

**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 7 December 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 TO VARY A PREMISES LICENCE FOR THE DINER, 13 FARNHAM ROAD, ROMFORD, RM3 8ED.</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> The Diner, 13 Farnham Road, Romford, RM3 8ED</p> <p><b>DETAILS OF APPLICATION</b></p> <p>Application for a variation to a premises licence under section 34 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b> Mr Alan Masters, 70 Birch Road, Romford, RM7 8EP &amp; Mr Michael O’Meara, 69 Birch Road, Romford, RM7 8EP</p> <p><b>1. Details of the application</b></p>
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		<ul style="list-style-type: none"> <li>• Public Safety.</li> </ul> <p>There was just one representation against this application from a responsible authority.</p> <p><b><u>Responsible Authorities</u></b></p> <p><b>Metropolitan Police:</b> None.</p> <p><b>London Fire &amp; Emergency Planning Authority (“LFEPA”):</b> None.</p> <p><b>Planning Control &amp; Enforcement:</b> Planning Control and Enforcement had objected under the licensing objective ‘Prevention of Public Nuisance’.</p> <p>The Sub-Committee’s attention had been drawn to condition 2 attached to the planning permission (P1796.10) granted on 23 May 2011 for the change of use of the premises from Class A1 to Class A3 and the installation of extract ducting to the rear.</p> <p>The condition stated:                      “The premises shall not be used and no deliveries shall be made other than between the hours of 08:00 hours and 22:00 hours on Mondays to Saturdays and between 09:00 hours and 17:00 hours on Sundays without the prior consent in writing of the Local Planning Authority.”</p> <p>In granting this planning permission [P1796.10] for the use of the premises, consideration had been given to the prevention of public nuisance; and most notably to the local residents located in close proximity. The application to vary the licence sought to have the use</p>

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		<p>operating outside of the times previously approved by planning; which had not been appealed against or challenged / changed since. As this was the case, planning had objected to the application as it sought to have use operating past the approved times until the late hour (being open until 24:30hrs on a Saturday night); and would be contrary to licencing policy 007. This would increase the noise and activity in the late evening / night time (when there was a lower ambient noise level in the area) to a level that had not been prevalent to the distress of the local residents and to the general public, and was also deemed unacceptable and unneighbourly; and contrary to Licencing policy 008.</p> <p>Furthermore, allowing alcohol to be served from 11:00hrs until 24:00hrs might increase the chance of persons under the influence loitering in the nearby areas, causing anti-social behaviour; which might be especially prevalent given the large pedestrianized areas; most notably along Hildene Avenue.</p> <p><b>Children &amp; Families Service:</b> None</p> <p><b>Environmental Health Service:</b> None</p> <p><b>The Magistrates Court:</b> None</p> <p><b><u>Interested parties' representation</u></b></p> <p>None.</p> <p><b>4. Applicant's response.</b></p> <p>Mr O'Meara had replied on behalf of the joint applicants. The applicants had submitted</p>

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		<p><b>Decision</b></p> <p><b>Following the hearing held on 7 December 2015, the Sub-Committee’s decision regarding the application to vary the Premises Licence for The Diner, 13 Farnham Road, Romford, Essex, RM3 8ED was as set out below, for the reasons shown:</b></p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which were:</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 had taken 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> <p>The Sub-Committee having considered the representation made on behalf of Planning and Enforcement and the response from the applicant resolved to grant the application for the following hours:</p> <table border="1" data-bbox="969 1342 1818 1414"> <thead> <tr> <th data-bbox="969 1342 1498 1377">Live Music</th> <th data-bbox="1498 1342 1659 1377"></th> <th data-bbox="1659 1342 1818 1377"></th> </tr> <tr> <th data-bbox="969 1377 1498 1414">Day</th> <th data-bbox="1498 1377 1659 1414">Start</th> <th data-bbox="1659 1377 1818 1414">Finish</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Live Music			Day	Start	Finish			
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**Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 7 December 2015**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>James Goodwin Clerk to the Licensing Sub-Committee</p>
<b>A1</b>		
<b>A2</b>		