

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
17 April 2015 (10.30 am - 12.00 pm)**

Present:

COUNCILLORS

Conservative Group Garry Pain (Chairman) and Viddy Persaud

UKIP Group Phil Martin

Present at the hearing were the applicant, Mr Robert Knowles and his representative, Ms Caroline Sheldon.

Also present were Mr Paul Campbell (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the Clerk to the Licensing sub-committee.

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

No interests were declared at the meeting.

**1 APPLICATION FOR A PREMISES LICENCE FOR UPMINSTER TAP 1B
 SUNNYSIDE GARDENS UPMINSTER RM14 3DT**

PREMISES

Upminster Tap Room
1B Sunnyside Gardens
Upminster
Essex
RM14 3DT

DETAILS OF APPLICATION

This application for a new premises licence was made under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Robert Knowles
76 Taunton Road
Harold Hill
Romford
Essex
RM3 7SU

1. Details of requested licensable activities

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

Premises Opening hours

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

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.

“ 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. “

Seasonal variations / Non-standard timings

The following seasonal variations or non-standard timings were applied for.

24 December 2015 11.00-00.30
26 December 2015 11.00-00.30
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

2. Promotion of the Licensing Objectives

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. The required public notice was installed in the Romford Recorder on Friday 20 February 2015.

3. Details of Representations

Valid representations may only address the four licensing objectives.

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

There were seven representations (relating to eight people, one representation was from two people) against the application from interested persons.

There was one representation against the application from responsible authorities.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”): None

Licensing Authority: None

Planning Control & Enforcement: None

Public Protection: One

London Fire & Emergency Planning Authority (“LFEPA”): None

Health & Safety Enforcing Authority: None

Public Health: None

Children & Families Service: None

The Magistrates Court: None

4. Determination of Application

With its agreement Councillor Linda Hawthorn addressed the Sub-Committee.

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.

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.

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.

Mrs Finnis and Mrs Kerton, interested parties, addressed the Sub-Committee.

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.

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.

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.

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.

Mrs Sheldon advised the Sub-Committee that the premises had previously been a garden centre and more lately a call centre.

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.

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.

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.

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.

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.

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.

Decision

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

The Sub-Committee was obliged to determine the 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

Whether the granting of the premises licence would undermine the licensing objectives.

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

The Sub-Committee noted the concerns raised in the representations against the application.

- The prevention of public nuisance

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.

- The prevention of crime and disorder

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.

- The prevention of children from harm

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.

Having considered the written representations and oral responses, and having regard to the licensing objectives.

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.

The Sub-Committee decided the following:

The Sub-Committee was minded to grant the Premises Licence with the following condition:

No children under the age of 14 to be allowed on the licensed premises after 21.00 hours.

Chairman

