



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE FETE LOUNGE

AGENDA

10.30 am	Friday 21 December 2018	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Philippa Crowder (Chairman)
Bob Perry
Nisha Patel

**For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
taiwo.adeoye@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.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF INTERESTS

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

Members may still disclose any 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 APPLICATION TO VARY A PREMISES LICENCE - FETE LOUNGE 6 STATION ROAD, UPMINSTER, RM14 2UB (Pages 7 - 78)

**Andrew Beesley
Head of Democratic Services**



LICENSING SUB-COMMITTEE

REPORT

21 December 2018

Subject Heading:

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

Report Author and contact details:

**Taiwo Adeoye – Democratic Services
Officer - 01708 433079
taiwo,adeoye@onesource.co.uk**

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. Location and facilities:

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

4. Notification of attendance:

- 4.1 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.

5. Procedural matters:

- 5.1 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.
- 5.2 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.**

6. Failure of parties to attend the hearing:

- 6.1 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.

7. Adjournments and extension of time:

- 7.1 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.

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

- 8.1 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.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 8.3 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.

9. Power to exclude people from hearing:

- 9.1 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.

10. Recording of proceedings:

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

11. Power to vary procedure:

- 11.1 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.



Havering
LONDON BOROUGH

Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

21 December 2018

Subject heading:

Fete Lounge
6 Station Road Upminster RM14 2UB
Premises licence variation
Paul Jones, Licensing Officer
Town Hall Main Road Romford
licensing@havering.gov.uk
01708 432777

Report author and contact details:

This application for a variation to a premises licence is made by fete Lounge Limited under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 8th November 2018.

Geographical description of the area and description of the building

Fete Lounge is located at Bell Corner in Upminster in a parade of commercial outlets. There are residential properties above the commercial outlets. The area may therefore be described as mixed use.



Details of the application

Variation applied for:

Recorded music, late night refreshment		
Day	Start	Finish
Monday to Sunday	23:00	00:00

Supply of alcohol (on & off)		
Day	Start	Finish
Monday to Sunday	10:00	00:00

Hours open to the public		
Day	Start	Finish
Monday to Sunday	07:00	00:30

Non-standard timings

There is a series of non-standard timing requests made which are fully detailed in the application.

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 16th November 2018 edition of the Havering Yellow Advertiser.

Summary

There were three representations against this application made by individuals resident nearby.

There were three representations against this application made by responsible authorities.



Havering
LONDON BOROUGH

Copy of Application

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

16,750

Section 3 of 18

VARIATION

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

Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

FETE LOUNGE IS A CAFE & WINE BAR LOCATED IN A GROUND FLOOR RETAIL UNIT SITUATED IN A MID TERRACE BLOCK OF SIMILAR UNITS WITH RESIDENTIAL FLATS ABOVE.

1) TO VARY THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES TO BE FROM 10.00 TO 00.00 (MIDNIGHT) DAILY ALL WEEK AND THE PLAYING OF RECORDED MUSIC TO BE FROM 23.00 TO 00.00 (MIDNIGHT) DAILY ALL WEEK.

2) TO ADD THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES TO THE PREMISES LICENCE FROM 10.00 TO 00.00 (MIDNIGHT) DAILY ALL WEEK.

3) TO ADD THE PROVISION OF LATE NIGHT REFRESHMENT TO THE PREMISES LICENCE FROM 23.00 TO 00.00 (MIDNIGHT) DAILY ALL WEEK.

4) TO SUBMIT A NEW PLAN TO ADD THE AREA OUTLINED IN RED IMMEDIATELY OUTSIDE THE FRONT OF THE PREMISES TO THE PREMISES LICENCE TO PERMIT THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AND THE PROVISION OF LATE NIGHT REFRESHMENT FROM 10.00 TO 22.00 DAILY ALL WEEK.

5) TO EXTEND THE OPENING HOURS FOR THE PREMISES TO BE FROM 07.00 TO 00.30 THE FOLLOWING DAY ALL WEEK AND DURING NON STANDARD TIMINGS TO ALLOW A 30 MINUTE CONSUMPTION PERIOD AT THE END OF EACH TRADING SESSION.

6) IF THE VARIATION AT 1) TO 5) ABOVE IS NOT GRANTED IN FULL TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON BANK HOLIDAY SUNDAYS UNTIL 00.00 (MIDNIGHT).

7) TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON HALLOWEEN NIGHT (31ST OCTOBER),

Continued from previous page...

VALENTINE'S DAY (14TH FEBRUARY), ST PATRICK'S DAY (17TH MARCH), ST GEORGE'S DAY (23RD APRIL) AND CHRISTMAS EVE UNTIL 01.00 THE FOLLOWING DAY.

8) ON NEW YEARS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 02.00 THE FOLLOWING DAY.

9) IF THE VARIATION AT 1) TO 5) ABOVE IS NOT GRANTED IN FULL, THEN ON ONE EVENING PER MONTH, LIMITED TO A MAXIMUM OF 12 OCCASIONS PER ANNUM, THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES TO BE EXTENDED TO 00.00 (MIDNIGHT). A MINIMUM OF 10 WORKING DAYS NOTICE SHALL BE GIVEN IN WRITING TO THE POLICE AND COUNCIL LICENSING TEAMS ON EACH OCCASION.

10) ON THE SUNDAY WHEN ARMISTICE DAY IS CELEBRATED TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AND RECORDED MUSIC TO BE FROM 08.00 TO 00.00 (MIDNIGHT) AND FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE FROM 23.00 TO 00.00 (MIDNIGHT).

11) TO AMEND THE WORDING OF CONDITION 2 AT ANNEXE 2 OF THE PREMISES LICENCE TO READ AS FOLLOWS "NO UNACCOMPANIED CHILDREN OR YOUNG PERSONS UNDER 18 SHALL BE ADMITTED TO OR BE ALLOWED TO REMAIN ON THE PREMISES AFTER 19.00 ."

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

CD'S, BACKING TAPES, DJ.
MUSIC WILL BE BOTH AMPLIFIED & UNAMPLIFIED. A NOISE LIMITER IS INSTALLED AT THE PREMISES.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

- 1) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON BANK HOLIDAY SUNDAYS UNTIL 00.00 (MIDNIGHT).
- 2) ON HALLOWEEN NIGHT (31ST OCTOBER), VALENTINE'S DAY (14TH FEBRUARY), ST PATRICK'S DAY (17TH MARCH), ST GEORGE'S DAY (23RD APRIL) AND ON CHRISTMAS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 01.00 THE FOLLOWING DAY.
- 3) ON NEW YEARS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 02.00 THE FOLLOWING DAY.
- 4) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL THEN ON ONE EVENING PER MONTH, LIMITED TO A MAXIMUM OF 12 OCCASIONS PER ANNUM, THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES TO BE EXTENDED TO 00.00 (MIDNIGHT). A MINIMUM OF 10 WORKING DAYS NOTICE SHALL BE GIVEN IN WRITING TO THE POLICE AND COUNCIL LICENSING TEAMS ON EACH OCCASION.
- 5) ON THE SUNDAY WHEN ARMISTICE DAY IS CELEBRATED TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AND RECORDED MUSIC TO BE FROM 08.00 TO 00.00 (MIDNIGHT) AND FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE FROM 23.00 TO 00.00 (MIDNIGHT).

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

PROVISION OF HOT FOOD & DRINK TO CUSTOMERS.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

- 1) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON BANK HOLIDAY SUNDAYS UNTIL 00.00 (MIDNIGHT).
- 2) ON HALLOWEEN NIGHT (31ST OCTOBER), VALENTINE'S DAY (14TH FEBRUARY), ST PATRICK'S DAY (17TH MARCH), ST GEORGE'S DAY (23RD APRIL) AND ON CHRISTMAS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 01.00 THE FOLLOWING DAY.
- 3) ON NEW YEARS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 02.00 THE FOLLOWING DAY.
- 4) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL THEN ON ONE EVENING PER MONTH, LIMITED TO A MAXIMUM OF 12 OCCASIONS PER ANNUM, THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES TO BE EXTENDED TO 00.00 (MIDNIGHT). A MINIMUM OF 10 WORKING DAYS NOTICE SHALL BE GIVEN IN WRITING TO THE POLICE AND COUNCIL LICENSING TEAMS ON EACH OCCASION.
- 5) ON THE SUNDAY WHEN ARMISTICE DAY IS CELEBRATED TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AND RECORDED MUSIC TO BE FROM 08.00 TO 00.00 (MIDNIGHT) AND FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE FROM 23.00 TO 00.00 (MIDNIGHT).

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

- 1) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON BANK HOLIDAY SUNDAYS UNTIL 00.00 (MIDNIGHT).
- 2) ON HALLOWEEN NIGHT (31ST OCTOBER), VALENTINE`S DAY (14TH FEBRUARY), ST PATRICK`S DAY (17TH MARCH), ST GEORGE`S DAY (23RD APRIL) AND ON CHRISTMAS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 01.00 THE FOLLOWING DAY.
- 3) ON NEW YEARS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 02.00 THE FOLLOWING DAY.
- 4) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL THEN ON ONE EVENING PER MONTH, LIMITED TO A MAXIMUM OF 12 OCCASIONS PER ANNUM, THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES TO BE EXTENDED TO 00.00 (MIDNIGHT). A MINIMUM OF 10 WORKING DAYS NOTICE SHALL BE GIVEN IN WRITING TO THE POLICE AND COUNCIL LICENSING TEAMS ON EACH OCCASION.
- 5) ON THE SUNDAY WHEN ARMISTICE DAY IS CELEBRATED TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AND RECORDED MUSIC TO BE FROM 08.00 TO 00.00 (MIDNIGHT) AND FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE FROM 23.00 TO 00.00 (MIDNIGHT).

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

- 1) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES ON BANK HOLIDAY SUNDAYS UNTIL 00.00 (MIDNIGHT).
- 2) ON HALLOWEEN NIGHT (31ST OCTOBER), VALENTINE`S DAY (14TH FEBRUARY), ST PATRICK`S DAY (17TH MARCH), ST GEORGE`S DAY (23RD APRIL) AND ON CHRISTMAS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 01.00 THE FOLLOWING DAY.
- 3) ON NEW YEARS EVE TO EXTEND THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES UNTIL 02.00 THE FOLLOWING DAY.
- 4) IF THE VARIATION DETAILED AT PART 3 OF THE APPLICATION AT POINTS 1) TO 5) IS NOT GRANTED IN FULL THEN ON ONE EVENING PER MONTH, LIMITED TO A MAXIMUM OF 12 OCCASIONS PER ANNUM, THE PERMITTED HOURS FOR ALL LICENSABLE ACTIVITIES TO BE EXTENDED TO 00.00 (MIDNIGHT). A MINIMUM OF 10 WORKING DAYS NOTICE SHALL BE GIVEN IN WRITING TO THE POLICE AND COUNCIL LICENSING TEAMS ON EACH OCCASION.
- 5) ON THE SUNDAY WHEN ARMISTICE DAY IS CELEBRATED TO EXTEND THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES AND RECORDED MUSIC TO BE FROM 08.00 TO 00.00 (MIDNIGHT) AND FOR THE PROVISION OF LATE NIGHT REFRESHMENT TO BE FROM 23.00 TO 00.00 (MIDNIGHT).
- 6) TO EXTEND THE OPENING HOURS FOR THE PREMISES TO BE FROM 07.00 TO 00.30 THE FOLLOWING DAY ALL WEEK AND DURING NON STANDARD TIMINGS TO ALLOW A 30 MINUTE CONSUMPTION PERIOD AT THE END OF EACH TRADING SESSION.

Continued from previous page...

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

NONE TO BE REMOVED.

CONDITION 2 AT ANNEXE 2 OF THE LICENCE TO BE AMENDED TO READ AS FOLLOWS " NO UNACCOMPANIED CHILDREN OT YOUNG PERSON UNDER 18 SHALL BE ADMITTED TO OR BE ALLOWED TO REMAIN ON THE PREMISES AFTER 19.00." ALL OTHER CONDITIONS TO REMAIN IN FORCE.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

OTHER THAN THE AMENDMENT TO CONDITION 2 AT ANNEXE 2 OF THE LICENCE ALL EXISTING CONDITIONS TO REMAIN IN FORCE. NO ADDITIONAL MEASURES ARE CONSIDERED TO BE NECESSARY.

b) The prevention of crime and disorder

OTHER THAN THE AMENDMENT TO CONDITION 2 AT ANNEXE 2 OF THE LICENCE ALL EXISTING CONDITIONS TO REMAIN IN FORCE. NO ADDITIONAL MEASURES ARE CONSIDERED TO BE NECESSARY.

c) Public safety

OTHER THAN THE AMENDMENT TO CONDITION 2 AT ANNEXE 2 OF THE LICENCE ALL EXISTING CONDITIONS TO REMAIN IN FORCE. NO ADDITIONAL MEASURES ARE CONSIDERED TO BE NECESSARY.

d) The prevention of public nuisance

OTHER THAN THE AMENDMENT TO CONDITION 2 AT ANNEXE 2 OF THE LICENCE ALL EXISTING CONDITIONS TO REMAIN IN FORCE. NO ADDITIONAL MEASURES ARE CONSIDERED TO BE NECESSARY.

e) The protection of children from harm

OTHER THAN THE AMENDMENT TO CONDITION 2 AT ANNEXE 2 OF THE LICENCE ALL EXISTING CONDITIONS TO REMAIN IN

Continued from previous page...

FORCE. NO ADDITIONAL MEASURES ARE CONSIDERED TO BE NECESSARY.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the

Continued from previous page...

* Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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Part A

Premises licence number

17678

Part 1 – Premises details

Postal address of premises

The Fête Lounge
6 Station Road, Upminster RM14 2UB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of Alcohol, Recorded Music

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 11:00 to 23:00

The opening hours of the premises

Monday to Sunday – 10:00 to 23:30

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

On supplies only

Part 2

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

The Fête Lounge Ltd
6 Station Road, Upminster RM14 2UB

Registered number of holder

09527651

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

Ms Nooreen Jafferkhan

[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 must 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—**
 - (a) **Games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (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 in a manner which carries a significant risk of undermining a licensing objective;**
 - (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 in a manner which carries a significant risk of undermining a licensing objective;**
 - (d) **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;**
 - (e) **Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

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4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) 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 either—
 - (a) A holographic mark, or
 - (b) An ultraviolet feature.
6. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
7. If at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.
8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Full details of this Mandatory Condition can be found at:-
<http://www.legislation.gov.uk/ukdsi/2014/9780111109120>

Annex 2 – conditions consistent with the operating schedule

1. A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card such as a driving licence or passport.
2. Where the supply of alcohol is a licensed activity no persons under 18 shall be admitted to or allowed to remain on the premises after 19:00hrs.

3 of 6

Signed

Arthur Hunt, Licensing Officer

Date of issue:- 15/08/2016

- 3. All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months**
- 4. Prominent, clear notices shall be displayed at all exits requesting that customers respect the needs of local residents and leave the premises and the area quietly.**
- 5. Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.**
- 6. The premises licence holder shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.**
- 7. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, the time and date of the incident about which the call is made and any actions taken to deal with the call. The premises daily register shall be readily available for inspection by an authorised person throughout the trading hours of the premises.**
- 8. All door supervisors shall enter their full details in the premises daily register at the commencement of work. This shall record their full name, home address, contact telephone number, SIA registration number and the time they commenced and concluded working. If the door supervisor was supplied by an agency details of that agency shall also be recorded including the name of the agency, the registered business address and a contact telephone number.**
- 9. All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'high visibility clothing'.**
- 10. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.**
- 11. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.**

12. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

13. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme on-going and under constant review and must be made available to a relevant responsible authority when called upon.

14. All personal licence holders supervising the supply of alcohol shall hold a nationally recognised licensing qualification.

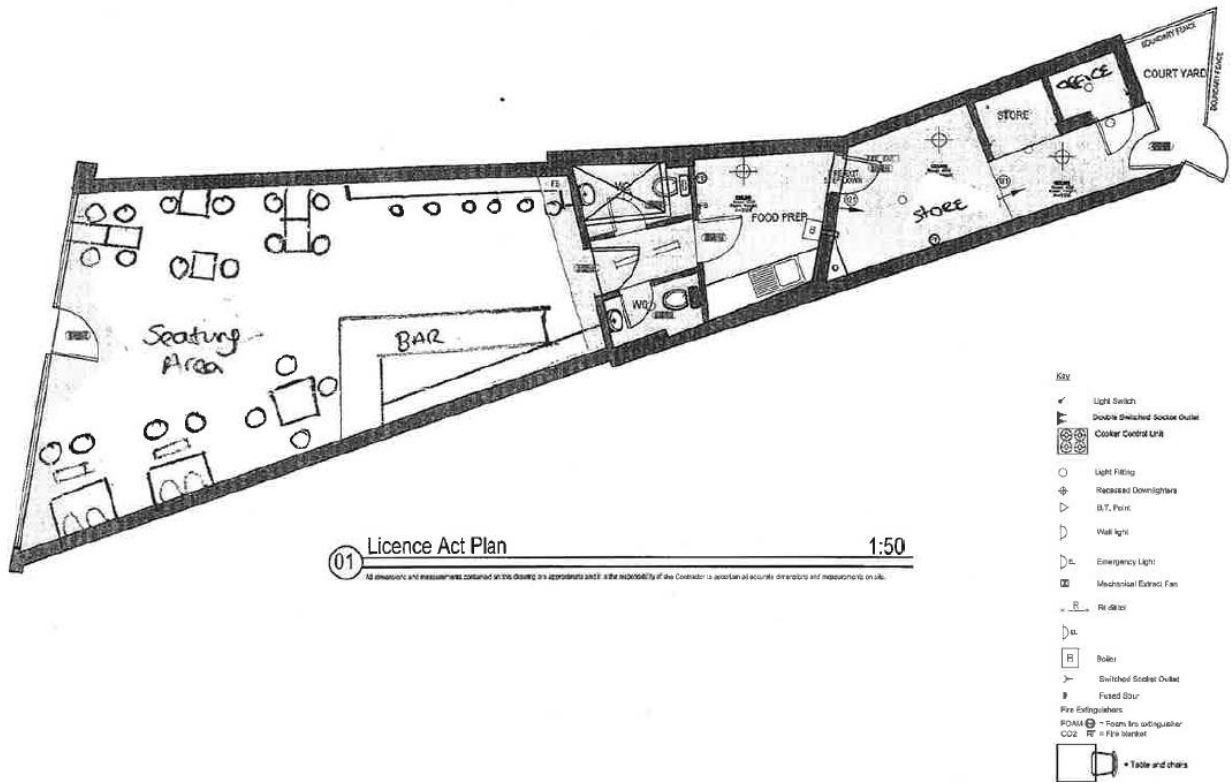
15. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage. Drinks for consumption outside of the premises shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

16. The licensee shall undertake a risk assessment and determine the need for doorstaff this shall be done on a regular basis and will accept permanent implementation of door staff if recommended by the Police or local authority.

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

1. After the terminal hour and at the close of business a member of staff shall be placed on the door to remind customers to leave quietly and to not loiter outside and to direct them to a cab office, bus stop or station as necessary to aid in a quiet and orderly dispersal.
2. A phone number for residents to use to call The Fête Lounge with any concerns shall be displayed in the premises' window and shall also be given to the residents above the premises who had made representations during the notification period. Complaints shall be recorded in the premises daily register.
3. The volume controls for the sound system shall be enclosed in a lockable box to which only a manager/DPS has the keys and who is also responsible for ensuring that noise levels are not excessive.
4. Doors and windows shall be kept closed during musical entertainment.
5. CCTV recordings shall also be made available to authorised Council officers.
6. A noise limiter shall be installed and set up in conjunction with the Council's noise nuisance team.

Annex 4 – premises plans





Part B

Premises licence summary

Premises licence number

17678

Premises details

Postal address of premises

The Fête Lounge
6 Station Road Upminster RM14 2UB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of Alcohol, Recorded Music

The times the licence authorises the carrying out of licensable activities

Monday to Sunday – 11:00 to 23:00

The opening hours of the premises

Monday to Sunday – 10:00 to 23:30

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

On supplies only

Name, (registered) address of holder of premises licence

The Fête Lounge Ltd
6 Station Road Upminster RM14 2UB

Registered number of holder

09527651

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

Ms Nooreen Jafferkhan

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

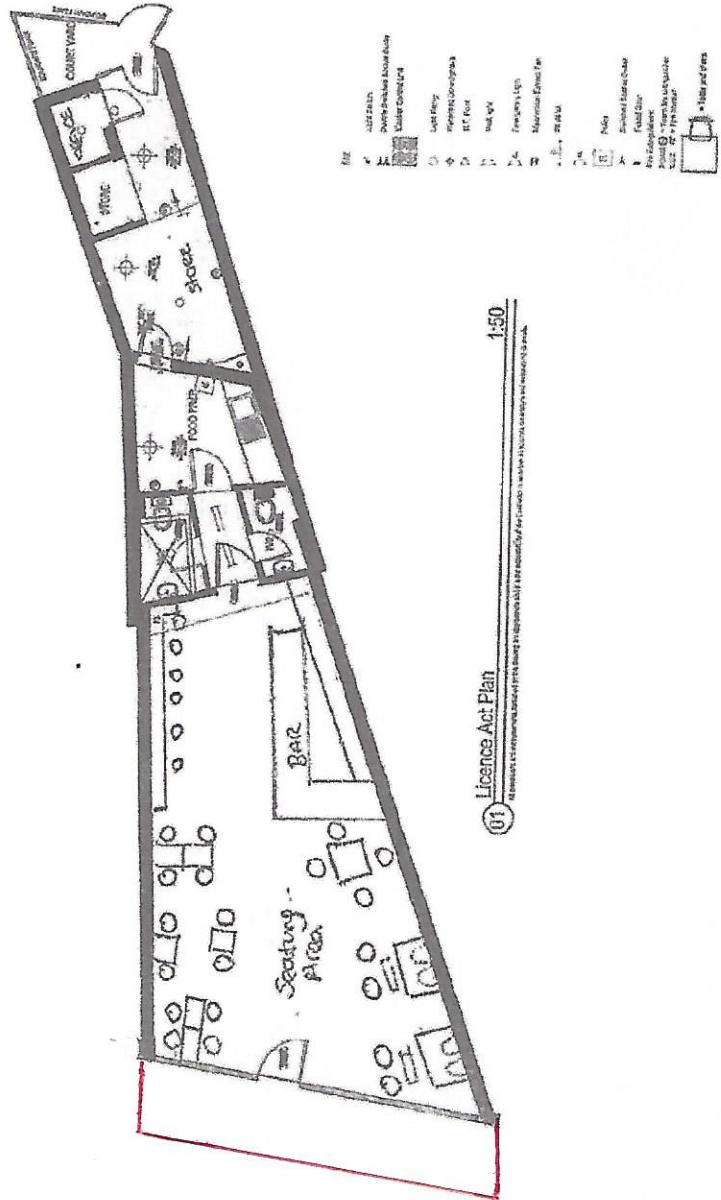
Restricted

1 of 1

Signed

Arthur Hunt, Licensing Officer

Date of issue:- 15/08/2016



01 Licence Act Plan 1:50



Havering
LONDON BOROUGH

Interested Party

From: Joanne Kemp [REDACTED]
Sent: 26 November 2018 19:51
To: Kasey Conway
Subject: Your Ref : KPC/020859 Licensing Act 2003 Premises Licence Application
Fete Lounge, 6 Station Road, Upminster RM14 2UB

Dear Kasey,

I owned [REDACTED] before the licence to sell alcohol was granted and play recorded music and was absolutely astonished that the residents above were not taken into consideration when this was granted.

It has been an absolute nightmare living with the noise from these premises both from the recorded music and from persons frequenting the premises – loud shouting and the choice of language late at night leaves little to be desired for the residents or anyone walking past and this is at its current closing hours (at 11pm, I believe).

At present, people congregate outside talking loudly and being generally disruptive whilst waiting for taxis; and I imagine that extending the licence for later opening hours will exacerbate this issue as there is no public transport available after midnight.

I object most strongly to the application to extend the licence as this will be even more disruptive to the well-being for the residents of Broadway Mansions in being woken and not being able to get a decent night sleep due to the noise from these premises.

As I understand it, they already breach their current licence which states they're not allowed to use outside furniture after 6pm. During the summer months they put outdoor furniture on the pavement with seating for up to 20 people without a care for the people living above them late into the evening. In my opinion no outside furniture should be permitted at any time as intoxicated customers can be observed by children and young adults passing by.

If they are going to be allowed to keep the licence or If they are going to be granted an extension which will prove extremely intrusive to the lives of all residents above, then they should be required to have the whole premises sound proofed and ensure the door is kept closed at all times of the year. As it is, it is no good just closing the door as the sound permeates through the ceiling and walls.

As I'm sure you are aware, there has been an increase in the number of stabbings in the local area, with one happening just recently in Hornchurch relating to late hour drinking. I'm extremely concerned that the extension of the licence could mean that something like this could happen on my doorstep. This would be a further burden to the local emergency services that are already stretched to their limits (I do watch '999: What's your emergency?'), I therefore don't want an establishment selling alcohol on my doorstep let alone early into the morning every day and with what will begin as 3 times per month until 3am!

I don't believe this is a suitable location for an establishment that is becoming increasing alcohol focused as its business given the peaceful residential nature of Upminster town centre. This is therefore out of character for the area.

To conclude, I very strongly object to the renewal or extension of this licence to sell alcohol at night.

Yours faithfully

J Kemp

From: Joanne Kemp [REDACTED]

Sent: 28 November 2018 10:32

To: Kasey Conway

Subject: Re: Your Ref : KPC/020859 Licensing Act 2003 Premises Licence
Application Fete Lounge, 6 Station Road, Upminster RM14 2UB

Hello, Kasey, my full name is Joanne Patrice Kemp, and I am the owner of [REDACTED]

Thank You



Bernadette Coffey



1st December 2018

**Kasey Conway,
Licensing Authority,
London Borough of Havering,
Town Hall, Main Road,
Romford, Essex,
RM1 3BD.
REF:KPC/020859**

Dear Mr Conway,

Licensing Act 2003 Premises Licence Application

Fete Lounge, 6 Station Road, Upminster, RM14 2UB.

I wish to comment on the above application as I reside in the property above The Fete Lounge and am directly affected by the proposed changes. I believe there are grounds for objection that relate directly to the licensing objectives.

The Prevention of Public Nuisance

I have been raising concerns with the Public Protection, Planning and Licensing departments in Havering Council about the public nuisance caused by The Fete Lounge since they commenced business in 2016.

The noise disturbance from people drinking outside The Fete Lounge or loitering after hours travels up the outside of the building disturbing all of the residents even on the upper floors. This was a particular problem in the warm summer months when outdoor seating was provided and people were drinking outside until 23:30 every Thursday, Friday and Saturday night. Sound from amplified music is often audible within the three residences 4A, 8A and especially 6A. On events nights, recorded music and customers cheering can be extremely loud, preventing residents from the quiet enjoyment of their homes. These events nights are becoming more frequent, taking place up to twice a week. There is also a serious issue of the terrible noise caused by bottles being emptied en masse into a bin at the rear of our building at late hours of the night and early morning which would be intolerable if it continued to the later times proposed in this application.

Residents of the block are bound by a lease that forbids the playing of loud music or any kind of noise disturbance beyond 23:00 at any time. These rules should be respected as they are put in place for everyone's benefit that we all can enjoy our homes in peace.

Furthermore, I have been forced to contact the council to complain about The Fete Lounge continuing beyond permitted licensing hours (see attached emails) and, in any case, music always continues beyond 23:00 sometimes till as late as 23:30. It can take up to an hour for customers to clear from outside the premises.

There is currently a live planning enforcement investigation Ref No. FS79229929 (see attached) as they are in breach of their planning conditions which state: 'The outdoor seating area hereby permitted shall not be used by patrons after 18:00 hours Monday through Sunday not at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening.' It would be irresponsible to further extend The Fete Lounge's licence until this breach has been investigated to see if they have met the conditions to continue operating as a mixed A3/A4 Drinking Establishment. It is also unclear to residents whether the licensee has forwarded 'details of a scheme which specifies the provisions to be made for the control of noise transferring from the premises to adjoining properties, including residential accommodation above...' If this scheme is not in place, it may further call into question their right to operate as mixed A3/A4 Drinking Establishment.

I'm worried that this application is poorly thought through with late licences applied for random events that often fall midweek and when the resulting noise disturbance will have greatest impact on residents' sleeping and working patterns.

The Prevention of Crime and Disorder

The proposed extension of hours poses a particular problem in Upminster where late night public transport is unavailable. This would encourage loitering and increase the potential for criminal behaviour such as the recent stabbing in Hornchurch which took place in the town centre in the early hours of the morning. I know that Havering prides itself on being a safe place to live and surely this is better achieved when late licences are confined to centralised locations such as Romford Town Centre where emergency services can be on hand to respond quickly if needed.

Public Safety

There are concerns about the build up of rubbish at the rear of The Fete Lounge and the blocking of emergency access by the proprietors' vehicles. This poses not only a danger to The Fete Lounge customers but to residents as well, should an emergency arise. The potential for such emergencies can only be exacerbated by an increase in drinking time in such a small space that was never designed for this purpose.

Finally, I find it offensive that they have requested a late licence for Remembrance Sunday, a solemn day of dignified national reflection. This demonstrates a lack of responsibility towards local needs and sensitivities. They are not being mindful of the community in which they are based.

Please give my comments and objections your full consideration when making your decision in this matter.

Yours sincerely,

A black rectangular redaction box covering the signature of Bernadette Coffey.

Bernadette Coffey

6 Station Road, Upminster, RM14 2UB. Fete lounge noise complaint

19.1.18

Day after noise equipment is removed, the noise is back on to an extreme level. Heavy bass, loud music, people screaming and stamping 19:00-23:20

27.1.18

Extremely loud music and heavy bass, all evening up until 23:20

2.2.18

Extremely loud music and heavy bass until 23:30

23/2/18

Heavy bass from 19:00, loud music, lyrics audible in flat. Doors open and music blaring into street also.

7/3/18

Music randomly turned up high at 22:10

19/06/18 Copy of email sent to Planning Department, Havering Council. No reply to date 3/11/18 and Fete Lounge still providing seating outside beyond 18:00 every night, also providing heating.

Date the issue occurred: 19/06/2018 Time the issue occurred: 18:59 Details of what you want us to investigate: For some weeks now the Fete Lounge have been keeping their outside area open for customers beyond 18:00, in breach of their planning conditions. Yesterday they also extended their outside area to seating for 16 people when they are only permitted to have seating for up to 8 customers at the outside front of their premises. It looks as if they are planning to continue this on a permanent basis and I would like you to please remind them of their obligations and conditions before this becomes a regular nuisance to residents. Many thanks in advance. Declaration: I confirm that this is a true representation of the facts

22/06/18

Copy of email sent to Kasey Conway, Licensing Officer Havering Council

Good morning Kasey,

It is 00:46 and I've been woken up by a particularly noisy, drunken crowd leaving the Fete Lounge. They have been shouting and swearing, albeit in good humour for the last 10 minutes since 00:35. It is my understanding that customers should be out of the premises by 23:30 and should leave quickly and quietly so as to avoid disturbing neighbours. There are no members of staff ushering them away or even asking them to keep the noise down. I have to be up at 06:00 for work today and am currently unwell with a heavy cold and am not happy about having my sleep disturbed like this.

I have written to planning this week also because they have extended their outside area to sixteen seats and are keeping this open past their 18:00 time limit.

I would be grateful if you could look into this matter. Many thanks.

Bernadette Coffey

6/7/18

23:31

People have been sat outside all evening making a noise, they are now drunk and louder than ever. 23:37 still there

23:47

Drunk women from fete lounge laughing loudly under my window

7/7/18

All evening until 23:30 people sat outside talking loudly under my window.

12/7/18

All evening until 23:30 people sat outside talking loudly under my window.

13/7/18

All evening until 23:30 people sat outside talking loudly under my window.

14/7/18

All evening until 23:30 people sat outside talking loudly under my window.

19/7/18

All evening until 23:30 people sat outside talking loudly under my window.

20/7/18

All evening until 23:30 people sat outside talking loudly under my window.

21/7/18

All evening until 23:30 people sat outside talking loudly under my window.

26/27/18

All evening until 23:30 people sat outside talking loudly under my window.

27/7/18

All evening until 23:30 people sat outside talking loudly under my window.

28/7/18

All evening until 23:30 people sat outside talking loudly under my window.

2/8/18

All evening until 23:30 people sat outside talking loudly under my window.

3/8/18

All evening until 23:30 people sat outside talking loudly under my window.

4/8/18

All evening until 23:30 people sat outside talking loudly under my window.

9/8/18

All evening until 23:30 people sat outside talking loudly under my window.

10/8/18

All evening until 23:30 people sat outside talking loudly under my window.

11/8/18

All evening until 23:30 people sat outside talking loudly under my window.

16/8/18

All evening until 23:30 people sat outside talking loudly under my window.

17/8/18

All evening until 23:30 people sat outside talking loudly under my window.

18/8/18

All evening until 23:30 people sat outside talking loudly under my window.

23/8/18

All evening until 23:30 people sat outside talking loudly under my window.

24/8/18

All evening until 23:30 people sat outside talking loudly under my window.

25/8/18

All evening until 23:30 people sat outside talking loudly under my window.

30.08,18

All evening until 23:30 people sat outside talking loudly under my window.

Loud booming beats from 20:00, really disturbing gave me a headache. The vibration really went through me. People disturbing me by talking outside all evening until 23:10

31.08.18

Loud music and bass from 18:00

6.9.18

Loud music and bass from 18:30

7.9.18

Loud music with very heavy bass from 20:30

8.9.18

Loud music with very heavy bass from 19:00

Staff having very loud aggressive argument out at the back of our property, disturbing all of

the neighbours, they are all out to see what is happening. My neighbour in flat 8A tells me that she is really fed up with the noise from the Fete Lounge and regularly upsets the proprietor by standing outside with her watch and confronting him about loud music after hours. I advise her to inform the council.

10.9.18

Loud music with heavy bass from 21:30

13.9.18

Loud music, singing and dancing-floor stomping and heavy bass from 20.00 music and bass ridiculously loud from 22:00 trying to watch a film but impossible to do so. 23:00 playing 'happy birthday to ya', it sounds like it's in my room, also audible dj speaking over the mic.

20.9.18

Loud music and heavy bass, very loud customers out on the street all evening

21.9.18

Loud music and heavy bass from 9pm

6.10.18

Really heavy bass, too much to bear, I wish I'd gone out. I can hear the lyrics even. From 18:30

11.10.18

Loud music and bass, a bit like electric guitar, very disturbing. I was trying to write but it was giving me a headache from 20:32

12/10/18

Loud music from 18:00 80's night. Loud crowd went out at 21:00 mr Joshi making a phone call in street because too loud in bar. I can hear every word if every song at 22:58, got work in the morning.

13/10/18

Loud noise and beats all evening from 18:00 until 23:30 people outside talking and laughing noisily

14/10/18

Loud music and a thumping bass from 18:00

15/10/18

Loud music and thumping bass trying to do some work and it is very distracting and disturbing. From 20:30

16/10/18

20:00 loud women swearing profusely drinking outside noisily.

Drum and thumping bass starting up at 22:00.

19/10/18

18.30 loud music and bass

22/10

22:00 thumping bass

26/10

21:00 come home to loud music and thumping bass ridiculously loud

Copy of email sent to Kasey Conway, Licensing Officer, Havering Council

Dear Kasey,

I am writing to complain about the Fete Lounge this evening. It is now 23:50 and they are still in full swing downstairs, playing extremely loud music to a bar that is still packed with customers.

I went to bed at 23:00 but the noise is so loud as to be audible in my bedroom on the second floor and is preventing me from sleeping. It is now almost midnight with no sign of it stopping.

I do understand that it is unrealistic for you to check that they are respecting licensing hours every night but I also know that, as a condition of their licence, they are required to make their CCTV footage available to licensing officers upon request. This is surely the way forward in obtaining evidence as this is not the first time I have complained about this. It is now midnight and the music along with screams and whooping of customers is as loud as ever.

Regards
Bernadette Coffey

02/11/18

18:00-23:10

Extremely loud music and thumping bass for the entirety of the evening.

03/11/18

Arrived home at 21:00 to extremely loud music and thumping bass with customers whooping and screaming.

I declare that this is a true representation of the facts.
Bernadette Coffey

Planning enforcement investigation

Reference: FS79229929

Form submitted: 19/06/2018 19:07:08

Customer details:

Title	First name	Last name	Telephone	Email
Miss	Bernadette	Coffey	[REDACTED]	[REDACTED]

Address:

Door number	Postcode search	Manually input the address	Property name and number	Street	Town	Postcode
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Address to be investigated:

Door number	Postcode search	House/flat name and number	Street	Town	Postcode
6	RM14 2UB	6	STATION ROAD	UPMINSTER	RM14 2UB

Date the issue occurred: 19/06/2018

Time the issue occurred: 18:59

Details of what you want us to investigate: For some weeks now the Fete Lounge have been keeping their outside area open for customers beyond 18:00, in breach of their planning conditions. Yesterday they also extended their outside area to seating for 16 people when they are only permitted to have seating for up to 8 customers at the outside front of their premises. It looks as if they are planning to continue this on a permanent basis and I would like you to please remind them of their obligations and conditions before this becomes a regular nuisance to residents. Many thanks in advance.

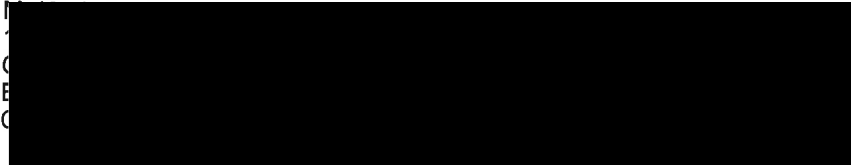
Declaration: I confirm that this is a true representation of the facts

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

APPLICANT



APPLICATION NO: P0145.17

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Retrospective change of use from Class A3 (Cafe/Restaurant) to mixed use of A3/A4(Drinking Establishment).

Location: 6 Station Road
Upminster

The above decision is based on the details in drawing(s):
2016/01/01/6SR

subject to compliance with the following condition(s):

Note to Applicants:

Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.

Please also check the informatives below to verify whether the scheme is liable for the Mayoral Community Infrastructure Levy. If the scheme is liable, **you are required to give notice of commencement in advance** so that a Demand Notice can be sent to you or any other person(s) that has/have assumed liability. The Levy is payable within 60 days of commencement. **If you are intending to claim self-build, social housing or charitable exemption, you must do this before development commences otherwise any exemption request will be disqualified.**

- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 3 The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 23:00 Monday through Sunday and Bank/Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 4 The outdoor seating area hereby permitted, shall not be used by patrons after 18:00 hours Monday through Sunday nor at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening. No amplified music or speech shall be played or reproduced at any time in the external area.

Reason:-

In the interests of neighbouring amenity and in order that the proposed development accords with Development Control Policies Development Plan Document DC61.

- 5 Details of a scheme which specifies the provisions to be made for the control of noise transferring from the premises to adjoining properties, including residential accommodation above shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. Such a scheme as approved shall be implemented entirely in accordance with the approved details and thereafter retained permanently.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVE(S)

- 1 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified

- 1 during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
- 2 Environmental Health have recommended the following guidance.

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice
- Workplace Health, Safety and; Welfare Approved Code of Practice L24 (ISBN 0-7176-0413-6 available to order in book shops)
- Food Safety - www.food.gov.uk/foodindustry/
- Occupational Health and Safety - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced.

1. Provision of suitable outside bin storage
2. Provision of grease trap on the the foul drainage
3. Proper storage and disposal of waste oil
4. Vehicle and pedestrian routes when loading and unloading
5. Vehicle and pedestrian routes for customers

Food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our website

online.havering.gov.uk/officeforms/license_food_business.ofml

Dated: 30th March 2017



Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

Ref: KPC/020859
Fete Lounge, 6 Upminster Road, RM14 2UB



Dear Sir/Madam,

We understand that the business with details above has applied for a change on their current Premises Licence.

We strongly object to such changes to be granted to Fete Lounge on the several reasons and most importantly on following ground that relates directly to the Licensing objectives.

1.Public Safety:

1.1 We are concerned that the current Premises is not suitable for gathering of more than 30 of people including staff members.

1.2 We are concerned that in case of an emergency i.e. a fire. It would be extremely difficult to exit the premises via their back exit. Considering the only emergency pathway is constantly blocked by their vehicle day and night turning their trading hours. (See evidence attached)

1.3 The emergency pathway is narrowed by the amount of their bulky rubbish day and night, which if an emergency or incident were to arise, it would make it extremely difficult to get to safety during daytime but virtually impossible during night time, once it is dark from 5pm winter time.

1.4 It is also important to note that this emergency pathway/escape route is not only used by "Fete Lounge" and its customers but is also used by 5 other businesses and their potential customers plus the 10 residential flats containing families with young children, thereby putting others at risk, the worst were to happen.

1.5 We would also refer to Fete Lounge "point 4" on their planning permission. (see PP attached) : "The outdoor seating area shall not be used by patrons after 18.00 hours Monday through Sunday. Not at all on bank/Public holidays and any/ all tables and chairs shall be removed from footway each evening ".
They have a complete disregard for the conditions attached to their planning permission. Video evidence can be forward.

2.The Prevention of Public Nuisance:

We understand from the application that Fete Lounge wishes to change their opening hours to 7am to 00.30am, 7 days a week.

We strongly object to the following:

1. Extending their provision of recorded music or/any music, indoors or outdoors after 11pm week days or week end.
2. Allowing the sale of Alcohol outside their premises at any time.
3. Allowing the sale of Alcohol from 10 am and after 11pm at any time.
4. Allowing any trading at 11pm any day. Except for St George's day & New Year's Eve.

Our reason for it is simple "Fete Lounge" has become a nuisance! Not just to 1 tenants but to a small community of families residing above. **The noise disturbance from their premises has materially affected our reasonable comfort and convenience of daily life. We do not believe the commercial property is suitable for such licence.** It is not soundproof and clearly their noise limiter has either not be set properly or not in use during their trading hours.

I will refer to Fete Lounge

*Planning permission point 4: ".....**No amplified music or speech shall be played in the external area or reproduced at anytime in the external area.**"*

Reason giving: in the interest of neighbouring amenity and in order

*Planning permission point 5:"..... **To prevent noise nuisance to adjoining/adjacent properties...***

This is why we are strongly object:

*** The noise disturbance from their premises**

*** The noise disturbance of Fete Lounge's customer during their opening hours & whilst leaving their premises.**

*The noise disturbance by their staff dispute ever so often.

***The constant noise from emptying their "Glass Bottle" after dark!! That noise is like a bomb is being dropped in the middle of the night!**

We do not believe it is in a public interest and Upminster high street community which is very Family orientated neighbourhood with so many schools around. To have this type of business here!

3. Crime and Disorder/ Children:

They are currently 4 secondary school in the vicinity of Fete Lounge, Hall Mead, Coopers and Sacred Heart and Gaynes. So we are rightfully concerned that they will not be able to identify underage children and prevent them from being serve alcohol/alcoholic beverage which in time will give rise to disorder and mostly crime in the area. We therefore have serious concern on how their new licensing permission will be enforced / policed given their current record and Fete Lounge disregard to abide by their Licensing & Planning Permission.

We believe extending their licencing hours and their sale of alcohol will most definitely increase the crime in the area. We can easily recall the lasted stabbing that just occurred in Hornchurch 2 and half weeks ago.

This business will be better located in the Romford town centre. Where there is a local police station and transport infrastructures to cater for the need of their customers and the aftermath of having a large number of intoxicated people on a street. Upminster does not have this! The nearest police station is 4.4 miles away and there is no late transport infrastructures the area.

Evidence enclosed

1 / 2 / 3 b: Fete Lounge rubbish narrowing the emergency exit.

4 & 5 : Fete Lounge cars blocking the only emergency exit to resident

6 & 7: Fete lounge in breach of their planning permission. Pictures taken at 19.12pm

8 & 9: Fete lounge in breach of their planning permission. Pictures taken at 22.06pm

10 & 11: Fete lounge display of their new license application. Display really high on dark blue font paper which render the all legal requirement absolutely pointless!

12 : copy of Fete Lounge
Planning Permission
granted on march ~~2017~~
2017

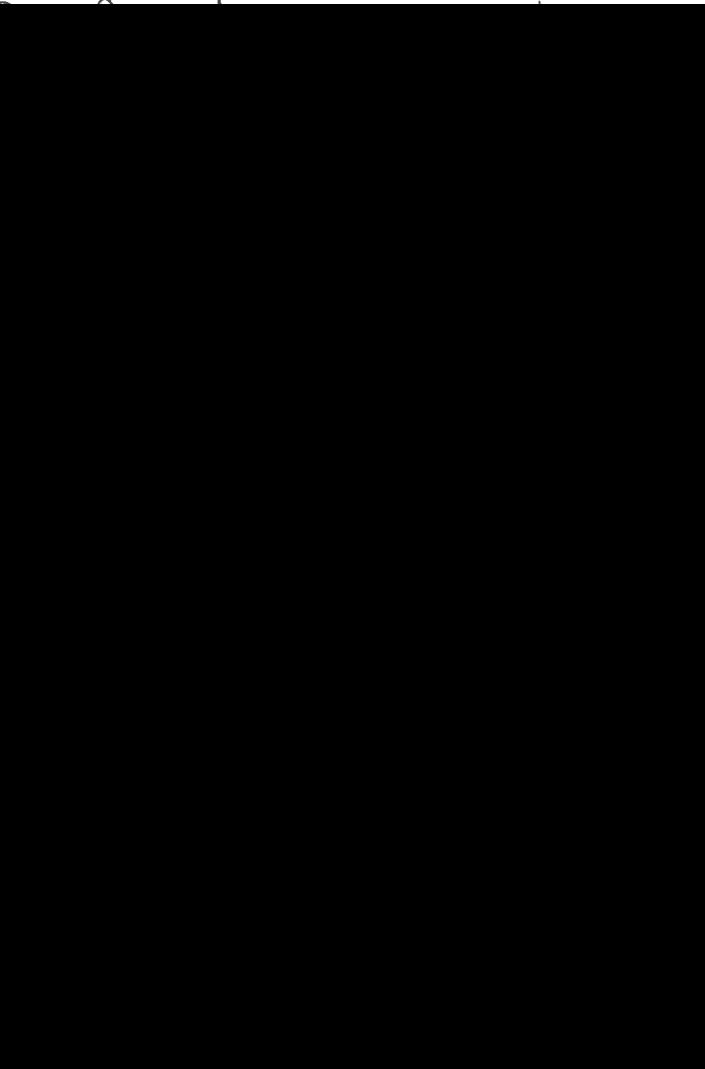
We would also like to point out that Fete lounge does not abide by the rule of their Planning Permission and their current licence & they are getting away with it un-punitively to the detriment of the local resident located above them.

We hope you will consider all the point we have raised in this letter.

Your sincerely.

Broadways Mansions Resident.

- Rachael Barnett
[REDACTED]
- Oliver Grandi
[REDACTED]
- Chelsea Doe
[REDACTED]
- Sarah Okwalema
- ROBERT RESTARICK
- Jim Donnelly
- Bernadette Copper





- fete Lounge
Back door!

Resident
fire
Exit!

①

②
fete lounge
Rubbish!



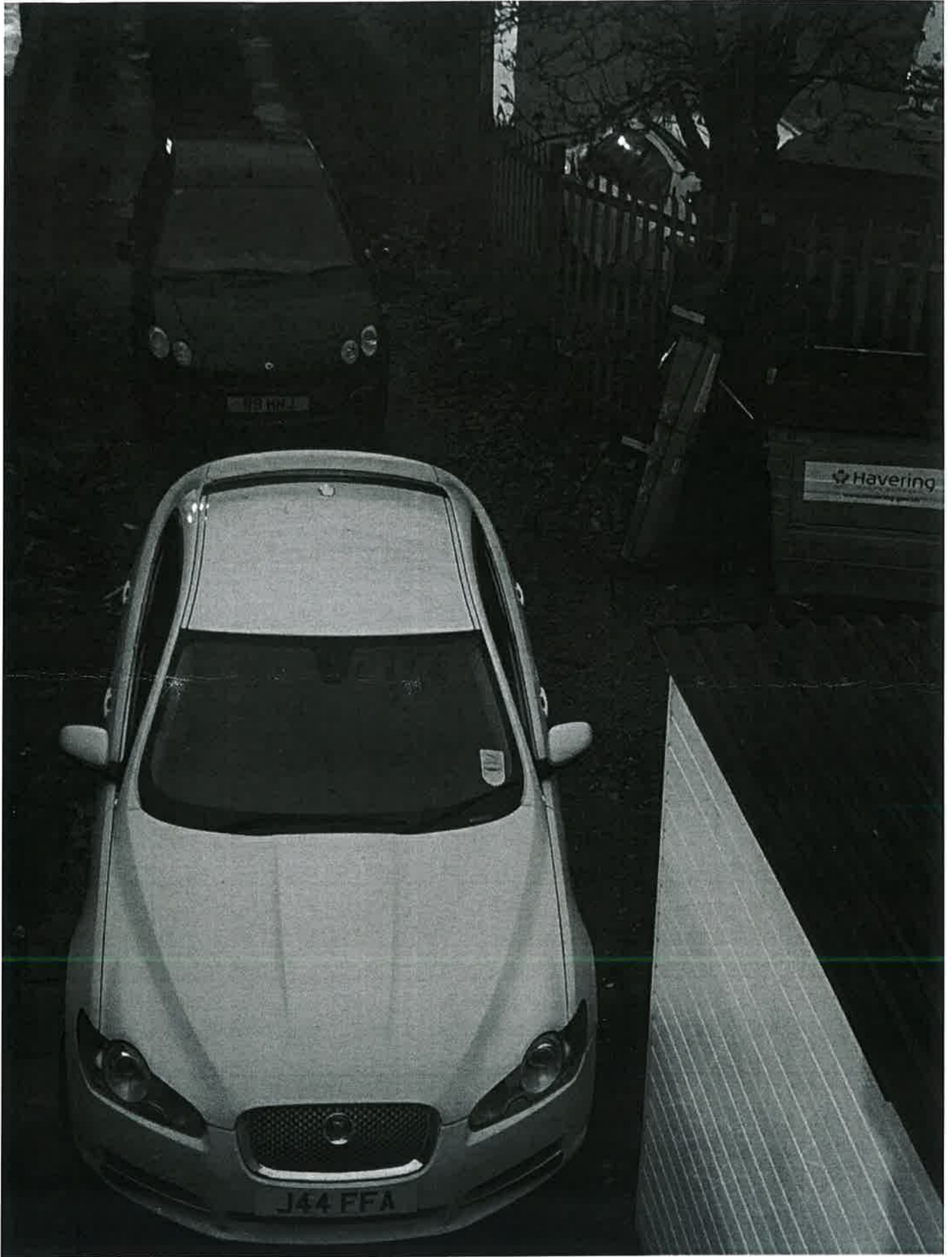


fete lounge &
Rubbish

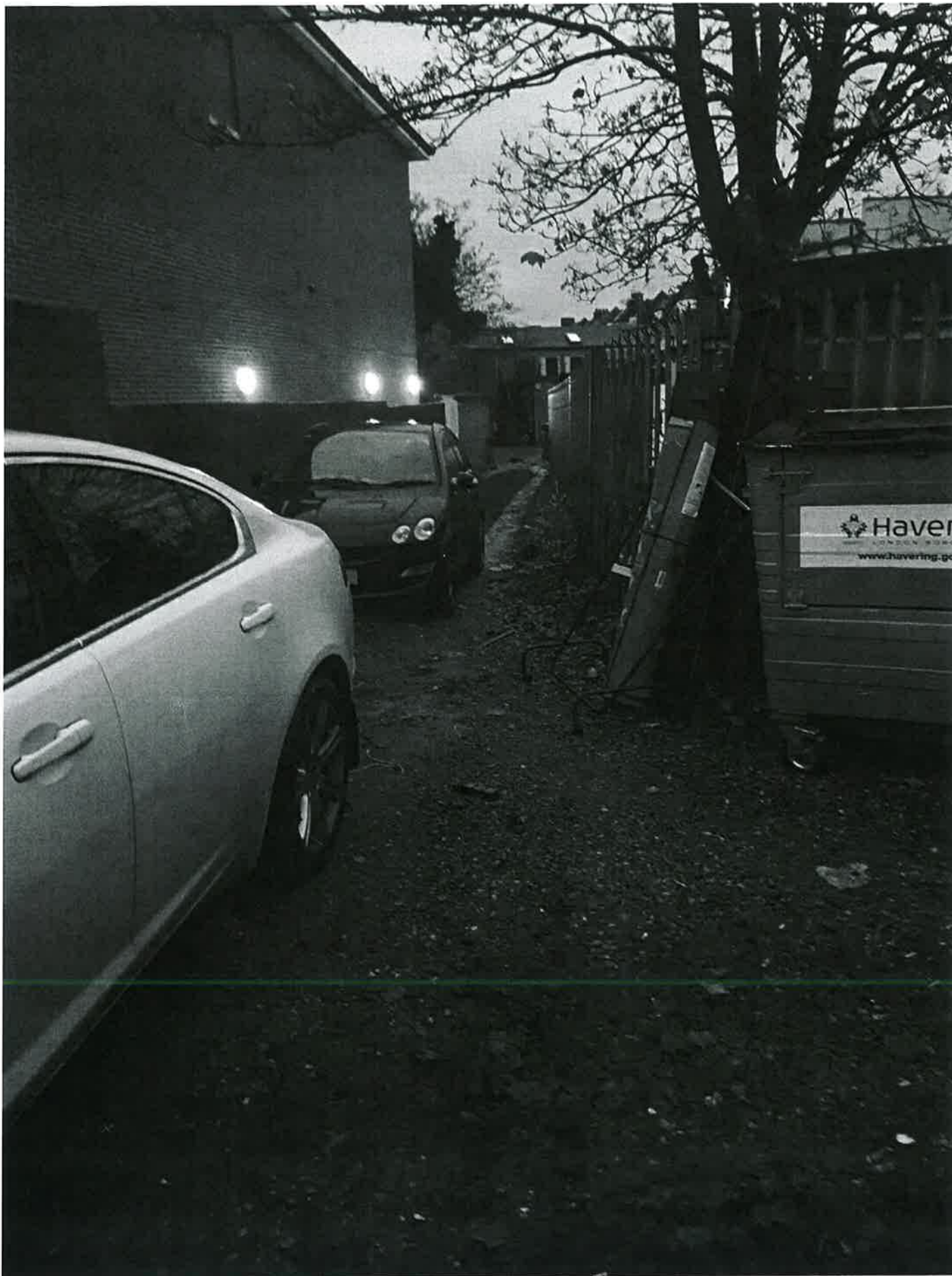
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3

Resident
Back
door



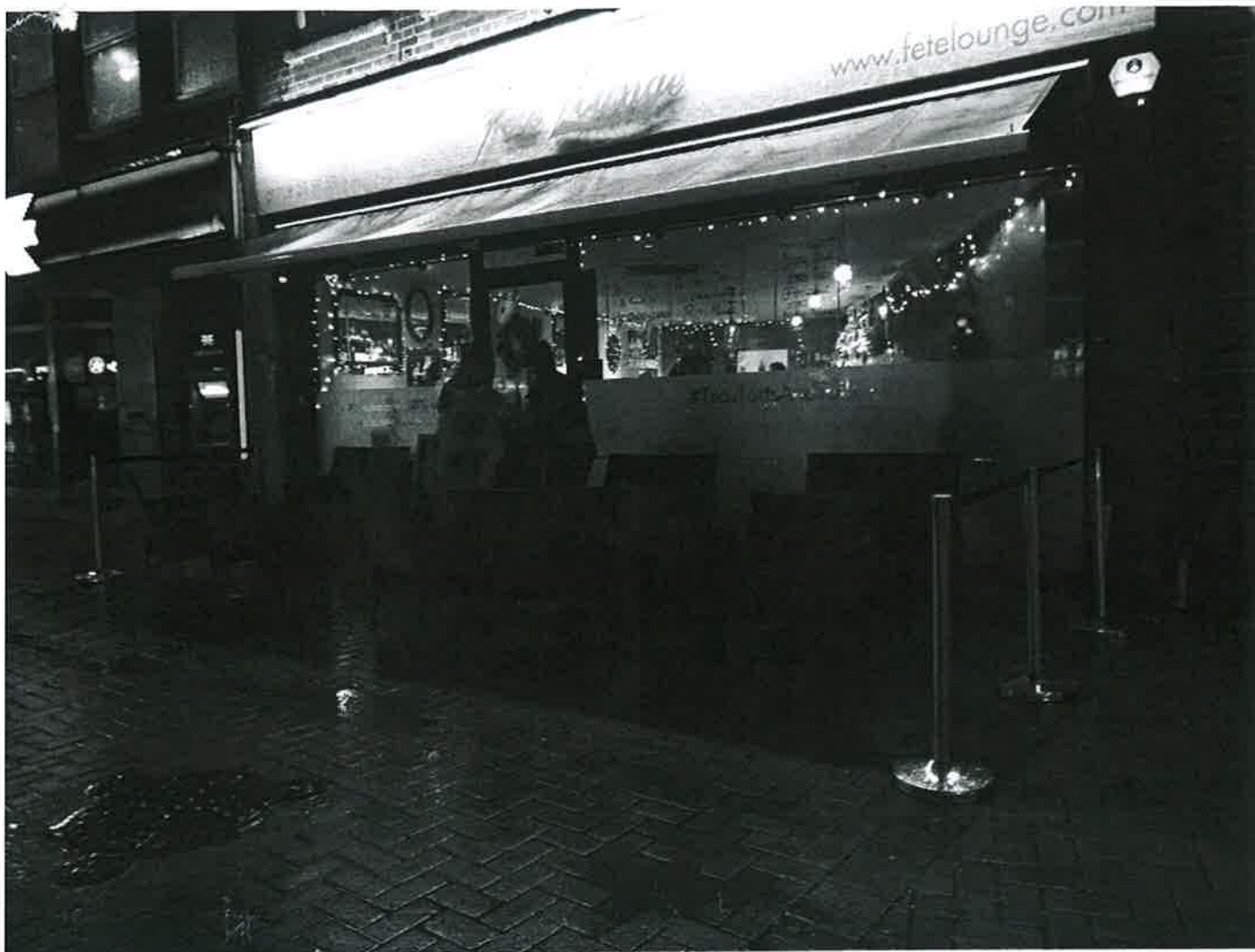
fete lounge CARS (4)





Ete Lounge
Breach of P.P.
@ 19.12 Pm
26/11/18

6



Breach of P.P.
@ 22.06 pm
29/11/2018

8

< DETAILS

EDIT

Date 29 November 2018 22:06

Size 7.60 MB | Resolution 4032x3024

Path /Internal storage/DCIM/Camera

Title 20181129_220634.jpg

LOCATIONS

No location

MY TAGS

No tags

CATEGORIES

Scenery

Night scene

Camera Samsung SM-G965F

Aperture F1.5 | Focal length 4.30 mm

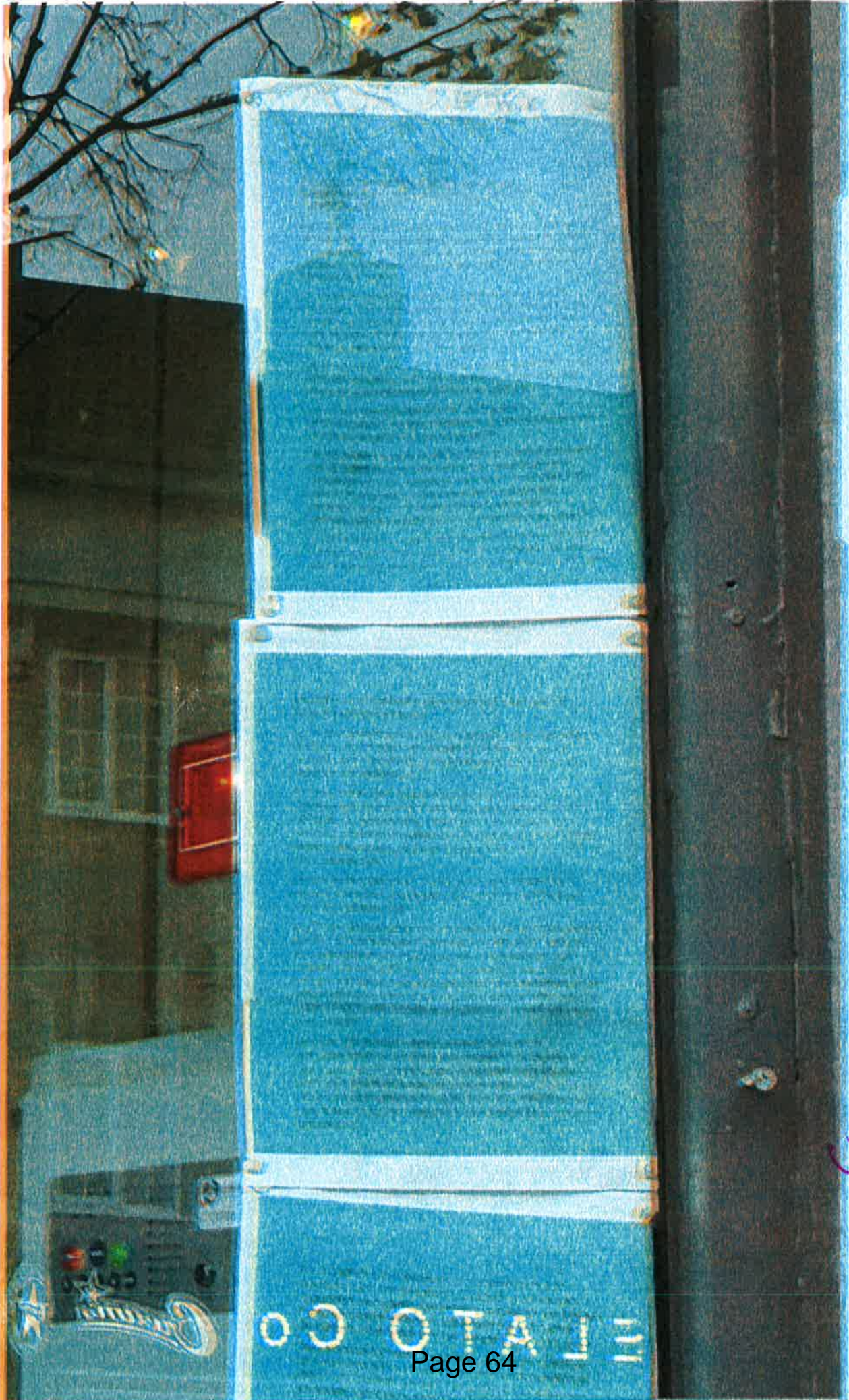
Flash No flash | White balance Auto

ISO 250 | Exposure time 1/20 s





↗
Display of
new licence
App.
⑩



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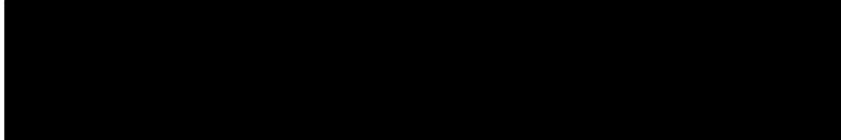
11

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

APPLICANT



APPLICATION NO: P0145.17

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Retrospective change of use from Class A3 (Cafe/Restaurant) to mixed use of A3/A4(Drinking Establishment).

Location: 6 Station Road
Upminster

The above decision is based on the details in drawing(s):
2016/01/01/6SR

subject to compliance with the following condition(s):

Note to Applicants:

Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.

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- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 1 during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
- 2 Environmental Health have recommended the following guidance.

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice
- Workplace Health, Safety and; Welfare Approved Code of Practice L24 (ISBN 0-7176-0413-6 available to order in book shops)
- Food Safety - www.food.gov.uk/foodindustry/
- Occupational Health and Safety - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced.

1. Provision of suitable outside bin storage
2. Provision of grease trap on the the foul drainage
3. Proper storage and disposal of waste oil
4. Vehicle and pedestrian routes when loading and unloading
5. Vehicle and pedestrian routes for customers

Food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our website

online.havering.gov.uk/officeforms/license_food_business.ofml

Dated: 30th March 2017



Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 3 The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 23:00 Monday through Sunday and Bank/Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 4 The outdoor seating area hereby permitted, shall not be used by patrons after 18:00 hours Monday through Sunday nor at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening. No amplified music or speech shall be played or reproduced at any time in the external area.

Reason:-

In the interests of neighbouring amenity and in order that the proposed development accords with Development Control Policies Development Plan Document DC61.

- 5 Details of a scheme which specifies the provisions to be made for the control of noise transferring from the premises to adjoining properties, including residential accommodation above shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. Such a scheme as approved shall be implemented entirely in accordance with the approved details and thereafter retained permanently.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVE(S)

- 1 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified



Havering
LONDON BOROUGH

Representation from
Responsible Authorities

Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

Applicant: The Fete Lounge LTD

Premises: Havering Well

Name: Kasey Conway

Organisation: London Borough of Havering Licensing Authority

Address: c/o Town Hall Main Road Romford RM1 3BD

Email: kasey.conway@havering.gov.uk

Telephone no.: 01708 432555

Objection summary:

Policy considerations

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- whether the premises is located in an area of cumulative impact
- the type of premises and their cumulative impact on the area and the mix of premises in the area
- the location of the premises and the character of the area
- the views of the responsible authorities
- the views of other persons
- past compliance history of current management
- the proposed hours of operation
- the type and number of customers likely to attend the premises
- whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch

Licensing Policy 5

The licensing Authority considers that, in the interest of clarity and transparency, applicants should normally have the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits and a case by case basis.

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Public Houses and Bars 23:00 Sunday to Thursday

00:00 Friday and Saturday

Nightclubs 01:00 Sunday to Thursday

02:00 Friday and Saturday

Restaurants and Cafes 23:00 Sunday to Thursday

00:00 Friday and Saturday

Off licences 23:00 Monday to Sunday

Hot food and drink supplied by

takeaways, fast food premises 00:00 Sunday to Thursday

01:00 Friday and Saturday

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements

Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.

Representation

This application for a premises licence variation has been submitted by the applicant and aims to extend the hours during which alcohol may be provided (on and off) sales and late night refreshment may be provided. The extension is to cover Monday through to Sunday from the current terminal hour of 23:00 to the new proposed terminal hour of 24:00. The proposed terminal hour exceeds that suggested in Havering's Licensing policy, Policy 7 under the proposed days of Sunday – Thursday.

There is a recent history of complaints relating to the premises. A complaint was made against the venue on the 15th April 2018 that alleged there was a breach of licensing hours. A number of late night visits were carried out over the following weeks but there was no evidence to suggest the premises were going past their hours. A second complaint was made on the 27th October 2018, which again suggested there

had been a breach of licensing hours. I contacted the premises licence holder Ms Jafferkhan to discuss the allegation. I informed Ms Jafferkhan that I would like to visit the premises and view CCTV footage for the weekend starting 26th October 2018 as I had received information suggesting the venue were going past their licensing hours. Ms Jafferkhan told me that she would contact me and arrange a suitable date and time to visit the venue and view the CCTV footage. I was contacted a number of days later by Mr Graham Hopkins, Licensing Agent from GT Licensing, enquiring about the purpose of my pending visit. On the 9th November 2018, I then received an email from Mr Hopkins admitting that a breach did take place on the night in question but the reason for this was due to a mis-communication between the Licence Holder and the Agent. I have enclosed a copy of the email as part of the Hearing documentation.

Having personally dealt with the licence holder previously, they are fully aware that once a Temporary Event Notice is submitted, The Licensing Department will send an acknowledgement once the TEN has been processed. As they were not in receipt of any acknowledgement, the premises should not be exceeding their licensing hours as per their premises licence. I can confirm that no Temporary Event Notice was submitted for the evening in question.

I visited the premises and met with Licensing Agent, Mr Graham Hopkins and Licence Holder, Mr Joshi. The night of the Licensing breach was discussed and Mr Joshi provided me with access to CCTV footage of the night of 26th October 2018 and a further 2 evenings. Upon viewing footage, I was unable to confirm the exact times that licensable activity ceased as there was an issue with the correct time being displayed. As per Annex 2 of the premises licence, condition 11, it states that "A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained" but in this instance that was not the case as the audit trail was not accurate.

The application also looks to add 23 non standard timings throughout the year should the extension of hours under the variation be refused. I would argue that 23 additional late evenings throughout a year would not be considered non standard as this works out to nearly two a month.

Concerns have been raised by Planning Enforcement that current planning permission does not cover the premises for the times being requested as part of the variation application.

It is for the reasons that I have outlined that I cannot support this application.

Other documents attached

Licensing Breach Email

Signed *Kasey Conway*

Dated 05/12/2018

Licensing Act 2003 Responsible Authority representation

This representation is made by a responsible Authority for the London Borough of Havering concerning a licence application for the premises as detailed below.

Premises Name and address:	6 Station Road, Upminster, Essex, RM14 2UB 'FETE LOUNGE'
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Your Name:	Planning Enforcement Team.
Organisation name / name of body you represent:	Havering Council's planning department
Your Address:	5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL
Email:	Planning_enforcement@havering.gov.uk

Summary of representation:	To OBJECT to the application to vary the licence on the specific licencing objective "The prevention of public nuisance".
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<p>Policy Considerations:</p> <p>The representation takes into account the following licencing policies as set out in the document titled "Statement of Licencing Policy" with effect from 7th January 2016:</p> <p><u>Licencing Policy 1</u></p> <p>In considering applications for new licences, variations to existing licences and licence reviews the Licencing Authority will take the matters listed below into account:</p> <ul style="list-style-type: none"> • whether the premises is located in an area of cumulative impact; • the type of premises and their cumulative impact on the area and the mix of premises in the area; • the location of the premises and the character of the area; • the views of the responsible authorities; • the views of other persons; • past compliance history of current management; • the proposed hours of operation; • the type and number of customers likely to attend the premises; • whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch. <p><u>Licencing Policy 6</u></p> <p>The Licencing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis</p>

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice
- Has sought advice from the responsible authorities
- Has implemented any advice that has been given by the responsible authorities
- Is able to understand verbal and written advice and legal requirements
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Representation:

An assessment by the planning services has been previously undertaken under a planning application with reference P0145.17. Upon review of all material considerations in terms of the use of the property, it was seemed necessary and expedient to restrict the use of the property to prevent a public nuisance. The use has subsequently been conditioned so that:

CONDITION 3 – Hours of Use

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 23:00 Monday through Sunday and Bank/Public holidays without the prior consent in writing of the Local Planning Authority.

CONDITION 4 – Hours of use of the seating area

The outdoor seating area hereby permitted, shall not be used by patrons after 18:00 hours Monday through Sunday nor at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening. No amplified music or speech shall be played or reproduced at any time in the external area.

The licence application proposes a use that exceeds the restrictions that have been placed on the use by the planning department by proposing to extend night time use to midnight and 12:30am on certain days; or to 1:00am as an alternative. The use proposed does not have lawful planning status and the licensing application therefore does not accord with licencing policy 6.

Given the argument as set out above, the planning department's concerns on the prevention of public nuisance have not been alleviated though the licence application. As this is the case, we ask that the licencing committee use their powers under licencing policy 1, 8 and 14 to take consideration of the views of the planning department as a responsible authority. You are therefore advised to restrict the hours of operation to what has been approved by the planning department as set out above. The applicant should be advised they first need to make an application to Planning Control to formally vary the permitted hours of use and operation before a licence variation should be granted.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken as a part of this representation however it is noted that there is an extensive Planning Enforcement history on the site including a CURRENTLY OPEN PLANNING ENFORCEMENT INVESTIGATION reference ENF/373/18

I have attached the planning decision notices in the "other documents" section, but for clarity, the relevant planning history is as such:

Application Number:	P0145.17
Description of proposal:	Retrospective change of use from Class A3 (Cafe/Restaurant) to mixed use of A3/A4 (Drinking Establishment).
Outcome:	Approved with conditions 30 th March 2017

Other documents attached:

Decision notice for P0145.17

Dated: 14 th November 2018	Officer: David Colwill Team Leader Planning Enforcement & Appeals
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Licensing Act 2003 – responsible authority representation

This representation is made by a responsible authority for the London Borough of Havering concerning a premises licence application for the premises as detailed below.

Applicant: Noreen Jaffer Khan
Premises: The Fete Lounge, 6 Station Road, Upminster, RM14 2UB

Name: David Cant
Organisation: London Borough of Havering
Address: Public Protection, Mercury House, Mercury Gardens, Romford RM1 3SL
Email: david.cant@havering.gov.uk
Telephone no.: 01708 432086
Objection summary: To object to the proposed premises licence variation in the interests of The Prevention of Public Nuisance

Policy considerations

London Borough of Havering Statement of Licensing Policy 2015

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

7.10 The Licensing Authority expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. *In some circumstances licensed premises adjoining residential properties may not be appropriate* (emphasis added).

Licensing Policy 16

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.

7.12 The provision of tables and chairs outside the premises, either on the highway or private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and passers-by to loiter rather than disperse and in many cases, noise control measures are not feasible.

Representation

The premises in question is on the ground floor of a terraced three storey building with residential maisonettes on floors 1 and 2, directly above and above to either side.

The World Health Organisation's Night Noise Guidelines for Europe 2009 and the most relevant British Standards relating to internal noise levels (BS8233-2014 and BS4142-2014) define 'night time' as 23:00 – 07:00. Within these hours different noise levels are expected compared to daytime or evening periods up to 23:00. These apply for the purposes of sleep in bedrooms or resting and dining in other habitable rooms.

The provision of recorded and live music beyond 23:00 to 00:00 seven days per week and as late as 01:00 on 6 additional occasions per year is likely to give rise to an increase in the ambient noise levels within the residential premises after 23:00 and cause undue disturbance. It is my opinion that such use would be unreasonable given the proximity to residential premises.

If the proposed variation at points 1-5 in the application are not granted in full, the applicant has requested non-standard timings up to 12 days per year in addition to the 7 days (Halloween, St Valentines, St Patrick's day, St George's day, Christmas eve, new years eve and armistice day) and their existing Temporary Event Notice allocation of 21 days per year (if successful). This would still potentially allow licensable activities beyond 23:00 on a regular basis up to 48 days per year, almost once per week.

In addition to the noise caused by live and recorded music, noise generated by customers using the external seating area to the front of the premises and those leaving the premises and loitering in the area after closing give additional cause for concern in respect of public nuisance. This is particularly relevant in the spring and summer months where its use is more likely.

The proposed variation is in my opinion likely to adversely affect a number of residents and increase the likelihood of public nuisance.

My recommendation is that the application be refused. However, should the Committee be minded to grant the application, I would ask that condition 6 of Annex 3 of the existing premises licence is amended to read as follows:

Original wording: "6. A noise limiter shall be installed and set up in conjunction with the Council's noise nuisance team"

Proposed new wording: "A noise limiter shall be installed by a suitably qualified and experienced person and set up by an independent noise consultant. The operating level will be agreed in conjunction with the Council's Public Protection Department. The consultant will be a member of either the Institute of Acoustics or the Association of Noise Consultants. The limiter will be in use whenever amplified music takes place at the premises."

This amendment reflects the later terminal hour and Public Protection's previous concerns relating to the reliability of the limiter. The requirement for an independent consultant also removes any potential conflict between the Council being both responsible for setting up the system and subsequently enforcing against the business in the event of a statutory noise nuisance occurring.

The committee might like to consider a condition to restrict the use of the external seating area as appropriate, although it appears that the decision notice for planning application P0145.17 for a retrospective change of **Page 76** Class A3 (Cafe/Restaurant) to mixed use

of A3/A4(Drinking Establishment) already contains a condition which should adequately control noise from the external area if adhered to:

"4. The outdoor seating area hereby permitted, shall not be used by patrons after 18:00 hours Monday through Sunday nor at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening. No amplified music or speech shall be played or reproduced at any time in the external area.

Reason:- In the interests of neighbouring amenity and in order that the proposed development accords with Development Control Policies Development Plan Document DC61."

The Council would prefer to avoid repetitious conditions which place an unnecessary regulatory burden on businesses.

Complaint and inspection history (if applicable)

The Public Protection Department has received 5 complaints from two different residents concerning noise arising from Fete Lounge since it opened. The complaints relate to loud music and patrons both within the premises and whilst outside, during trading hours and after closing..

Following the witness of unreasonably loud music in 2016, officers have worked with the applicant to try and address the Council's concerns and those of the local residents. I acknowledge that measures including remedial sound insulation works have been carried out voluntarily, but complaints persist. The latest complaint was received at the beginning of November 2018 just before the variation application was submitted and is still under investigation.

Other documents attached: N/A

Signed



Dated 04/12/2018

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