

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 23 June 2021

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 TO VARY A PREMISES LICENCE - THE STATION PANTRY, 61 STATION ROAD, UPMINSTER, RM14 2SU	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES The Station Pantry 61 Station Road Upminster RM14 2SU</p> <p>APPLICANT Mr Garfield Lawrence C/O GT Licensing Ltd</p> <p>1. Details of requested licensable activities This application to vary a premises licence is made by Mr Garfield Lawrence under s.34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 7 May 2021.</p> <p>The application is to permit the following licensable activity:</p>
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		<div><div>Details of the application</div><div>Current premises licence hours:</div><table><tr><td colspan="3">On-supplies of alcohol</td></tr><tr><td>Day</td><td>Start</td><td>Finish</td></tr><tr><td>Monday to Sunday</td><td>10:00</td><td>23:00</td></tr></table> <table><tr><td colspan="3">Hours premises open to the public</td></tr><tr><td>Day</td><td>Start</td><td>Finish</td></tr><tr><td>Monday to Sunday</td><td>07:00</td><td>00:00</td></tr></table> <div>Variation applied for:</div><table><tr><td colspan="3">Alcohol off- and on-supplies</td></tr><tr><td>Day</td><td>Start</td><td>Finish</td></tr><tr><td>Monday to Thursday</td><td>10:00</td><td>23:00</td></tr><tr><td>Friday & Saturday`</td><td>10:00</td><td>00:00</td></tr></table> <table><tr><td colspan="3">Hours Open to the Public</td></tr><tr><td>Day</td><td>Start</td><td>Finish</td></tr><tr><td>Monday to Thursday</td><td>07:00</td><td>00:00</td></tr><tr><td>Friday & Saturday</td><td>07:00</td><td>00:30</td></tr></table></div>	On-supplies of alcohol			Day	Start	Finish	Monday to Sunday	10:00	23:00	Hours premises open to the public			Day	Start	Finish	Monday to Sunday	07:00	00:00	Alcohol off- and on-supplies			Day	Start	Finish	Monday to Thursday	10:00	23:00	Friday & Saturday`	10:00	00:00	Hours Open to the Public			Day	Start	Finish	Monday to Thursday	07:00	00:00	Friday & Saturday	07:00	00:30
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		<p>The application sought to remove the following conditions from the ambit of the licence:</p> <ul style="list-style-type: none"> • Alcohol may only be supplied to customers seated at a table and service will be by waiting staff only. • The maximum number of private pre-booked events which may be held shall be 25 per annum. <p>The application sought to modify the wording of the following conditions:</p> <ul style="list-style-type: none"> • Alcohol may only be supplied to customers seated at a table and service shall be by waiting staff only except at pre-booked private functions when the premises are not open to the general public during which guests may be permitted to stand to drink alcohol and service by waiting staff will not be required. • Customers shall not be permitted to either order or drink alcohol at the counter except at pre-booked private functions when the premises are not open to the general public during which guests may be allowed to order drinks at the counter and to drink alcohol while standing at the counter. • to read as follows: <ul style="list-style-type: none"> ○ Alcohol may only be supplied to customers seated at a table or at the bar/servery and service shall be by staff only, except at pre-booked private functions when the premises are not open to the general public during which guests may be permitted to stand to drink alcohol and service by staff will not be required. ○ Customers shall not be permitted to either order or drink alcohol at the bar/servery, unless seated on a bar stool at the bar/servery, except at pre-booked functions when the premises are not open to the general public during which guests may be allowed to order drinks at the bar/servery and to drink

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		<p align="center">alcohol while standing.</p> <p><u>Comments and observations on the application</u></p> <p>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.</p> <p><u>Summary</u></p> <p>There were no representations against this application from any of the responsible authorities.</p> <p>There were representations from three residents who live the vicinity of the premises.</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: APPLICATION GRANTED</u></p> <p>The Sub-Committee have considered an application for a variation to the licence for the Station Pantry, situated at 61 Station Road Upminster RM14 2SU. Representations were made by Mr James McLean, Mr Stephen Davenport, and Mr Dominick Lavin on the grounds of the licencing objective of the prevention of public nuisance.</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</p>

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		<p>Council's own Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee decided to grant the applicant's application on this occasion.</p> <p><u>REASONS</u></p> <p>The Sub-Committee found that the proposed variations would promote the licensing objective of the prevention of public nuisance, particularly with the undertakings and conditions offered by the applicant at the hearing. Whilst it was sympathetic to the concerns of the residents, the Sub-Committee did not believe that these minor amendments would have a significant impact on the resident's enjoyment of their own properties.</p> <p>The Sub-Committee noted that there had not been any representations from any of the responsible authorities, and that there was noise complaint being considered by the Council's noise team. Mr Mclean advised the Sub-Committee that the noise team was considering the complaint and the officer had said that any matters arising from the complaint could be considered at a review, if appropriate.</p> <p>It was also noted by the Sub-Committee that the residents believed that the applicant had been in breach of the conditions of its licence, by allowing patrons to be on the terrace after 22:00 and by playing music on the terrace. The applicant disputed that patrons had been allowed on the terrace after 20:00 and provided photographs to show the garden vacated after those hours. It was also stated that, as music has been deregulated for recorded music that takes place between 08:00 and 23:00, therefore, this was not in breach. The Sub-Committee, considered the fact that the responsible authorities had not made any representation on this point significant and would expect them to take action when it considered a premises to be in breach of its conditions. The correct forum for dealing with such breaches is at review. Therefore, the Sub-Committee did not consider this representation to be strictly relevant to</p>

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		<p>these proceedings.</p> <p>The resident's objections were as follows:</p> <ol style="list-style-type: none"> 1. <i>Extending the hours of sale of alcohol to midnight would make disturbance continue later.</i> The Sub-Committee was satisfied that, with the offered undertaking that music would not be played in the garden after 21:00 and an offered condition that a noise limiter would be used for the music in the garden, the extension of the hours of sale of alcohol would not add to the disturbance that the residents are currently experiencing. This conclusion, is supported by the existing condition that the garden will be closed at 22:00. 2. <i>Extending the opening hours to 00:30 would make the disturbance greater.</i> This was considered by the Sub-Committee. However, as the patrons of the establishment would be exiting from the front of the premises, the Sub-Committee did not consider that this change would affect the residents because their properties are situated at the back of the premises. 3. <i>That the premises was seeking to change its model to a bar, as indicated by the request to amend the condition about customers being served at the bar.</i> The Sub-Committee found the applicant to be a responsible licensee, as demonstrated by the Manager's approach to the Council's noise team and the steps she has taken to meet the resident's concerns. Therefore, there is no reason to be believe that there is some ulterior motive to this application. 4. The Sub-Committee did not share the resident's concerns in relation to a mobile bar being placed on the terrace. The residents did not put forward a credible reason for why this would increase the disturbances. The applicant submitted that this would only be

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		<p>used for private parties in any event.</p> <p>5. There were no objections to the removal of the condition relating to the number of events that could be held on the premises. Therefore, the Sub-Committee did not have jurisdiction to consider it. However, for the avoidance of doubt the Sub-Committee had not reason to believe that this would not promote the licensing objectives.</p> <p>6. There were no objections to the application to allow the provision of off-sales from the residents. Therefore, the Sub-Committee did not have jurisdiction to consider it.</p> <p>CONDITIONS/UNDERTAKING</p> <p>1. No amplified music may be played in the back terrace unless played through a noise limiter set and sealed by the Environmental Health officers.</p> <p>2. No music shall be played in the back terrace after 21:00.</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.

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