

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
10 December 2015 (10.30 - 11.20 am)**

Present:

COUNCILLORS

Conservative Group Frederick Thompson (Chairman)

Residents' Group Jody Ganly

Independent Residents Group Keith Roberts

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

Present at the meeting were Mr Jonathan Hoggett (applicant), Mr Graham Hopkins (applicant's agent), Paul Campbell, Licensing Officer and Sam Cadman, Planning Services.

Also present were the Legal Adviser and Clerk to the Sub-Committee.

**2 APPLICATION FOR A PREMISES LICENCE FOR THE HEALTHY CHEF
38 CORBETS TEY ROAD, UPMINSTER, RM14 2AD**

PREMISES

The Healthy Chef
38 Corbets Tey Road
Upminster
RM14 2AD

DETAILS OF APPLICATION

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

APPLICANT

Mr Jonathan Hoggett and Mr Alexander Hoggett
6 Spencer Crescent
Upminster
Essex
RM14 1AN

1. Details of requested licensable activities

Late night refreshment		
Day	Start	Finish
Monday to Sunday	23:00	23:30

Supply of Alcohol (on the premises only)		
Day	Start	Finish
Monday to Sunday	10:00	23:30

Hours the premises will be open to the public		
Day	Start	Finish
Monday to Sunday	07:00	00:00

Seasonal variations / Non-standard timings

There were no Seasonal Variations or Non Standard Timings attached to the application

Conversations had taken place between the applicant and the Police and an additional condition relating to glass being used outside the premises had been agreed and would be added to the premises licence if granted. A full copy of the agreed condition was attached for the Sub-Committee's perusal.

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 Yellow Advertiser on Wednesday 21 October 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 no representations 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: One

Public Protection: None

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

Sam Cadman representing the Council’s Planning Services Team advised that that a change of use planning application had been submitted earlier in the year but had subsequently been withdrawn. A further planning application had been submitted in November 2015 which had yet to be determined and may well if granted be conditioned to restrict the hours of operation.

The Sub-Committee was advised that two new dwellings had been built to the rear of the application address.

Members were also advised that the applicant was currently trading without planning permission having been granted but that no enforcement action had been taken as the Service would support the change of use that had been applied for.

In response the applicant’s agent, Mr Hopkins, commented that the planning application had been submitted for a café/bar and not a vertical drinking establishment which meant that patrons had to be seated to be served food or drink.

Mr Hopkins also commented that the applicant had successfully been using Temporary Event Notices in the past few weeks to enable the business to operate until a licence had been secured. Mr Hopkins confirmed that the TENs had been incident free and not attracted any complaints from neighbouring properties. Mr Hopkins also advised Members that there had been an issue in the previous week of two underage customers who had tried to purchase alcohol but had been refused following checks from members of staff.

Mr Hopkins confirmed to the Sub-Committee that no request for loud music had been applied for and that only background music would be played on the premises. The applicant had also spoken to neighbours who had confirmed that they had no issues with the applicant applying for a premises licence.

In response to a question regarding the use of glassware the applicant confirmed that he would be using plastic cups to serve drinks to the tables situated outside the premises.

Decision

Consequent upon the hearing held on 10 December 2015, the Sub-Committee's decision regarding the application for a Premises Licence for The Healthy Chef 38 Corbets Tey Road, Upminster, RM14 2AD

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.

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 minimal. The Sub-Committee 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.

Decision:

The Sub-Committee granted the Premises Licence with the additional condition that had previously been agreed with the Police regarding the use of polycarbonate drinking vessels.

Right of Appeal

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 within 21 days of notification of the decision. On appeal, the Magistrates' Court may:

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.

Chairman