



LICENSING SUB-COMMITTEE FETE LOUNGE

AGENDA

10.00 am	Wednesday 2 September 2020	VIRTUAL MEETING
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Members 3: Quorum 2

COUNCILLORS:

Philippa Crowder (Chairman)
Nisha Patel
Christine Vickery

For information about the meeting please contact:

**Luke Phimister Tel: 01708 434619
email: luke.phimister@onesource.co.uk**

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

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

Reporting means:-

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

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

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

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



AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF 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 PROTOCOL FOR PUBLIC PRESENTATION AT VIRTUAL MEETINGS (Pages 1 - 4)

In response to the Government's guidance to limit the spread of Coronavirus and restrictions around the gathering of more than two people, the following items of business will be conducted as virtual hearings under the Licensing Act 2003.

A revised protocol for public representation at virtual meetings is included with the agenda sheet for this meeting.

This approach has been taken to ensure the Council is compliant with the current restrictions and are not putting participants and members of the public at risk.

5 REPORT OF THE CLERK (Pages 5 - 10)

Procedure for hearing – Licensing Act 2003

6 APPLICATION TO VARY A PREMISES LICENSE - FETE LOUNGE (Pages 11 - 48)

This application to vary a premises licence is made by Fete Lounge (Upminster) Limited under section 17 of the Licensing Act 2003.

Andrew Beesley
Head of Democratic Services

PROTOCOL ON THE OPERATION OF LICENSING SUB-COMMITTEE HEARINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

1. Introduction

The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures. Section 78 of The Coronavirus Act 2020 provides further powers to Councils to hold remote hearings in accordance with regulations. In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Licensing Sub-Committee hearings held during the Covid-19 restriction period will take place remotely using a 'virtual' format. This will usually be via Zoom video conferencing meeting. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

2. Prior to the Hearing

Once the date for a hearing has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved. The electronic appointment should not be shared with any other party.

Before a remote hearing, parties are encouraged to submit brief email submissions, at least 24 hours before the hearing is due to start summarising the points they wish to make at the hearing and the outstanding issues. Although this is voluntary, these written submissions are likely to assist in the conduct of the remote hearing and the decision making process. These should be sent to the e-mail address of the clerk as shown on the front of the agenda papers for the meeting.

3. Format

For the duration of the Covid-19 restrictions period, all Licensing Sub-Committee hearings will be delivered by Zoom video conferencing. This will be accessible via the web or by downloading the app to a PC, laptop, I-Pad etc or mobile/landline telephone and the instructions sent with meeting appointments will cover how to do this which will be sent at least five clear days in advance of the hearing. A weblink to view and, where appropriate, participate in the meeting will be included with the electronic appointment for the virtual meeting and will also be published on the Council's website, on the same page as the agenda for the meeting.

4. Meeting Agenda

An agenda setting out the items for the hearing will be issued in advance to all parties to the hearing in accordance with statutory timetables. This will include details of the

license application or variation together with all representations on the matter. The agenda will also be published on the Council's website – www.havering.gov.uk in the normal way.

5. Format of the Meeting

Although held in a virtual format, Licensing Sub-Committee Hearings dealing with new licences or variations to existing licences will follow the standard procedure with the following principal stages. Panel Members may ask questions of any party at any time. Questions are usually taken after each person has spoken. Should a review of a licence be held during this period, further guidance on the procedure for hearings of this type will be issued by the clerk.

- The Licensing Officer presents their report
- Objectors to the application make their representations. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
- Responsible Authorities and Other Persons will make their representations.
- The applicant responds to the representations made.
- All parties will be given an opportunity to sum up if they wish. The hearing will then conclude.
- The Sub-Committee will then deliberate in private with the Legal Adviser and Clerk present.
- The Sub-Committee will announce the decision in writing to all parties.
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate

6. Meeting etiquette and rules

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, conference calls such as those used for the meeting may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker, and etiquette of participants during the call.

For some participants, this will be their first conference call or virtual meeting. In order to make the briefing productive for everyone, the following rules must be adhered to and etiquette observed:

- Parties are advised to log on at least 10 minutes before the hearing is due to start. A telephone number of an officer will be provided in case of technical difficulties on the day.
- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If at all possible, participants should find a quiet location to take the Zoom meeting where they will not be disturbed. Background and potential noise interruptions can disturb participants;
- Virtual video backgrounds can easily be used to avoid distractions and preserve the privacy of participants if they are calling in from their homes;
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent faults during the call then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

7. Deliberation

At the conclusion of the hearing, the Sub-Committee, together with the clerk and legal advisor, will remain in a virtual meeting to deliberate on their decision. The decision of the Sub-Committee will be circulated to all parties in writing.

Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing or part of that hearing taking place in public. In addition there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part of the whole hearing as appropriate. There may be a closed zoom conferencing which will be arranged by the clerk. Full copies of restricted agenda packs will be distributed to relevant parties in advance of the hearing.

8. After the Hearing

The notice of the decision of the Sub-Committee will be circulated to all participants within five working days of the hearing. Minutes of the meeting will also be published on the Council's website.

For any further information on the hearing, please contact luke.phimister@onesource.co.uk, tel: 01708 434619.

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LICENSING SUB-COMMITTEE

19 December 2018

REPORT

Subject Heading:

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

Report Author and contact details:

**Luke Phimister – Democratic Services
Officer 01708 434619
Luke.phimister@onesource.co.uk**

Note: Issues relating specifically to the operation of the hearing during the Covid-19 pandemic restrictions are considered in the separate protocol document contained within the agenda papers.

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

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LICENSING SUB-COMMITTEE

2 September 2020

REPORT

Subject heading:

Report author and contact details:

Fete Lounge

6 Station Road Upminster RM14 2UB

Premises licence variation application

Paul Jones Public Protection Officer

Town Hall Main Road

licensing@haverling.gov.uk

01708 432777

This application for a variation to a premises licence is made by The Fete Lounge Limited under s.34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 13th July 2020.

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.



Variation applied for:

Recorded music, late night refreshment		
Day	Start	Finish
Friday & Saturday	23:00	00:00

Supply of alcohol (on & off)		
Day	Start	Finish
Monday to Thursday	11:00	23:00
Friday to Sunday	11:00	00:00

Hours open to the public		
Day	Start	Finish
Friday & Saturday	08:00	00:30

The application also seeks to add alcohol off sales permanently to the ambit of the licence.

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.

Summary

There were no representations against this application from residents or businesses in the vicinity.

There was one representation against this application from a responsible authority, namely Havering's Planning Authority.



Havering
LONDON BOROUGH

Current Licence

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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
New Year's Eve – 11:00 to 01:00

The opening hours of the premises

Monday to Sunday – 08:00 to 23:30
New Year's Eve – 08:00 to 01:00

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

On and off* supplies

* Restricted to any period determined by central government during
which on-licensed premises must remain closed to the public

Part 2

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

The Fête Lounge Limited
6 Station Road Upminster RM14 2UB

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Registered number of holder

09527651

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

Mr Himanshu Joshi

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

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;

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- (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).
- 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. 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.
- 8. For the purposes of the condition set out in paragraph 7 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —
$$P=D+(D \times V)$$
where —
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

Mandatory conditions – contd.

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 8 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
11. 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.

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 20:00hrs.
- 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.

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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.

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

- 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 premises licence holder shall undertake a risk assessment and determine the need for door staff this shall be done on a regular basis and will accept permanent implementation of door staff if recommended by the Police or local authority.**

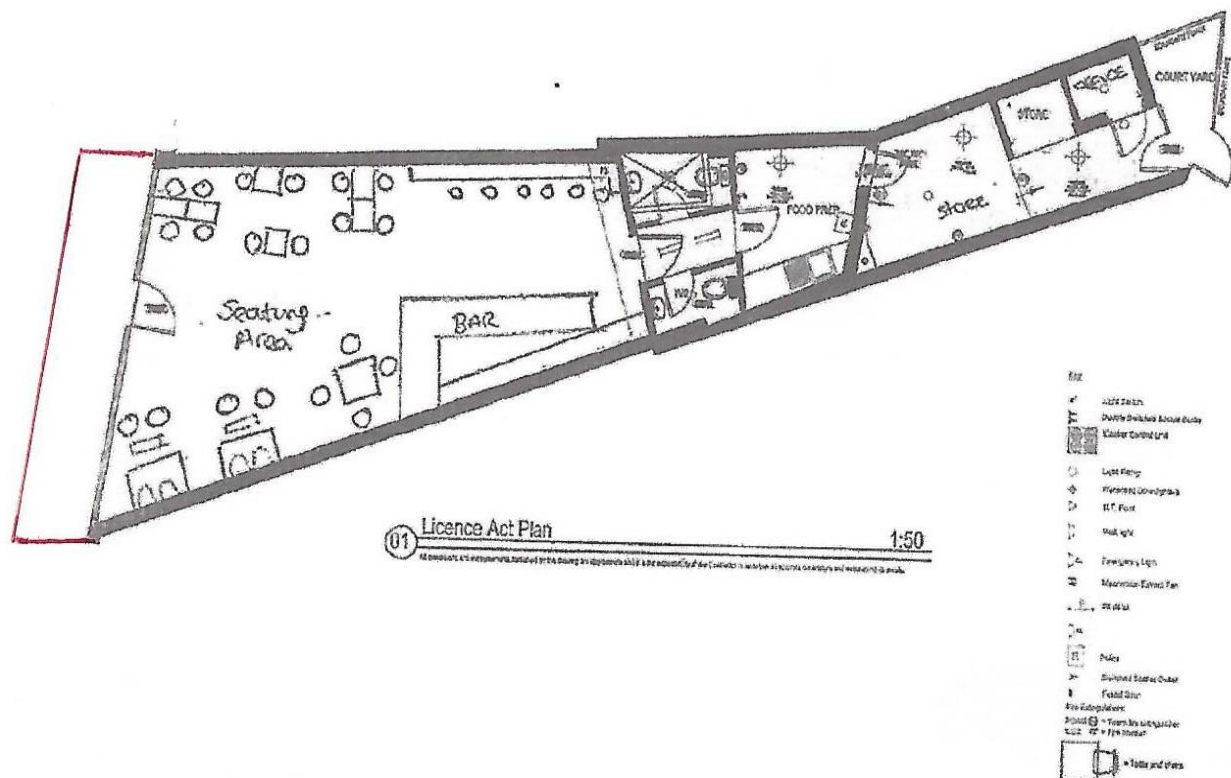
Annex 3 – conditions attached after a hearing by the Licensing Authority

- 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.**
- 7. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.**
 - The outside area directly in front of the premises outlined in red in the attached plan shall only be open to customers from 8:00 hrs until 21:00 hrs each day. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons**
 - The tables and chairs in the outside seating area directly in front of the premises outlined in red in the attached plan shall be taken out of use at 21:00 each day and customers asked to go inside.**
 - The premises licence holder shall take appropriate measures to ensure that patrons using the outside area directly in front of the premises outlined in red in the attached plan do so in a quiet and orderly fashion.**

6 of 7

Annex 4 – premises plans

Original premises plans are held by the Licensing Authority of the London Borough of Havering.





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
New Year's Eve – 11:00 to 01:00

The opening hours of the premises

Monday to Sunday – 08:00 to 23:30
New Year's Eve – 08:00 to 01:00

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

On and off* supplies

* Restricted to any period determined by central government during
which on-licensed premises must remain closed to the public

Name, (registered) address of holder of premises licence

The Fête Lounge Limited
6 Station Road Upminster RM14 2UB

Registered number of holder

09527651

1 of 2

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

Mr Himanshu Joshi

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

Restricted

2 of 2

COPY

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Havering
LONDON BOROUGH

Copy of Application

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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 you would prefer not to be contacted by telephone

Are you:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your 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

VAT number

Legal status

If your business is registered, use its registered name.

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

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.

Continue my off-sales license as part of our takeaway service to help sustain the business
Extension of hours of the use of the outdoor space to help with social distancing rules and any long-term impact of the pandemic.
Extend our on-sales license on Friday and Saturday only to 12pm. (this aligns us with other licensed businesses in the area and Licensing Policy 7)

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

Continued from previous page...

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?

☐ Yes ☒ No

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

TUESDAY

Start

End

Start

End

WEDNESDAY

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.

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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.

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.

n/a

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.

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

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](#)

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

Section 12 of 18

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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Food and drink to customers

State any seasonal variations.

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

n/a

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.

Section 13 of 18

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.

n/a

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.

To continue the off-sales license for our takeaway service.
To cover the Friday and Saturday from 23:00 to 00:00.

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.

n/a

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

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

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.

n/a

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.

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

The 30 minutes would allow for dispersal.

☒ 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.

Continued from previous page...

All existing measures to stay in force

b) The prevention of crime and disorder

All existing measures to stay in force

c) Public safety

All existing measures to stay in force

d) The prevention of public nuisance

All existing measures to stay in force

e) The protection of children from harm

All existing measures to stay in force

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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 your 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

[Add another signatory](#)

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 ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Havering
L O N D O N B O R O U G H

Representation from
Responsible Authority

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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 licence application for the premises as detailed below.

Premises Name and address:	6 Station Road, Upminster Essex RM14 2UB
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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@haverling.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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Policy Considerations:

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:

Licencing 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.

Licencing Policy 6

The Licensing 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

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 seemed necessary and expedient to restrict the use of the property to prevent a public nuisance. The use has subsequently been conditioned so that:

The licence application proposes a use that exceeds the restrictions that have been placed on the use by the planning department; and the use proposed does not have lawful planning status and the 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.

Condition 3 states:

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.

Condition 4 states:

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.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.

I have attached the planning decision notices in the “other documents” section, but for clarity, the 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.

Other documents attached:

NONE

Dated: 5th August 2020

Officer: Onkar Bhogal

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