romford Recorder on Friday 20 February 2015.</p> <p><b>3. Details of Representations</b></p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>There were seven representations (relating to eight people, one representation was from two people) against the application from interested persons.</p> <p>There was one representation against the application from responsible authorities.</p>

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		<p><u>Responsible Authorities</u></p> <p><b>Chief Officer of Metropolitan Police (“the Police”):</b> None</p> <p><b>Licensing Authority:</b> None</p> <p><b>Planning Control &amp; Enforcement:</b> None</p> <p><b>Public Protection:</b> One</p> <p><b>London Fire &amp; Emergency Planning Authority (“LFEPA”):</b> None</p> <p><b>Health &amp; Safety Enforcing Authority:</b> None</p> <p><b>Public Health:</b> None</p> <p><b>Children &amp; Families Service:</b> None</p> <p><b>The Magistrates Court:</b> None</p> <p><b>4. Determination of Application</b></p> <p>With its agreement Councillor Linda Hawthorn addressed the Sub-Committee.</p> <p>Councillor Hawthorn commented that there had been some confusion regarding the property address as to whether the property was located in St Mary’s Lane or Sunnyside Gardens.</p>

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		<p>Councillor Hawthorn also commented that her representation had been based on the public safety, prevention of public nuisance and protection of children from harm objectives due to the applicant stating that it was hoped that up to sixty members of the public would use the facility and therefore it would be difficult to monitor and control that amount of people in what was quite a small building. The premises were also situated quite closely to a primary school and a number of children from secondary schools came into the Upminster area during the day to purchase food.</p> <p>Councillor Hawthorn also commented that there were a number of residential properties in the vicinity of the application premises and that additional parking would cause noise and inconvenience to the local residents.</p> <p>Mrs Finnis and Mrs Kerton, interested parties, addressed the Sub-Committee.</p> <p>Mrs Finnis commented that she lived opposite the premises and was concerned by the possibility of public nuisance issues particularly from patrons gathered outside the premises and noise issues from patrons leaving the premises when it closed.</p> <p>Mrs Kerton commented that she was the landlord of the flat situated above the application premises. Mrs Kerton advised that she was concerned regarding patrons congregating outside the premises to smoke and the possible noise nuisance of patrons leaving the premises. Mrs Kerton also commented that there were concerns regarding the refuse arrangements.</p> <p>In response Mrs Sheldon, representing the applicant, advised that there would be very little waste generated from the premises as the beers were poured directly from casks negating the need for bottles and there were no plans to serve hot or cold food at the premises.</p>

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		<p>The applicant only planned to serve real ales and pub snacks. There would be no music or entertainment in the form of TVs and that the main aim of the micro pub was to promote conversation between patrons.</p> <p>Mrs Sheldon advised the Sub-Committee that the premises had previously been a garden centre and more lately a call centre.</p> <p>Mrs Sheldon confirmed that a storeroom and chiller had yet to be built and that the expected number of patrons using the premises at any one time would probably be a maximum of thirty people.</p> <p>In relation to its location Mrs Sheldon confirmed that the premises was located next to an Indian restaurant and opposite a petrol garage both of which were open to the public into the evening.</p> <p>Mrs Sheldon commented that there were two tea rooms located in the vicinity of the application premises which had previously been granted alcohol licences to 23.00 hours but who did not take full advantage of these late licences as they were not always needed.</p> <p>The Sub-Committee was advised that the ales on sale would not be over 8% ABV and that off sales would be of a minimum as the cask ales did not transfer over to disposable cartons very well.</p> <p>Mrs Sheldon confirmed that the applicant expected 90% of the patrons to use public transport to and from the premises. Bus and train timetables would be on display for patron's use as would taxi numbers.</p>

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		<p>Mrs Sheldon also confirmed to the Sub-Committee that the applicant would be operating a Challenge 25 policy and was also interested in forming an Upminster Pubwatch group to help police licensed premises in the area.</p> <p><b>Decision</b></p> <p><b>Consequent upon the hearing held on 17 April 2015, the Sub-Committee’s decision regarding the application for a Premises Licence for Upminster Tap Room 1B Sunnyside Gardens, Upminster Essex RM14 3DT</b></p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <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><b><u>Agreed Facts Facts/Issues</u></b></p> <p>Whether the granting of the premises licence would undermine the licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>The Sub-Committee noted the concerns raised in the representations against the application.</p> <ul style="list-style-type: none"> <li>• The prevention of public nuisance</li> </ul> <p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> </ul> <p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p> <ul style="list-style-type: none"> <li>• The prevention of children from harm</li> </ul>



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		<p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p> <p>Having considered the written representations and oral responses, and having regard to the licensing objectives.</p> <p>The Sub-Committee noted that whilst there would be some impact on the local amenity that this would be marginal as there was already a petrol station opposite, and an Indian restaurant adjacent to the premises. They also accepted the representations of the applicant that the type of establishment that this was intended to be would not attract a type of customer that would be likely to cause nuisance late at night in the local vicinity.</p> <p>The Sub-Committee decided the following:</p> <p>The Sub-Committee was minded to grant the Premises Licence with the following condition:</p> <p>No children under the age of 14 to be allowed on the licensed premises after 21.00 hours.</p>

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		<p><b>Right of Appeal</b></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"> <li>1. dismiss the appeal; or</li> <li>2. substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. make an order for costs as it sees fit.</li> </ol>
A1		
A2		