



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE THE DINER, 13 FARNHAM ROAD

AGENDA

10.30 am	Monday 7 December 2015	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman)
Philippa Crowder
Phil Martin

**For information about the meeting please contact:
James Goodwin 01708 432432
james.goodwin@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) – receive

2 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 42)

Application to vary a premises licence for The Diner, 13 Farnham Road, Romford, RM3 8ED.

**Andrew Beesley
Committee Administration Manager**

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LICENSING SUB-COMMITTEE

REPORT

7 December 2015

Subject Heading:

**Procedure for the Hearing:
Licensing Act 2003**

Report Author and contact details:

**James Goodwin – Committee Officer
01708 432432**

Members are advised that, when considering an application to vary a premises licence, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Chairman's Briefing meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 5 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only

where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

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

7. Failure of parties to attend the hearing:

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:
- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.

- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

LICENSING SUB-COMMITTEE

REPORT

7th December 2015

Subject heading:

**The Diner
13 Farnham Road Romford RM3 8ED
Premises licence variation application**

Report author and contact details:

**Paul Jones, Licensing Officer
5th floor Mercury House
01708 432692**

This application to vary a premises licence is made by Mr Alan Masters and Mr Michael O'Meara under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 20th October 2015.

Geographical description of the area and description of the building

The Diner is located in a parade of purpose built commercial premises in Harold Hill. Residential accommodation is located directly above these commercial outlets. A map of the area is attached for reference.

Details of the application

Current premises licence hours are as follows:

Recorded music		
Day	Start	Finish
Monday to Saturday	08:00	22:00
Sunday	09:00	17:00

Supply of alcohol		
Day	Start	Finish
Monday to Saturday	11:00	22:00
Sunday	11:00	17:00
Christmas Day & New Year's Day	09:00	22:00

Hours premises open to the public		
Day	Start	Finish
Monday to Saturday	08:00	22:00
Sunday	09:00	17:00
Christmas Day &	08:00	22:00

Licensing Sub-Committee, 7th December 2015

New Year's Day		
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Variation applied for:

Live music		
Day	Start	Finish
Saturday	18:00	23:30
Christmas Eve & New Year's Eve	18:00	00:30

Recorded music		
Day	Start	Finish
Monday to Thursday	08:00	23:00
Friday & Saturday	08:00	00:00
Sunday	09:00	21:00
Christmas Eve & New Year's Eve	08:00	00:30

Late night refreshment		
Day	Start	Finish
Monday to Thursday	23:00	23:30
Friday & Saturday	23:00	00:30
Christmas Eve & New Year's Eve	23:00	01:00

Anything similar to live music, recorded music or performance of dance (i.e. dancing by diners to live music) *		
Day	Start	Finish
Saturday	09:00**	23:30
Christmas Eve & New Year's Eve	09:00	00:30

*** Spontaneous dancing by diners would not constitute a licensable activity.**

**** The application indicates 06:00; however, this has been confirmed as a typographical error.**

Supply of alcohol		
Day	Start	Finish
Monday to Thursday	11:00	23:00
Friday & Saturday	11:00	00:00
Sunday	11:00	21:00
Christmas Eve & New Year's Eve	11:00	00:30

Hours premises open to the public		
Day	Start	Finish
Monday to Thursday	08:00	23:30
Friday & Saturday	08:00	00:30
Sunday	09:00	21:30
Christmas Eve & New Year's Eve	08:00	01:00

Comments and observations on the application

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 week ending 6th November 2015 edition of the Havering Yellow Advertiser.

Summary

There was one representation against this application from a responsible authority.

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

Responsible authorities' representations

Enforcement and Appeals Technician Mr Sam Cadman makes representation against this application on the behalf of Havering's Planning Service. Mr Cadman's representation relates to the prevention of public nuisance licensing objective.

Classified

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Public Notices

PUBLIC NOTICE OF AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

Notice is hereby given that an application was made to the London Borough of Havering to vary a premises licence under the above Act on the 21st October 2015. Applicant: Alan Masters & Michael O'Meara. Address of premises: The Diner, 13 Farnham Road, Romford RM3 8ED. Proposed variations to the licensable activities: Extend the hours for the sale of alcohol and entertainment and add the provision of late night refreshment. Proposed days and hours of licensable activity: Alcohol: Mon-Thurs 11.00-23.00; Fri-Sat 11.00 24.00; Sunday 11.00-21.00. Entertainment: Mon-Thurs: 09.00-23.00; Fri-Sat 09.00-24.00; Sunday 09.00-21.00. Late Night Refreshment: Mon-Thurs 23.00-23.30; Fri-Sat 23.00-24.30; Sunday N/A. The postal address of the Licensing Authority where the register is kept and the application may be inspected is: *London Borough of Havering, Licensing Team, Public Protection, Mercury House, Mercury Gardens, Romford RM1 3SL. Any person wishing to make representations on this matter shall give notice, in writing, stating the nature and grounds for making such representations to The Licensing Officer at the above address* within 28 days of the date of this notice - by the 18th November 2015. Further information is available on the web site www.havering.gov.uk following the links. It is an offence under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application and the maximum fine on summary conviction of such an offence is £5000. Licensing Solutions - duly authorised agents

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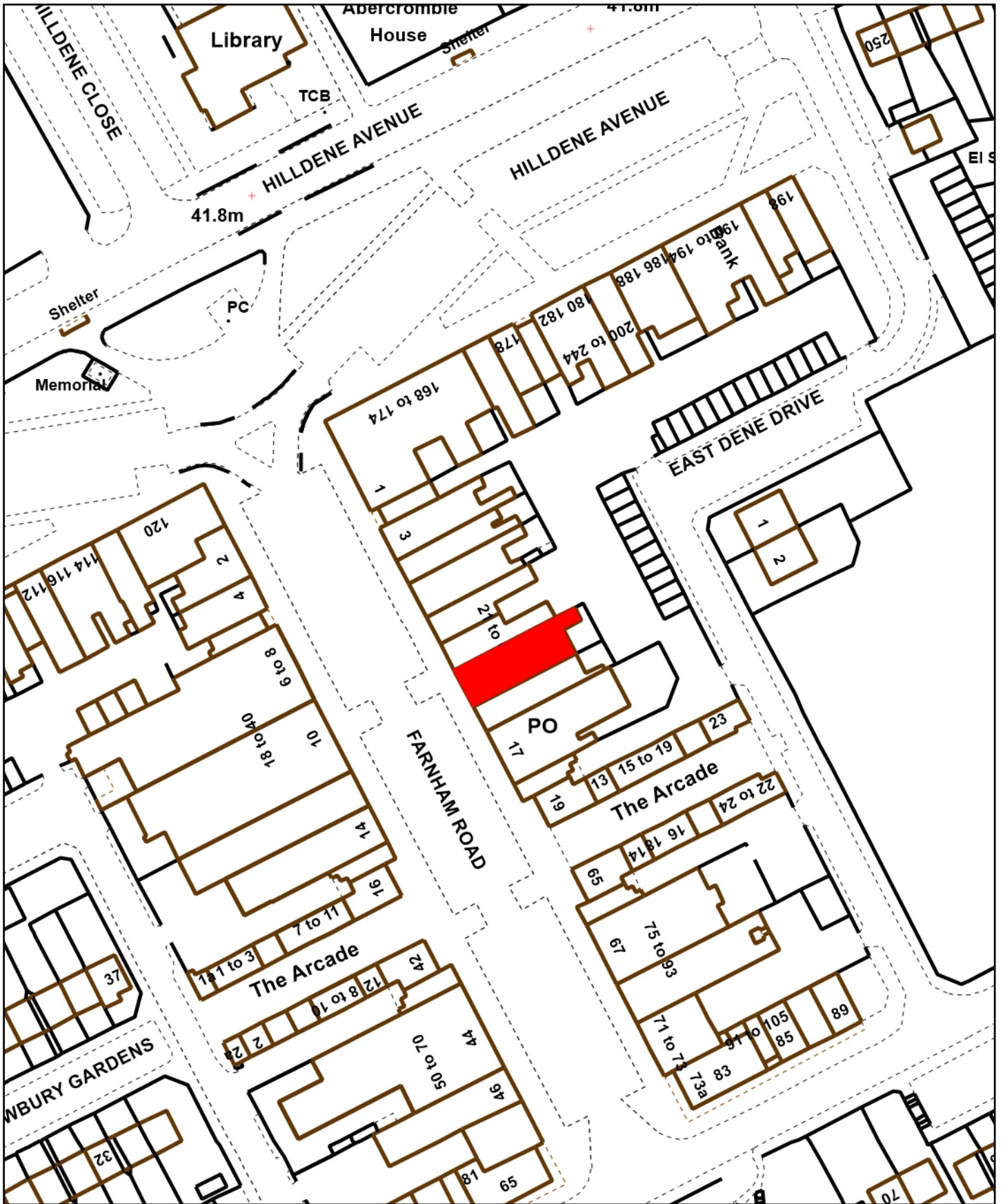
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Wanted

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The Diner, 13 Farnham Road



Scale: 1:1000
 Date: 20 October 2015



Part A

Premises licence number

11665

Part 1 – Premises details

Postal address of premises

**The Diner
13 Farnham Road Romford RM3 8ED**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded music, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Recorded music

Monday to Saturday – 08:00 to 22:00

Sunday – 09:00 to 17:00

Supply of alcohol

Monday to Saturday – 11:00 to 22:00

Sunday – 11:00 to 17:00

Christmas Day & New Year's Day – 09:00 to 22:00

The opening hours of the premises

Monday to Saturday – 08:00 to 22:00

Sunday – 09:00 to 17:00

Christmas Day & New Year's Day – 08:00 to 22:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On supplies only

1 of 6

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Alan Masters
70 Birch Road Romford RM7 8EP
07958 286209 / 01708 788924
&
Mr Michael O'Meara
69 Birch Road Romford RM7 8EP
07808 730304 / 01708 765155

Registered number of holder

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Susan Diane Lake
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

[REDACTED]

Mandatory conditions

1. **No supply of alcohol may be made under the premises licence:**
 - (a) **at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
 2. **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
 3. (1) **The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) **In this paragraph, an irresponsible promotion means any one or more of the following: activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –**
 - (a) **games or other activities which require or encourage, or are designed to require or encourage, individuals to –**
-
-

2 of 6

Mandatory conditions – contd.

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent upon –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

1. Notices shall be displayed:
 - showing the opening and closing times of the premises on all days of the week;
 - asking customers to conduct themselves in an orderly fashion and to cause no nuisance to residents or passers-by;
 - warning customers of potential criminal activity in the premises;
 - warning customers not to bring drugs onto the premises;
 - asking customers to leave the premises and the area quietly;
 - not to stand outside talking late at night.
2. No outside solicitation of passers-by to purchase from the premises shall take place.
3. A log book shall be kept on the premises listing statutory inspections.
4. Access for emergency vehicles shall be provided.
5. Queues of customers shall not obstruct public exits.
6. All shop fittings, seating, lighting, heating, electrical and ventilation installations, sanitary accommodation and washing facilities shall be adequately maintained.
7. Floor surfaces shall be non-slip and there shall be no hanging curtains obstructing or concealing doorways.
8. Seating shall not obstruct exits and there shall be adequate lighting and ventilation.
9. No explosive or highly flammable materials shall be brought onto or kept on the premises and no smoking shall be permitted there at any time.
10. There shall be no noise above background levels and noise standards shall have full regard to BS4142.
11. Receptacles for rubbish shall be provided in the premises and if provided outside shall be removed at the close of business each day.
12. Refuse shall be stored securely, it shall be removed from the premises the next day and there shall be no bin movement after 23:00 each day.
13. All cooking facilities shall be regularly maintained in order not to cause any noise nuisance.
14. Bottles and noisy receptacles shall not be handled late at night.
15. Proof of identification shall be demanded when doubt arises over the age of a customer attempting to buy alcohol.
16. Staff shall be trained to deal with emergencies and in particular be able to carry out first aid on a customer if so required.
17. If a taxi operator is to be displayed in the premises then a specific operator shall be named and nominated by the premises' owner.
18. Any taxis supplied by the nominated provider shall not sound horns, idle engines late at night and taxi drivers shall be made aware of the need to avoid nuisance to local residents at late hours.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.
20. All entry and exit points shall be covered by CCTV cameras enabling frontal identification of every person entering in any light condition.
21. The CCTV system shall continually record while the premises is open for the provision of licensable activity and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Annex 2 – conditions consistent with the operating schedule – contd.

- 22. CCTV recordings shall be made available immediately upon the request of the Police or an authorised officer throughout the preceding 31 day period.**
- 23. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.**
- 24. The supply of alcohol shall be by waiter or waitress service only.**
- 25. A proof of age scheme such as Challenge 21 or 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence or passport.**
- 26. An incident log shall be kept at the premises and made available on request to an authorised officer of the council or the Police which shall record the following:**
 - all crimes reported to the venue;**
 - all ejections of patrons;**
 - any complaints received;**
 - any incidents of disorder;**
 - any faults in the CCTV system or searching equipment or scanning equipment;**
 - any refusal of the sale of alcohol;**
 - any visit by a relevant authority or emergency service.**
- 27. Patrons temporarily leaving and re-entering the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.**
- 28. A log shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the council at all times when the premises is open.**
- 29. Any person under 18 years of age must be accompanied by an adult after 20:00.**
- 30. The licence holders and designated premises supervisor shall liaise with the local safer neighbourhood Police on a regular basis.**

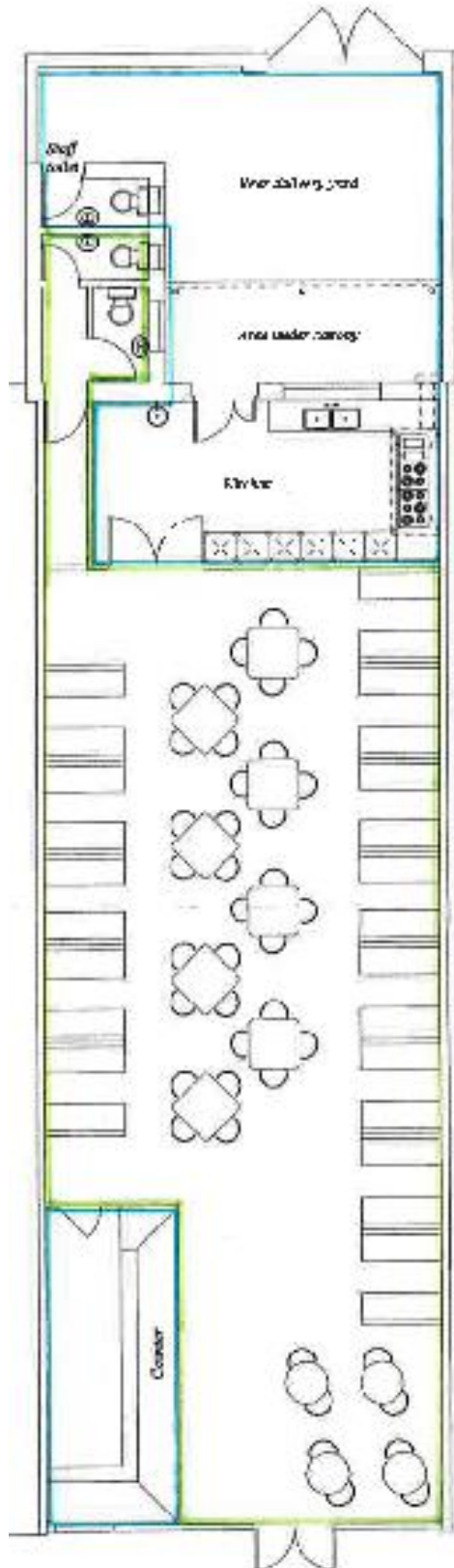
Annex 3 – conditions attached after a hearing by the Licensing Authority

- 1. The premises' incident log shall be hard-bound and not loose-leaf.**

5 of 6

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





Part B

Premises licence summary

Premises licence number

11665

Premises details

Postal address of premises

The Diner
13 Farnham Road Romford RM3 8ED

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded music, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Recorded music
Monday to Saturday – 08:00 to 22:00
Sunday – 09:00 to 17:00

Supply of alcohol
Monday to Saturday – 11:00 to 22:00
Sunday – 11:00 to 17:00
Christmas Day & New Year's Day – 09:00 to 22:00

The opening hours of the premises

Monday to Saturday – 08:00 to 22:00
Sunday – 09:00 to 17:00
Christmas Day & New Year's Day – 08:00 to 22:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On supplies only

1 of 2

Name, (registered) address of holder of premises licence

**Mr Alan Masters
70 Birch Road Romford RM7 8EP
&
Mr Michael O'Meara
69 Birch Road Romford RM7 8EP**

Registered number of holder

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Susan Diane Lake

State whether access to the premises by children is restricted or prohibited

Restricted

2 of 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ALAN MASTERS & MICHAEL O'MEARA

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 11665

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE DINER 13 FARNHAM ROAD			
Post town	ROMFORD	Postcode	RM3 8ED

Telephone number at premises (if any)	01708 371888
Non-domestic rateable value of premises	£22500

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? X Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO CHANGE THE OPENING HOURS AND THOSE FOR THE SALE OF ALCOHOL AND RECORDED MUSIC AND ADJUST ASSOCIATED CONDITIONS, ADD THE PROVISION OF LIVE MUSIC AND DANCING AND LATE NIGHT REFRESHMENT AND ADJUST HOURS ON CHRISTMAS DAY AND NEW YEARS DAY

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | X |
| f) recorded music (if ticking yes, fill in box F) | X |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | X |

Provision of late night refreshment (if ticking yes, fill in box I) X

Sale by retail of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for performing plays (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat	18.00	23.30	CHRISTMAS EVE INTO CHRISTMAS DAY 18.00 TO 00.30 NEW YEARS EVE INTO NEW YEARS DAY 18.00 TO 00.30		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	X
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08.00	23.00	Please give further details here (please read guidance note 3)		
Tue	08.00	23.00			
Wed	08.00	23.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) CHRISTMAS EVE INTO CHRISTMAS DAY 08.00 TO 00.30 NEW YEARS EVE INTO NEW YEARS DAY 08.00 TO 00.30		
Thur	08.00	23.00			
Fri	08.00	24.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08.00	24.00			
Sun	09.00	21.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	X
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3) DANCING BY DINERS TO LIVE MUSIC		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) CHRISTMAS EVE INTO CHRISTMAS DAY 06.00 TO 00.30 NEW YEARS EVE INTO NEW YEARS DAY 06.00 TO 00.30		
Fri					
Sat	06.00	23.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	X
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23.00	23.30	Please give further details here (please read guidance note 3)		
Tue	23.00	23.30			
Wed	23.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) CHRISTMAS EVE INTO CHRISTMAS DAY 23.00 TO 01.00 NEW YEARS EVE INTO NEW YEARS DAY 23.00 TO 01.00		
Thur	23.00	23.30			
Fri	23.00	24.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	00.00	00.30			
	23.00	24.00			
Sun	00.00	00.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) CHRISTMAS EVE INTO CHRISTMAS DAY 11.00 TO 00.30 NEW YEARS EVE INTO NEW YEARS DAY 11.00 TO 00.30		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	23.00			
Fri	11.00	24.00			
Sat	11.00	24.00			
Sun	11.00	21.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) CHRISTMAS EVE INTO CHRISTMAS DAY 08.00 TO 01.00 NEW YEARS EVE INTO NEW YEARS DAY 08.00 TO 01.00
Day	Start	Finish	
Mon	08.00	23.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	08.00	23.30	
Wed	08.00	23.30	
Thur	08.00	23.30	
Fri	08.00	24.00	
Sat	00.00	00.30	
	08.00	24.00	
Sun	00.00	00.30	
	09.00	21.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

ANY HOURS RESTRICTING THE SALE OF ALCOHOL ON CHRISTMAS DAY AND NEW YEARS DAY

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
LICENCE TO FOLLOW DIRECT FROM THE SITE

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

OTHER EXISTING AND MANDATORY CONDITIONS TO REMAIN - ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 25 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS

e) The protection of children from harm

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING AND REFRESHER TRAINING, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Checklist:

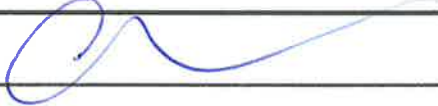
Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16 TH OCTOBER 2015
Capacity	LICENSING SOLUTIONS - DULY AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

LICENSING SOLUTIONS
32 CHURCH ROAD
LOCKS HEATH

Post town	SOUTHAMPTON	Post code	SO31 6LU
Telephone number (if any)	07831 159450		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) chris@licensingsolutions.org.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

“The Diner”, 13 Farnham Road, Romford, RM3 8ED

Summary

This written representation is submitted to object to the variation to the licence in connection with the property known as “The Diner”, located at 13 Farnham Road, Romford, RM3 8ED. This is raised in direct relevance to the licensing objection specific to the “Prevention of Public Nuisance”.

Site description:

The site is situated on the east side of Farnham Road, on the ground floor of a 4-storey building which has a parade of shops on the ground floor.

The site is located in very close proximity to many residential homes, with 3-storey residential units in the form of flats located directly above the application site (which is the same along the parade of shops on the eastern side of Farnham Road), as well as residential dwelling houses located nearby in Newbury Gardens and Chippenham Road.

Consideration for representation.

A planning application was submitted under reference P1796.10 for the “*Change of Use from Class A1 to Class A3 and installation of extract ducting to the rear.*” This was granted on 23rd May 2011, and there were several conditions attached to the development, including:

2. 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 and 17:00 hours on Sundays without the prior consent in writing of the Local Planning Authority.

There have been several planning applications since, but none have altered or changed the use of the property or have removed or changed the hours of operation. In granting this planning permission [P1796.10] for the use of the premises, consideration was given to the prevention of public nuisance; and most notably to the local residents located in close proximity. The application to vary the licence seeks to have the use operating outside of the times previously approved by planning; which have not been appealed against or challenged / changed since. As this is the case, planning would object to the application as it seeks to have use operating past these approved times until the late hour (being open until 24:30hrs on a Saturday night); and would be contrary to the licencing policy 007. This would increase the noise and activity in the late evening / night time (when there is a lower ambient noise level in the area) to a level that has not been prevalent to the distress of the local residents and to the general public, and is also deemed unacceptable and neighbourly; and contrary to Licencing policy 008.

Furthermore, allowing alcohol to be served from 11:00hrs until 24:00hrs may increase the chance of persons under the influence loitering in the nearby areas, causing anti-social behaviour; which may be especially prevalent given the large pedestrianized areas; most notably along Hildene Avenue.

The only way that the concerns of planning services would be alleviated would be to grant a conditional licence; limiting the opening hours to those stated in the planning condition above, and the model conditions set out under the licencing policy (Conditions PN1-PN23).

It must also be noted that any unauthorised development or use is liable for enforcement action. There are also outstanding planning issues with regards to the discharge of conditions for application P1796.10; which will now be addressed by the planning enforcement team.

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