

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 16 June 2020

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR A PREMISES LICENCE - ACE COFFEE & BAGEL, 1 STATION ROAD, UPMINSTER, RM14 2SJ	<p align="center">Licensing Act 2003 Notice of Decision</p> <p><u>DETAILS OF APPLICATION</u></p> <p>PREMISES</p> <p>Ace Coffee & Bagel 1 Station Road Upminster RM14 2SJ</p> <p>Details of the application</p> <p>The application was to permit the following licensable activity:</p> <table border="1"> <tr> <th align="left" colspan="3">Alcohol on- and off-supplies</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>08:00</td><td>23:00</td></tr> </table> <table border="1"> <tr> <th align="left" colspan="3">Hours premises are open to the public</th></tr> <tr> <th>Day</th><th>Start</th><th>Finish</th></tr> <tr> <td>Monday to Sunday</td><td>08:00</td><td>23:30</td></tr> </table>	Alcohol on- and off-supplies			Day	Start	Finish	Monday to Sunday	08:00	23:00	Hours premises are open to the public			Day	Start	Finish	Monday to Sunday	08:00	23:30
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		<p>Comments and observations on the application</p> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the application.</p> <p>SUMMARY</p> <p>There were no representations against this application from any residents of businesses in the vicinity of the premises.</p> <p>There were two representations against this application from responsible authorities, namely the Police and the Planning Authority.</p> <p>The Licensing Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>The Applicant was represented by a licensing agent who made submissions on his behalf.</p> <p><u>DECISION</u></p> <p>The Sub-Committee have considered an application for a new premises licence for Ace Coffee and Bagel situated at 1 Station Road Upminster RM14 2SJ. Representations were originally made by a) the Council's Licensing Authority on the grounds of the Prevention of Public Nuisance and the Protection of children from harm, b) the police on the grounds of the</p>

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		<p>Prevention of Crime and Disorder and the Prevention of Public Nuisance and c) the council's Planning Team.</p> <p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under S182 of the Licensing Act and the Council's own Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee decided to grant the licence to the applicant.</p> <p>REASONS</p> <p>Withdrawal of Representations</p> <p>On the morning of the hearing the Licensing Sub-Committee was informed that, as a result of the applicant's response to the representations made by the police and the Licensing Authority, those representations had been withdrawn. This left only the representations from the Planning Team.</p> <p>The Planning team representations stated the following:</p> <p><i>"An application was previously refused on this site for the change of use under application reference J0030.18 for the change of Use from general retail A1 Use to A3 Café (Decision notice will be sent through as well). The running of this business at this site is considered to be unlawful due to the works being carried out without the benefit of planning permission. It is unknown whether the new use would be acceptable or not because it has not been tested through a planning application. The lack of permission also means there are no standard controls on the operations at the premises such as noise, hours of use and ensuring any extract machinery are of a satisfactory standard. Accordingly this licence is strongly objected to."</i></p>

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		<p>A LBH Planning Control decision notice dated 23.11.18 in respect of the premises was included with the Planning representation. In the Notice Planning Control refused to grant an application for prior approval for a change of use at the premises from A1 general retail to A3 café.</p> <p><i>“In this instance the change of use for which prior approval is sought has already taken place. The application therefore fails to comply with Condition C.2(2) of Class C which requires that for a change of use from A1 to A3 the prior approval of the authority will be required as to the items referred to in sub-paragraphs 1(a) to (f) of condition C.21 and the provisions of paragraph W (prior approval) of this part apply in relation to that application</i></p> <p><i>Therefore, prior approval is refused.”</i></p> <p>Therefore, it appeared that the planning team had not raised any relevant objections based on the 4 licensing objectives as required by paragraph 9.4 of the Guidance issued under section 182 of the Licensing Act 2003</p> <p>In addition, the Sub-Committee noted that it was not bound by the decisions of the Planning Committee as set out at paragraph 14.64 of the S182 Guidance which states that:</p> <p><i>“The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee and vice versa”</i></p> <p>The Sub-Committee therefore determined that the licence should be granted.</p> <p><u>On-site Toilet</u></p>

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		<p>The Sub-Committee was concerned at what appeared to be an absence of toilets for customers at the premises. It appeared that customers would need to go to the adjoining premises, (the 2 properties share the same owner), via a connecting corridor to use the toilets there. Although aware that “<i>Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.</i>” as set out at paragraph 2.7 of the s182 Guidance, the Sub-Committee nevertheless encourages the applicant to provide toilets on the premises</p> <p><u>Conditions</u></p> <p><u>Conditions</u></p> <p>The Sub-Committee granted the licence with the following conditions:</p> <p><u>Premises Opening and Closing Times:</u></p> <ol style="list-style-type: none"> 1. Monday to Sunday 08:00 hours to 23:30 hours <p><u>Licensable Activities:</u></p> <ol style="list-style-type: none"> 2. Sale of Alcohol (off premises and on premises) Monday to Sunday 08:00 hours to 2300 hours 3. The premises license holder shall ensure that the premises shall install, operate and maintain a Closed-Circuit Television (CCTV) system to the satisfaction of Havering Borough/Metropolitan Police. 4. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and signage to this effect is to be

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		<p>displayed</p> <ol style="list-style-type: none"> 5. The premises licence holder shall ensure that all CCTV recordings shall be stored for a minimum of 31 days. Recordings shall be made available following the reasonable request of police or authorised officer throughout the preceding 31-day period on production of the appropriate Data Protection request form. 6. The premises licence holder shall ensure that any refusals of sale of age - related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. The refusals log shall be made available for inspection by the licensing team, police or trading standards and kept at the premises for six months. 7. The premises licence holder shall operate a 'Challenge 25', or similar scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport a photo - card driving licence or an industry approved proof of age identity card. 8. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to: dealing with incidents and prevention of crime and disorder, sale of alcohol (to underage persons; persons over 18 purchasing for underage; drunks etc) prior to being allowed to sell alcohol. 9. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' or similar scheme operates in the premises. 10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises. 11. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area

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		<p>quietly.</p> <p>12. The supply of alcohol on the premises shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal.</p> <p>13. Alcohol is to be served in polycarbonate, plastic or shatter-proof glasses</p> <p>14. There will be no more than 5 smokers at any one time.</p> <p>15. Alcohol will not be permitted to be consumed outside and a notice will be displayed to say the same.</p> <p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u></p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit. <p>Richard Cursons Clerk to the Sub-Committee</p>

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A1		
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