



Haverling

LONDON BOROUGH

LICENSING SUB-COMMITTEE MARKS & SPENCER AGENDA

10.30 am

**Tuesday
20 June 2023**

**Council Chamber -
Town Hall**

Members 3: Quorum 2

COUNCILLORS:

Natasha Summers (Chairman)
Laurance Garrard (Committee Member)
Jane Keane (Committee Member)

**For information about the meeting please contact:
Luke Phimister - 01708434619
luke.phimister@onesource.co.uk**

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

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:-

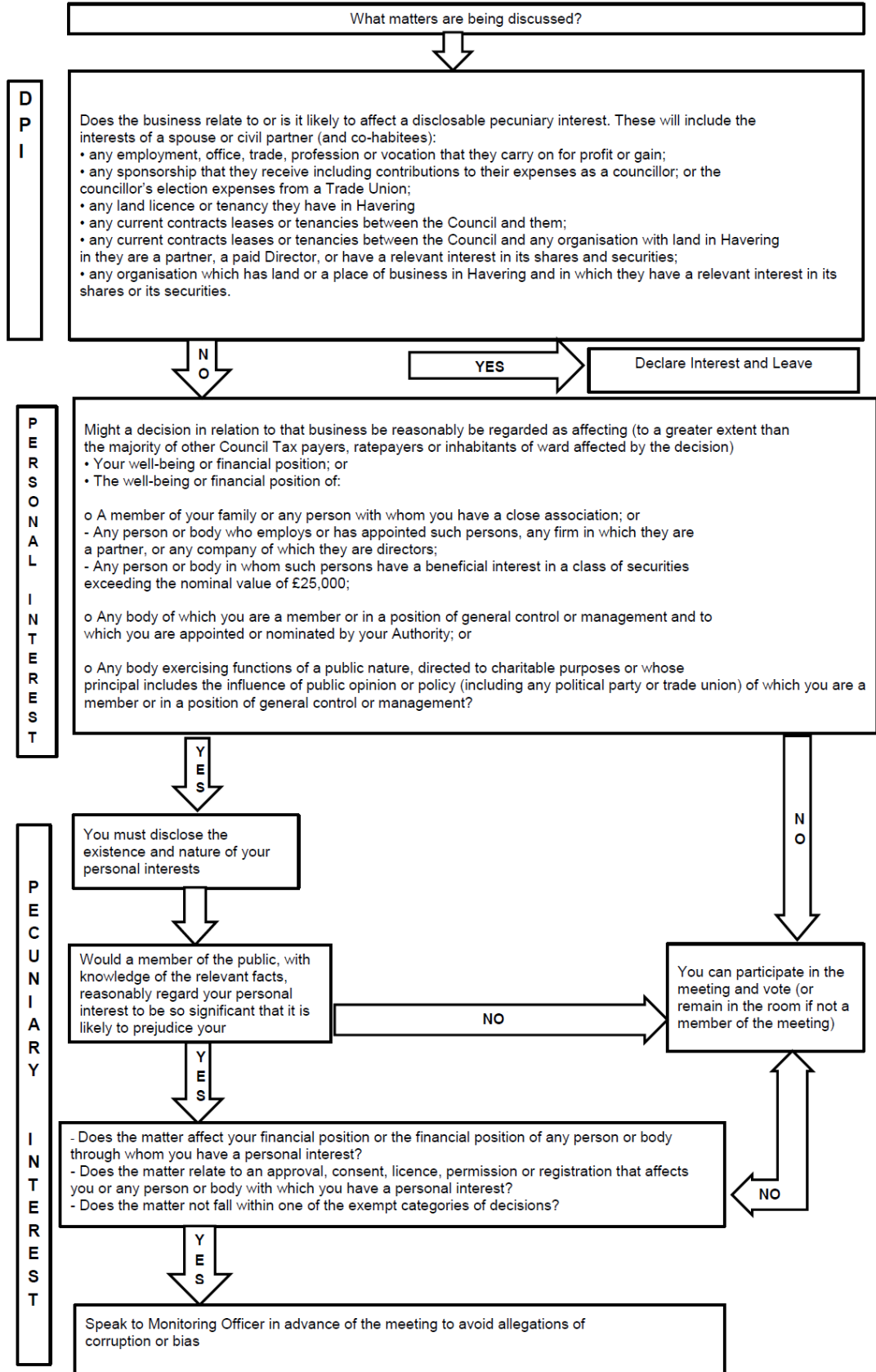
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, 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 - 8)

Clerk report attached for noting

5 APPLICATION TO VARY A PREMISES LICENCE - MARKS & SPENCER, 39 SOUTH STREET, ROMFORD (Pages 9 - 58)

Report attached.

**Zena Smith
Democratic and Election Services Manager**



Havering
LONDON BOROUGH

Clerk's Report

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LICENSING SUB-COMMITTEE

20 June 2023

REPORT

Subject Heading:

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

Report Author and contact details:

Luke Phimister
Clerk to the Sub Committee
Luke.phimister@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.



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Licensing Officer's Report

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LICENSING SUB-COMMITTEE

REPORT

20th June 2023

Subject heading:

**Marks & Spencer, 37-43 South Street,
Romford, RM1 1NT**

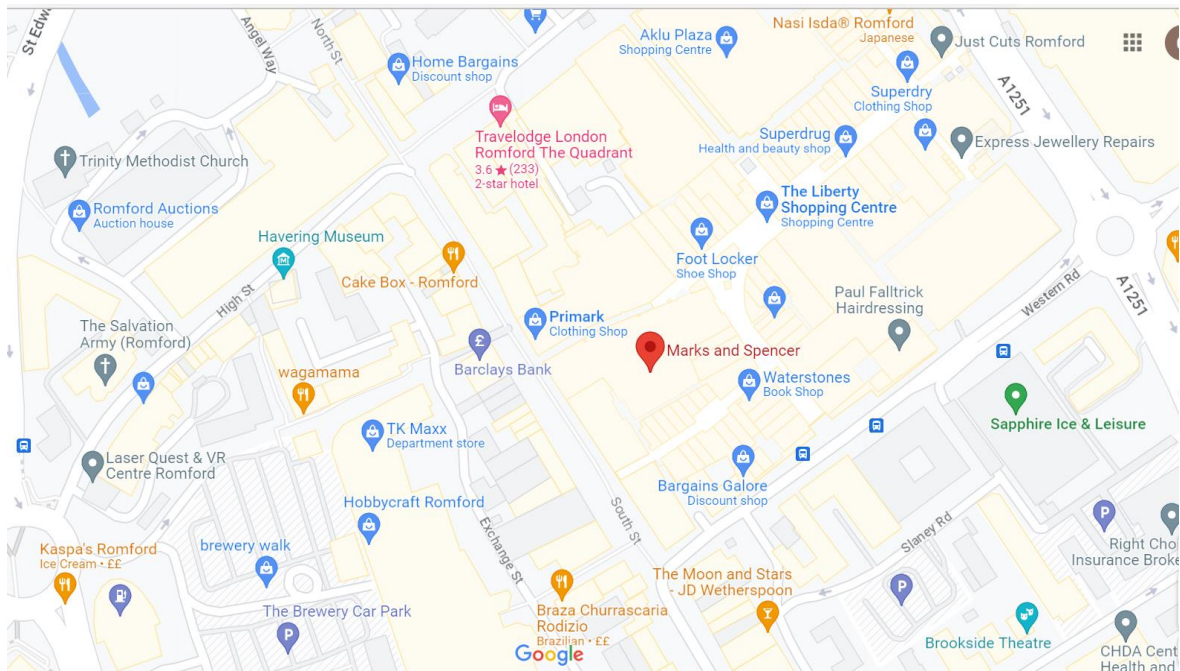
Report author and contact details:

**Premises licence variation application
Oisin Daly Public Protection Officer
Town Hall Main Road
licensing@havering.gov.uk
01708 432777**

The application to vary a premises licence was made by Marks and Spencer PLC under s.34 of the Licensing Act 2003. Havering's Licensing Authority received the application on the 02nd May 2023.

Premises' location

Marks and Spencer is situated on South Street, Romford with entrances onto the main pedestrianised road with access to the liberty shopping centre from the rear. The area to be licensed for on-sales is situated in a café within the premises.



Details of the application

The premises licence currently permits the following activities:

Supply of Alcohol (off-sales)

Monday to Saturday – 08:00 to 23:00

Sunday – 10:00 to 22:30

There are two conditions currently on the licence:

1. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
2. Permitted hours to sell alcohol are:
 - (a) on weekdays other than Christmas Day 08:00 to 23:00;
 - (b) on Sundays other than Christmas Day 10:00 to 22:30;
 - (c) on Christmas Day 12:00 to 15:00 & 19:00 to 22:30;
 - (d) on Good Friday 08:00 to 22:30.

This application seeks to remove condition 1 and to allow on-sales within the Café area as defined on the plan below.

The application proposes to add the following conditions:

Alcohol sold for consumption off the premises will not be sold in an open container.

On sales will be restricted to the customer café.



Licensing policy considerations

4.1 The licensing objectives are at the heart of the licensing regime. Applicants must demonstrate in their operating schedules as part of an application how they will address each objective. The Licensing Authority will make decisions about applications, variations and reviews based on the promotion of the same objectives. Those making representations to the licensing sub-committee must base them on the licensing objectives.

4.2 It is for these reasons that Havering expects detailed and meaningful operating schedules that will enable all parties to understand what is being sought by an application, and if granted how the premises will operate. In completing the operating schedule, applicants are expected to have regard to this Statement of Licensing Policy which sets out the expectations of the Authority as to the steps that are appropriate for the promotion of the licensing objectives.

4.3 The completion of a full and detailed operating schedule will give those reading the application greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- Demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- Undertake enquiries about the area in which the premises are situated to inform the content of the application;
- Obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand;
 - o The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children congregate.
 - o Any risk posed to the local area by the applicants' proposed licensable activities;
 - o Steps to protect vulnerable residents
 - o Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
 - o Any other relevant policies that the local authority has adopted.

4.4 Applicants are also expected to include positive proposals in their application as to how they will manage any potential risks.

4.5 Where specific policies apply in the area (for example, a Cumulative Impact Policy), applicants are also expected to:

- Demonstrate an understanding of how the Policy impacts on their application,
- Identify any measures they will take to mitigate the impact, and
- Confirm why they consider their application should be an exception to the Policy.

4.6 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises close to residential properties should consider how this will impact upon their smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants must consider all factors which

may be relevant to the promotion of the licensing objectives and where there are no known concerns, acknowledge this in their application.

4.7 Lists of questions which should be considered in operating schedules are included in Appendix 3. A pool of model conditions which can also be of assistance is included at Appendix 4. Whilst applicants are strongly encouraged to consider these they should not be regarded as standard conditions and should be tailored according to the individual application and location and be used to inform the operating schedule. The mandatory conditions which are applicable to all licences depending on what is being licenced are attached as Appendix 5. By the use of a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and the impact on the local environment.

4.8 An operating schedule forms the basis for conditions that will be placed on the licence. It should contain details relating to the promotion of the licensing objectives that are capable of being translated into enforceable conditions as, if there are no representations against the grant of the licence these will form the basis of the conditions. Conditions should not be added that duplicate other regulatory regimes as far as possible.

4.9 The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the licensing sub-committee

Comments and observations on the application

The notice of application was advertised in the Romford Recorder on the 12th May 2023.

Summary

There were no representations made by local residents.

There was one representation made by a responsible authority.



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Copy of Application

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Marks and Spencer PLC being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

1406

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Marks & Spencer, 39 South Street	
Post town Romford	Post code RM1 1NT

Telephone number of premises (if any)

01708 766424

Non-domestic rateable value of premises

£447500

Part 2 – Applicant Details

Daytime contact telephone number

01708 766424

Email address
(optional)

Current postal
address if
different from
premises address

Waterside House, 35 North Wharf Road

Post Town

London

Postcode

W2 1NW

Part 3 – Variation

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

Please tick ✓ yes

If not do you want the variation to take effect from

Day Month Year

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

N/A

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

(Please see guidance note 1)

Yes

No

Please describe briefly the nature of the proposed variation (please read guidance note 2)

To Licence the customer café on the first floor (hatched red on the plan) for on sales 0800 to 2300 Monday to Saturday 1000 to 2230 Sunday and to remove condition 1 in Annex 2.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment (Please see guidance note 3)

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late-night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L & M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick {Y}</u> (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick {Y}</u> (please read guidance note 4).	Indoors	
Mon				<u>Please give further details here</u> (please read guidance note 5)	Outdoors
Tue			Both		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day				Outdoors	
Start				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises	
Day				Off the premises	
Start				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 64) Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Day	Start	Finish	
Mon	08:00	23:20	
Tue	08:00	23:20	
Wed	08:00	23:20	
Thur	08:00	23:20	
Fri	08:00	23:20	
Sat	08:00	23:20	
Sun	10:00	22:50	

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

Condition 1 in Annex 2: Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

Alcohol sold for consumption off the premises will not be sold in an open container.
On sales will be restricted to the customer café.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: *John Gaunt & Partners*.....

Date: 02 May 2023.....

Capacity: Solicitors for the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature:

Date:

Capacity:

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)	
John Gaunt & Partners Unit 37 Haslar Marine Technology Park Haslar Road	
Post town Gosport	Post code PO12 2AG
Telephone number (if any) 03300 584150	
If you would prefer us to correspond with you by email your email address (optional) LKingswell@john-gaunt.co.uk	

Notes for Guidance

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give 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.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give 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 or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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Havering
LONDON BOROUGH

Details of
Current Licence

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Environment

London Borough of Havering
Town Hall Main Road
Romford RM1 3BD

Ms L Kingswell
John Gaunt & Partners
Units 39-41 Haslar Marine Tech Park
Haslar
Gosport
PO12 2DS

Telephone: 01708 432777
Fax: 01708 432554
email: licensing@havering.gov.uk
Textphone ☎: 01708 433175

18th February 2022

By email

Your reference: havering-1177090
My reference: PJJ/24960

Dear Sir/Madam

Licensing Act 2003

Premises Licence Number – 1406

Marks & Spencer plc 37-43 South Street Romford RM1 1NT

This document in PDF format is the premises licence for the above address in accordance with the provisions of the Licensing Act 2003. Please note the London Borough of Havering no longer produces paper versions of premises licences.

You are reminded that the premises licence or a certified copy of the licence must be kept at the premises while the licence summary, known as Part B, must be displayed on the premises in a prominent position.

To comply with the legislation a printed or electronic version of this document will be accepted as the premises licence. This must be available for inspection by an authorised officer; also “Part B” must be displayed in either printed or electronic format.

Full details of the Licensing Act 2003 regulations can be found on the GOV.UK website <https://www.gov.uk/alcohol-licensing>

Please note that the granting of a licence under this Act does not remove the need for any necessary consent under other legislation, such as the Planning Acts. The fact that a licence has been granted on certain terms does not imply that similar terms will be agreed under other legislation.

For further information relating to your licence please contact the Licensing Authority at the address detailed above.

Yours faithfully

Paul Jones

Paul Jones
Public Protection Officer



Part A

Premises licence number

1406

Part 1 – premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Marks and Spencer
37-43 South Street Romford RM1 1NT
01708 766424**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

**Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30**

The opening hours of the premises

**Monday to Saturday – 08:00 to 23:20
Sunday – 10:00 to 22:50**

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

Off supplies only

Part 2

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

**Marks and Spencer PLC
Waterside House 35 North Wharf Road London W2 1NW
020 7935 4422**

1 of 4

Signed

Paul Jones, Public Protection Officer

Registered number of holder, for example company number, charity number (where applicable)

00214436

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

Mr Lee Spencer
139 Westcliff Park Drive Westcliff-on-Sea SS0 9LS

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

FH0627 – Forest Heath District Council

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 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.
4. 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.
5. For the purposes of the condition set out in paragraph 4 —
 - (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
- (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;

2 of 4

Mandatory conditions – contd.

- (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.
6. Where the permitted price given by paragraph (b) of paragraph 5 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.
7. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 5 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.

Annex 2 – conditions consistent with the operating schedule

- 1. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 2. Permitted hours to sell alcohol are:
 - (a) on weekdays other than Christmas Day 08:00 to 23:00;
 - (b) on Sundays other than Christmas Day 10:00 to 22:30;
 - (c) on Christmas Day 12:00 to 15:00 & 19:00 to 22:30;
 - (d) on Good Friday 08:00 to 22:30.

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

Not applicable

3 of 4

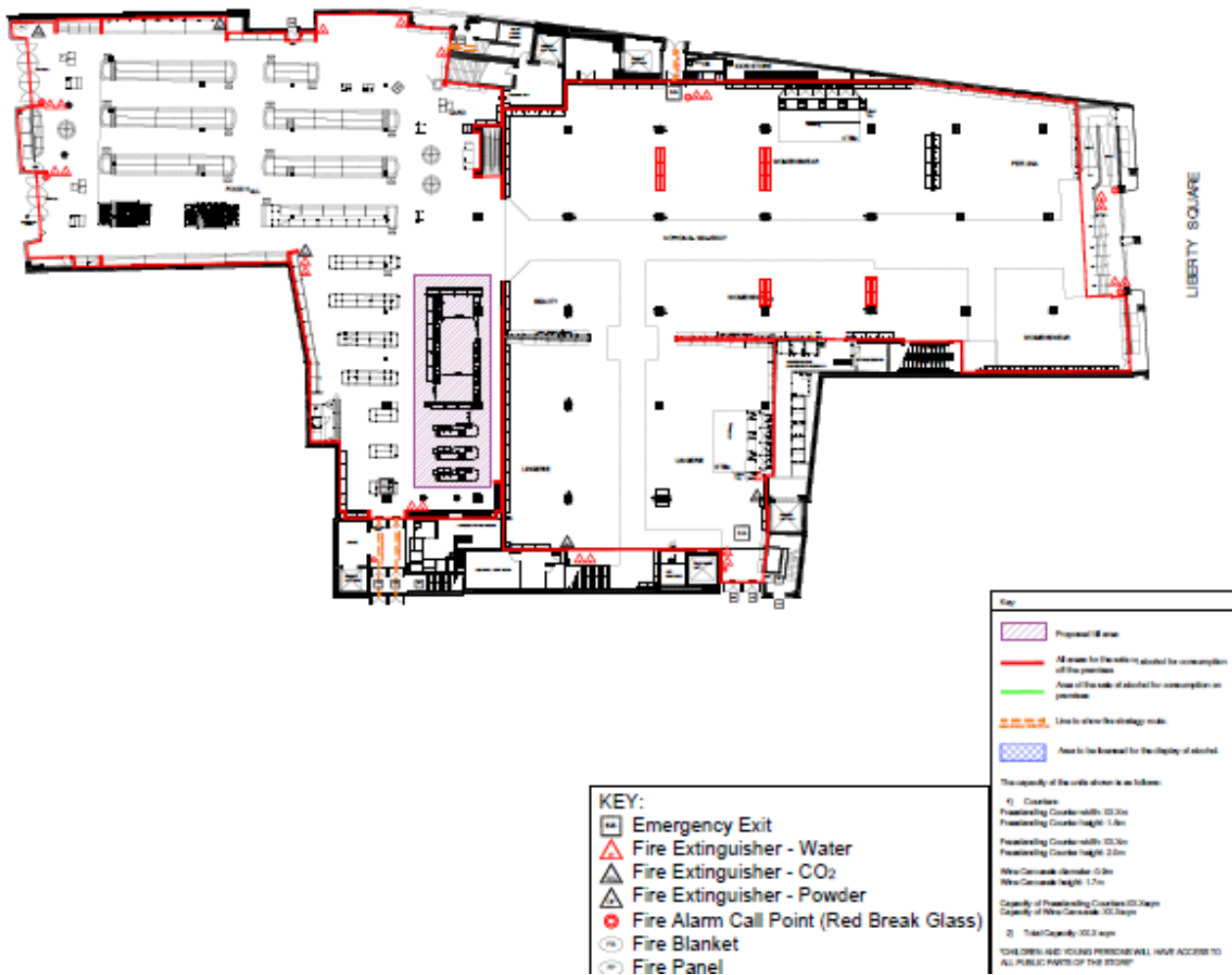
Signed



Paul Jones, Public Protection Officer

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

1406

Premises details

Postal address of premises, if any, or if none, ordnance survey map reference or description

Marks and Spencer
37-43 South Street Romford RM1 1NT
01708 766424

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday – 08:00 to 23:00
Sunday – 10:00 to 22:30

The opening hours of the premises

Monday to Saturday – 08:00 to 23:20
Sunday – 10:00 to 22:50

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

Off supplies only

Name, (registered) address of holder of premises licence

Marks and Spencer PLC
Waterside House 35 North Wharf Road London W2 1NW

Registered number of holder, for example company number, charity number (where applicable)

00214436

1 of 2

Signed

Paul Jones, Public Protection Officer

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

Mr Lee Spencer

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

Not applicable

2 of 2



Haverling
LONDON BOROUGH

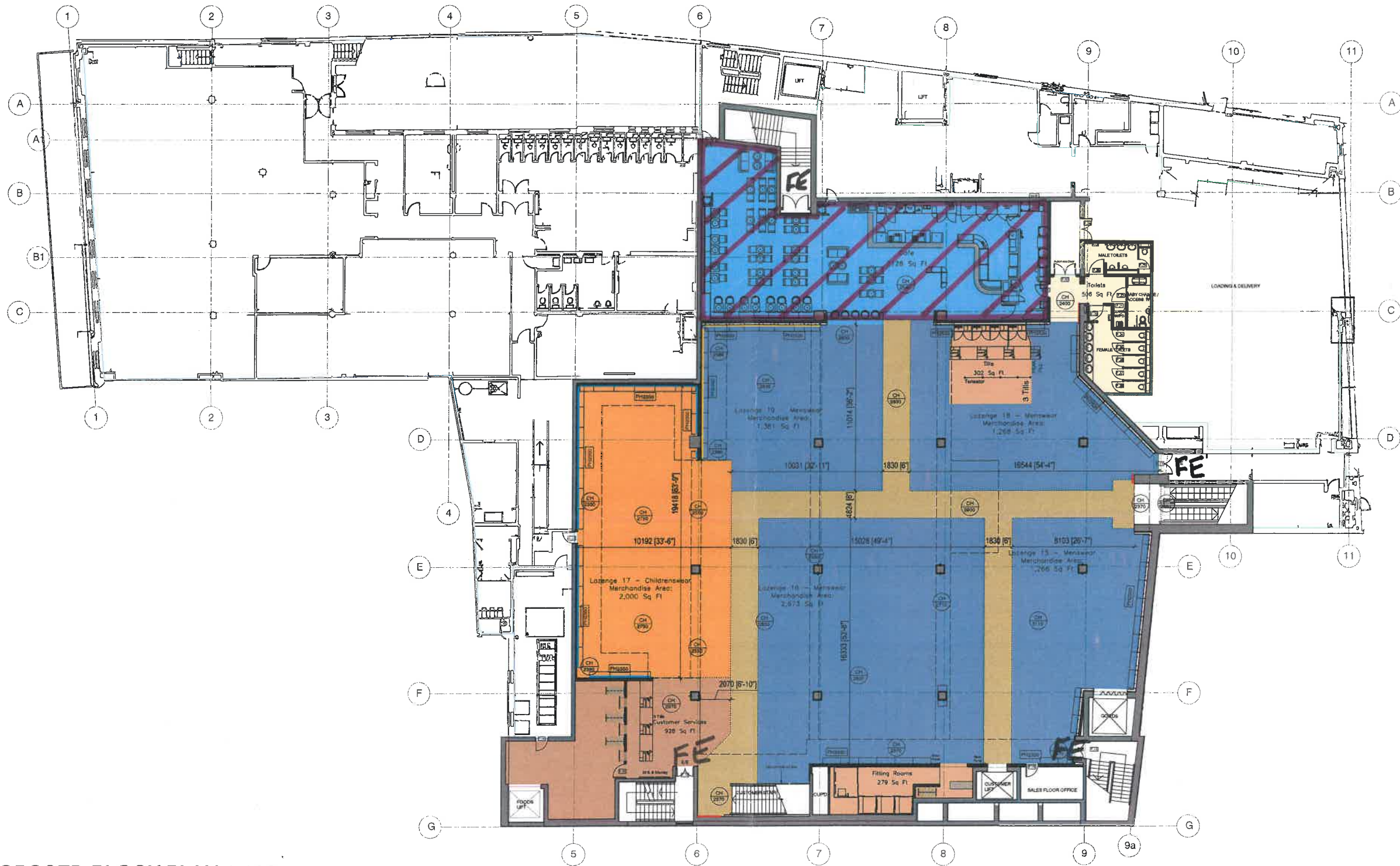
Plan

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DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON P.L.
CONTRACT PROVISIONS

- KEY:
- Edge of Childrenswear panels
 - Edge of Home panels
 - CH 2850 Ceiling Height
 - PH 2820 Fitting Height
 - BH 2100 Recessed Height

BU Layout up-dated from information provided by the store.



PROPOSED BLOCK PLAN 1:100

- BLOCK PLAN LOCK DOWN**
as Bul H&M's email of 4th December 2013
- BLOCK PLAN SIGN OFF**
as Sarah Piva email of 1st November 2013
- ASBESTOS STATEMENT**



STORE NAME
M&S ROMFORD
COUNTRY
UK

PROJECT
CONCEPT

PROPOSED
FIRST FLOOR
BLOCK PLAN



SCALE	PAPER SIZE	DATE	DRAWN	CHECKED
1:100	A0	02.10.12	ML	ML
STORE NUMBER	PROJECT NO.	DISCIPLINE CODE	DRAWING NO.	
1795	ROF027	A	00102	
CONSOLE/PROJECT NO.	STATUS	NUMBER		
3753	I	07		

STORE NAME : M&S Romford				
FLOOR AREAS - Areas in square feet				
GROSS				
	GROUND FLOOR	FIRST FLOOR	TOTAL	%
SALES FLOOR (excluding customer toilets)	30601	19970	50571	73
STOCKROOM	960	6120	7080	10
STAFF QUARTERS / OFFICES	496	10694	11190	16
FULLON	23	640	663	1
			39790	100%
NETT				
	GROUND FLOOR	FIRST FLOOR	TOTAL	%
TOTAL SALES FLOOR (excluding customer toilets)	30404	2126	32530	100
STOCK ROOM	2044		2044	6
FOOD AREA (excluding sales floor staff)	1058		1058	3
SALES FLOOR CAFE	412	2126	2538	8
STOCK ROOM	412	3807	4219	13
MERCHANDISING AREA (selling area excluding fitting rooms)				
	GROUND FLOOR	FIRST FLOOR	TOTAL	%
Menswear (incl Per Line)	706		706	33
Per Line	126		126	6
Lotenge	1474		1474	16
Childrenswear	728		728	3
Home	290	290	580	3
Other	524	604	1128	4

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LOCAL LISTINGS PUBLIC NOTICES

To advertise telephone: **020 8478 4444** or email: sehub@localiq.co.uk

Planning Notices | Traffic Notices | Legal Notices | Probate Notices | Other Notices
Church and Religious Notices | Tenders and Contracts | Goods Vehicle Operator Licences

ALCOHOL & Licensing PLANNING

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

Notice is hereby given that Bakery Station Ltd has applied for a premises licence in relation to Quarets, Unit 2A and 1B, 214 Eastern Road, Romford, RM1 3PJ to permit the provision of the following licensable activities: Sale Of Alcohol (On The Premises) - Sunday - Thursday - 12.00 To 22.00, Friday - Saturday - 12.00 to 22.30. Full details of the application can be inspected at the address noted below during normal business hours. A representation by any person or a responsible authority regarding this application can be made to The Licensing Authority Town Hall Main Road Romford, RM1 3BD www.havering.gov.uk. Such representation must be received in writing by 1 June 2023 clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is unlimited.

LICENSING ACT 2003
Application has been made by Marks and Spencer PLC to the Licensing Authority of London Borough of Havering to vary the Premises Licence for the Marks & Spencer, 39 South Street, Romford, RM1 1NT. The application is to permit on sales in the customer café 0800 to 2300 Monday to Saturday and 1000 to 2230 Sunday. Full details of the Application can be viewed by prior appointment at the offices of the Licensing Authority at London Borough of Havering, Town Hall, Main Road, Romford, Essex, RM1 3BD. A responsible authority or any other person can make written representations to the Licensing Authority at any time up to and including 30 May 2023 (www.havering.gov.uk). It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. The maximum fine on summary conviction is unlimited.
John Gaunt & Partners, Solicitors

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

Notice is hereby given that Krastyu Chikov, DKP LONDON LTD has applied for a premises licence in relation to: 8 Blackwater Close Rainham RM13 8UA to permit the provision of the following licensable activities:
Sale of Alcohol for consumption Off the Premises
Full details of the application can be inspected at the address noted below during normal business hours. A representation by any person or a responsible authority regarding this application can be made to The Licensing Authority Town Hall Main Road Romford RM1 3BD www.havering.gov. Such representation must be received in writing by 17th May 2023 clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is unlimited.



LONDON BOROUGH OF HAVERING NOTICE OF APPLICATIONS FOR PLANNING PERMISSION

Notice is hereby given that the Council has received the following applications which need to be advertised for the reasons set out below:
P0333.23, Land North of 1 Pinewood Road Havering-atte-Bower Romford, 6 x single storey, 5-bed, detached bungalows, with bay windows at ground floor, habitable roof space, associated parking, and amenity space
The application is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents.

P0542.23, Havering College Of Further And Higher Education, Tring Garden Romford, Variation of condition 8 of P0883.20 Demolition of existing buildings and redevelopment of the site to provide 120 residential dwellings comprising 78 houses and 42 flats (1 bed x 12, 2 bed x 53, 3 bed x 55) with associated car parking, landscaping, open space, play space and infrastructure
The application is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents.

This is a major development because the number of dwellings to be provided are 10 or more

P0632.23, Land off Colchester Road Harold Wood Romford London, Outline application for the erection of 5 x 4-bed town houses with associated parking and outdoor amenity spaces with all matters reserved
The application is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents.

P0639.23, 28 Balgores Lane Romford, Replacement of roof, guttering and fascia to exterior of dwelling
The development is in a Conservation Area

P0691.23, 38 Crossways Romford, Erection of a single storey outbuilding to the rear following demolition of existing rear outbuildings x 3
The development is in a Conservation Area

Application details, including the plans, can be viewed online at www.havering.gov.uk/planning. If you wish to comment on an application, please use the online comment form available on the Council's web site or alternatively write to Planning, Town Hall, Main Road, Romford, RM1 3BB quoting the application number and location. Comments must be received within 21 days from the date on this notice. Please note that members of the public are entitled to see and take copies of any comments you make and your comments may also be available to view on the internet. **Development & Building Control**-Published in the Romford Recorder on 12th May 2023

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STATUTORY

London Borough of Havering Local Government Act 1972 Section 123 (2A) Disposal of land at Rainham Recreation Ground, Viking Way, Rainham RM13 9YG

The London Borough of Havering (the Council) refers to the s123 (2A) notices dated 17 March 2023, notice dated 17 March 2023 (advertised on 24 March 2023), 31 March 2023 and 5 May 2023.
NOTICE was given that the Council intends to dispose of open space by way of an easement to Cadent Gas Limited and Fulcrum Infrastructure Services Limited.
NOTICE is hereby given that the London Borough of Havering intends to dispose of open space by way of an easement to Cadent Gas Limited and Fulcrum Infrastructure Services Limited, having an approximate area (strip) of land measuring 107.8 metres and coloured pink on the plan to facilitate the connection of gas to the leisure centre at Rainham Recreation Ground. The plan (reference 5103954_G_Total Swimming_Easement_Rev C.pdf) showing the land to be disposed of at Rainham Recreation Ground, Viking Way, Rainham RM13 9YG has been substituted to a plan (reference 5103954_G_Total Swimming_Easement_Rev D.pdf) and is available for inspection between 9.00am and 5.00pm on normal working days at the offices of London Borough of Havering, Town Hall Reception, Main Road Romford RM1 3BB.
In accordance with the provisions of section 123(2A) of the Local Government Act 1972, any person wishing to object to the proposed disposal should write setting out the details of such objection to: **The London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB** for the attention of **Guy Selfe** or by email to guy.selfe@havering.gov.uk quoting reference 'Rainham Recreation Ground, Viking Way, Rainham RM13 9YG' and must be received no later than 4.00pm on 19 May 2023.
Dated: 12 May 2023
Satish Mistry
Director of Legal and Governance
London Borough of Havering

Let us get your leaky roof fixed.

Visit our local website and click on 'Local Listings'.

t. **020 8478 4444**
e. sehub@localiq.co.uk



Title	Proposed Change
Reduction of Nitrogen Deposition compensation area and Order Limits at Blue Bell Hill and Burham	Removal of the Burham nitrogen deposition compensation site and a reduction in the size of the Blue Bell Hill site can be achieved while still ensuring the ecological objectives of the nitrogen deposition compensation would be achieved.
Increase in limits of deviation for the northern tunnel entrance headwall	This is a minor change in how we would build part of the northern tunnel entrance. We are proposing an increase to the current limits of deviation in the location of the northern tunnel entrance headwall which would enable the contractor appointed to build the tunnels in a more efficient way and achieve a reduction in the amount of material required for construction. The location within which the cut and cover tunnel structure begins would not change.
Revised utility proposals at East Tilbury	A package of three changes that present an opportunity to reduce the amount of land required for construction and move works further away from residential areas. Relocation of the temporary Rainford water pipeline and relocation of the Muckingford Road Utility Logistics Hub. Relocation of Low Street Lane Utility Logistics Hub to Coal Road east of Low Street Lane. A land use change west of London where we propose to amend the land use for some of the agricultural land in this area associated with the operation and maintenance of the diverted overhead power lines. The land use will change from temporary possession to permanent acquisition of rights.

Full descriptions of each of the proposed changes, together with explanations of why they are proposed and an appraisal of the impacts of those changes, are provided in the Minor Refinement Consultation document. The Minor Refinement Consultation document and response form can be viewed on our website: <https://highwaysengland.citizenspace.com/ltr/minor-refinement-consultation-2023/>

Responding to this publicity
Any person can respond to the consultation. An online feedback form will be available from **00.01 on Wednesday 17 May 2023** on our website: <https://highwaysengland.citizenspace.com/ltr/minor-refinement-consultation-2023/>.

The deadline for responding is 23:59 on Monday 19 June 2023.

Consultation materials on demand
For those unable to access the internet, a printed copy of the consultation document and response form, as well as a pre-paid return envelope, are available to order free of charge (one pack per household), using one of the following methods:

- By emailing National Highways via info@lowerthamescrossing.co.uk
- By phoning National Highways on 0300 123 5000

You can also use these contact details if you are having difficulties understanding or accessing the consultation materials, or you have any questions about the consultation.

It is also possible to send a printed response form or letter to the following address:
Consultation Response, LTR, Pilgrims Lane, Chafford Hundred, Grays, RM16 6RL.

Unless using a pre-paid envelope supplied by National Highways, respondents are required to pay appropriate delivery charges for responses sent to this address.

A response can also be sent to this dedicated email account: consultationresponses@lowerthamescrossing.co.uk.

National Highways cannot guarantee that responses sent to any other address will be received.

National Highways' consideration of valid responses will be described in a Change Submission Report, which will include a Consultation Report that will be submitted to the Examining Authority and published in due course.

National Highways' policy on managing personal data can be found at <https://nationalhighways.co.uk/our-work/lower-thames-crossing/privacy-notice/>.

LOWER THAMES CROSSING – APPLICATION FOR DEVELOPMENT CONSENT (PLANNING INSPECTORATE REFERENCE TR010032) PLANNING ACT 2008 NOTICE OF PUBLIC CONSULTATION ON PROPOSED CHANGES TO AN ACCEPTED APPLICATION FOR A DEVELOPMENT CONSENT ORDER

An application for a development consent order ("the Application") was submitted by National Highways to the Secretary of State c/o the Planning Inspectorate on 31 October 2022 and was accepted for examination on 28 November 2022. The reference number applied to the Application is **TR010032**. An Examining Authority was appointed to conduct the examination of the Application on 2 December 2022.

Notice is hereby given that National Highways Limited of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ ("the Applicant") is holding a public consultation ("the minor refinement consultation") on a small number of proposed changes to the Application ("the Proposed Changes"), details of which are set out in this notice.

Summary of the Project
The Application is for the proposed Lower Thames Crossing ("the Project"), which is a proposed new road connecting Kent, Thurrock and Essex through a tunnel beneath the River Thames. The Project's main proposals include:

- Approximately 14.5 miles (23km) of new road, with a maximum speed limit of 70mph, connecting to the existing road network from the A2/M2 to the M25;
- Two new tunnels, one southbound and one northbound;
- Improvements to the M25, A2 and A13, where the Lower Thames Crossing connects to the road network;
- New structures and changes to existing ones (including bridges, buildings, tunnel entrances, viaducts, and utilities such as electricity pylons) along the length of the new road; and
- A free-flow charging system, where drivers do not need to stop but pay remotely, similar to that at the Dartford Crossing.

In addition, any necessary rights and powers will be sought to ensure delivery of the Project, including compulsory acquisition of land and interests/rights in land.

The Project is an Environmental Impact Assessment development, as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This means that the proposed works constitute development for which an Environmental Impact Assessment is required. An Environmental Statement containing information about the likely significant environmental effects of the Project was submitted as part of the Application.

Copies of the Application
The Application, including the Environmental Statement, together with the application form and its accompanying documents, drawings, plans and maps, is available for inspection free of charge on the section relating to the Application on the Planning Inspectorate's website under the 'Documents' tab: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/lower-thames-crossing/>. These documents will be available to view on that website for at least the duration of the Examination. The Examining Authority has published a draft Examination Timetable, which can be found at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010032/TR010032-02083-Rule%206%20letter%20%282-part%20PM%29.pdf>

Details of the development consent process and how to participate are set out in the Planning Inspectorate's 'Advice Note Eight: Overview of the nationally significant infrastructure project process for members of the public and others', which is available to view free of charge at <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-eight-overview-of-the-nationally-significant-infrastructure-planning-process-for-members-of-the-public-and-others/>.

Summary of the Proposed Changes
The Proposed Changes have arisen as part of our ongoing engagement and discussions with stakeholders and would result in improvements to the Project overall through a reduction in environmental impacts and the amount of land needed to deliver the Project.

The Proposed Changes are minor in nature and do not result in a material change to the Project or the assessment conclusions reported in the Environmental Statement submitted with the DCO application.

The following table outlines the Proposed Changes to the DCO application:

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Havering
LONDON BOROUGH

Representation from
Responsible Authorities

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Licensing Act 2003 – responsible authority representation

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

Applicant: Marks & Spencer PLC
Premises: Marks & Spencer 37-43 South Street Romford RM1 1NT

Name: Paul Jones
Organisation: London Borough of Havering Licensing Authority
Address: c/o Town Hall Main Road Romford RM1 3BD
Email: paul.jones@havering.gov.uk
Telephone no.: 01708 432692

Objection summary:

The application is to permit the consumption of alcohol on the premises at a large outlet located within Havering's main cumulative impact zone, a premises which has previously supplied alcohol for consumption off the premises only. Although the premises is located in Havering's main cumulative impact zone the application makes no reference to Havering's cumulative impact policy and hence does not rebut the presumption of refusal inherent within the policy.

Policy considerations

Licensing Policy: Expectations of applicants

4.1 The licensing objectives are at the heart of the licensing regime. Applicants must demonstrate in their operating schedules as part of an application how they will address each objective. The Licensing Authority will make decisions about applications, variations and reviews based on the promotion of the same objectives. Those making representations to the licensing sub-committee must base them on the licensing objectives.

4.2 It is for these reasons that Havering expects detailed and meaningful operating schedules that will enable all parties to understand what is being sought by an application, and if granted how the premises will operate. In completing the operating schedule, applicants are expected to have regard to this Statement of Licensing Policy which sets out the expectations of the Authority as to the steps that are appropriate for the promotion of the licensing objectives.

4.3 The completion of a full and detailed operating schedule will give those reading the application greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives.

4.4 Applicants are also expected to include positive proposals in their application as to how they will manage any potential risks.

4.5 Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to:

- Demonstrate an understanding of how the Policy impacts on their application,
- Identify any measures they will take to mitigate the impact, and
- Confirm why they consider their application should be an exception to the Policy.

4.9 **The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the licensing sub-committee.**

6.3 For areas where a cumulative impact policy is adopted, it creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that will add to the existing cumulative impact, will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy may be for applications for restaurants where alcohol is sold ancillary to a table meal.

Representation

This full variation application was submitted to Havering's licensing authority on 2nd May 2023. The applicant's agent was contacted the same day advising that the licensing authority would not be able to support the application in its current state given the minimal entries in section M defining the additional steps the licence holder intends to take to promote the licensing objectives. The applicant's agent responded to the effect that the operating schedule as submitted should remain as it is.

The current version of the premises licence contains two conditions in Annex 2 in addition to the mandatory conditions further to alcohol off-supplies. The first Annex 2 condition was carried over from the former Justices Licence. It confirms that alcohol consumption may not occur on the premises. The application seeks the removal of this condition. The second current Annex 2 condition simply reconfirms the hours during which alcohol off-supplies may be made. The second condition is, therefore, essentially redundant as the alcohol supply hours are already defined in Part 1 of the licence. Two proposed conditions intend to be installed on the varied licence:

- Alcohol sold for consumption off the premises will not be sold in an open container.
- On sales will be restricted to the customer café.

These are the two additional steps the application suggests are sufficient to promote the licensing objectives at a premises which is located within the cumulative impact zone. The premises has sold alcohol for consumption off the premises since November 2005, but it has never sold alcohol for consumption on the premises. The Licensing Authority is of the view that selling alcohol for consumption *on* the premises is an entirely different beast to selling alcohol for consumption *off* the premises. We might have hoped that the licence holder would also recognise the difference between the two.

Contact with the licence holder's agent on 2nd May 2023 identified a number of areas of concern further to the application and how these concerns might be resolved. The areas which the Licensing Authority felt needed to be addressed were, and remain, as follows:

- Staff training in relation to alcohol supplies
- Child protection proposals, including training, and proof of age verification
- CCTV (assuming a CCTV system is present, which I believe it is)
- Emergency planning and fire risk assessment
- The presence of an incident book to record matters of concern associated with the supply of alcohol at the premises
- The presence of a condition(s) in relation to alcohol being ancillary to a table meal or to be served to seated patrons only
- If remote sales and/or deliveries of alcohol are to be made the presence of proposals to address this

These are basic and standard matters which all applicants should reasonably address in order to aid the promotion of the licensing objectives but which this application has apparently declined to consider. The application, as submitted, would permit vertical drinking, effectively creating the potential for a bar/public house environment to exist within the premises.

Havering's licensing policy is available on our website and by request from the licensing team. It is freely accessible to enable all applicants to understand what this Licensing Authority expects with regard to licence applications. The Licensing Authority is not convinced that its licensing policy has been addressed in any way by the licence holder. This apparent disregard undermines confidence in the operator's ability to successfully promote the licensing objectives when selling alcohol for consumption on the premises.

Havering's licensing policy makes clear the Licensing Authority's expectations of an applicant. These expectations provide an echo of those identified in the s.182 Guidance to the Act at paragraph 8.41 which includes the following provisions:

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Paragraph 4.1 of Havering's licensing policy as detailed above indicates that *applicants must demonstrate in their operating schedules... how they will address each objective.* It might appear reasonable to suggest that the applicant has not done so.

Paragraph 4.2 requires that *Havering expects detailed and meaningful operating schedules that will enable all parties to understand what is being sought by an application, and if granted how the premises will operate.* In addition, *applicants are expected to have regard to this Statement of Licensing Policy.* We might reasonably accept that the application does not have regard to Havering's licensing policy.

Paragraph 4.3 clarifies that *the completion of a full and detailed operating schedule will give those reading the application greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives.* The absence of a full and detailed operating schedule, as seems apparent in this case, undermines the Licensing Authority's confidence in the applicant.

Paragraph 4.4 expects an applicant to *include positive proposals in their application as to how they will manage any potential risks.* Section M of the application appears not to identify any risks further to the consumption of alcohol on the premises. It is therefore difficult to assess whether the licence holder believes there are no risks involved or whether potential risks remain unrecognised.

Paragraph 4.5 expects an applicant to address any special policies which may be in place in the area in which the premises is located. As previously mentioned, the application makes no reference to Havering's cumulative impact policy. It is therefore not possible to assess whether the licence holder disregards the policy or whether the licence holder is unaware that a cumulative impact policy exists.

Paragraph 4.9 emphasises the importance of the preceding paragraphs and makes clear that a failure to address such matters is a significant subject for consideration:

The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the licensing sub-committee.

Finally, paragraph 6.3 defines the parameters of Havering's cumulative impact policy:

For areas where a cumulative impact policy is adopted, it creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that will add to the existing cumulative impact, will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy may be for applications for restaurants where alcohol is sold ancillary to a table meal.

The Licensing Authority expects any and all applicants to address the provisions of its licensing policy, whether the applicant is an independent sole trader or a large multi-national conglomerate. The duty to promote the licensing objectives applies equally to every applicant. The application as submitted does not address Havering's cumulative impact policy in any way and appears to disregard the rest of the overall licensing policy. It may therefore be reasonably interpreted that the licence holder has not provided any form of rebuttal against the cumulative impact policy's presumption to refuse such an application. The Licensing Authority is not opposed to this premises selling alcohol for consumption on the premises in its café; it is, however, opposed to the application based upon the operating schedule. Given this, the provisions of the cumulative impact policy appear clear: the application should not be granted as submitted.

Complaint and inspection history (if applicable)

Not applicable

Other documents attached

Correspondence dated 2nd & 3rd May 2023 between the licensing authority and the applicant's representative.

Signed Paul Jones

Dated 26th May 2023

From: Paul Jones <[REDACTED]>
Sent: Tuesday, May 2, 2023 4:24 PM
To: Lynsay Kingswell <[REDACTED]>
Subject: M&S Romford - premises licence variation application

Dear Ms Kingswell

Further to the above please find attached our application acknowledgement letter.

With regard to the application I have had a brief look at the operating schedule and I should advise that the licensing authority would not be able to support the application as submitted. For example, the application's section M appears to be sparsely populated, particularly considering that the premises now wishes to supply alcohol for consumption on the premises for 15 hours a day, coupled with the fact that the current licence has only two extant annex two conditions attached to it, one of which relates to non-standard hours while the other seeks to be removed.

While I would not presume to tell John Gaunt & Partners' licensing team what conditions should or should not be attached to such an application this licensing authority would expect the applicant to identify a suitable series of proposals designed to promote the licensing objectives. In order to gain the support of the licensing authority we would expect to see steps identified in relation to the following associated matters:

- Staff training in relation to alcohol supplies
- Child protection proposals, including training, and proof of age verification
- CCTV (assuming a CCTV system is present, which I believe it is)
- Emergency planning and fire risk assessment
- The presence of an incident book to record matters of concern associated with the supply of alcohol at the premises
- The presence of a condition(s) in relation to alcohol being ancillary to a table meal or to be served to seated patrons only
- If remote sales and/or deliveries of alcohol are to be made the presence of proposals to address this

I would be grateful if any such amendments to the operating schedule are made known at your earliest convenience. Alternatively, I would be grateful to be made aware at the earliest opportunity if the applicant prefers to leave the operating schedule as submitted.

I look forward to your reply.

Many thanks in advance.

Kind regards

Paul Jones

Paul Jones | Public Protection Officer
London Borough of Havering | Environment
Town Hall, Main Road, Romford, RM1 1BD

From: Jon Wallsgrove <[REDACTED]>
Sent: 02 May 2023 17:14
To: Paul Jones <[REDACTED]>
Cc: Lynsay Kingswell <[REDACTED]>
Subject: M&S Romford - premises licence variation application - on sales in the cafe

Dear Mr Jones

My colleague has passed me your email as I am the Partner overseeing all the variations we have submitted for M&S cafés.

I can confirm that the operating schedule as submitted should remain as it is. In the event that either the Licensing Authority or any other responsible authority make a representation and invite M&S to consider conditions we will take instructions.

As you rightly point out the current licence does not have any conditions but the absence of conditions has not led to any adverse impact on any of the licensing objectives in selling alcohol from these premises. Many of M&S stores already have licensed cafes without conditions and operate perfectly well without issues. The company's policies (for example Challenge 25) and training of staff along with measures such as CCTV are of course in place but the sale of alcohol in the café, taking account of the nature and character of the premises and clientele, presents such a minimal risk to having a negative impact on the licensing objectives that it is not appropriate to offer a list of "standard" conditions. You say the sale of alcohol is for 15 hours a day but in reality that is not the case. What is proposed is to be able to offer alcohol on limited occasions with promotions such as: afternoon tea with prosecco; dine in for two with a bottle of wine or be in conjunction with an event in store, for example a fashion show.

That is not to say they will never consider in the future the sale of alcohol in the café on a more regular basis and so my client is therefore not averse to agreeing reasonable conditions where requested; to avoid the need to argue these points before a Committee. Obviously what they will not agree to are any conditions which do not directly relate to the application itself, for example deliveries or conditions which duplicate other statutory obligations e.g. a Fire risk assessment)

I hope that has explained the position more fully for you.

Kind Regards,

Jon

Jon Wallsgrove
Partner

From: Jon Wallsgrove <[REDACTED]>
Sent: 30 May 2023 10:29
To: Paul Jones <[REDACTED]>
Subject: FW: M&S Romford - add on sales - representation

Dear Mr Jones,

Thank you for your email. I don't propose to address your comments in detail at this stage, save to say that the Local Authority's licensing policy was considered and the conditions offered were those my client considered appropriate and proportionate to address that policy.

I note you have confirmed you do not have an objection to alcohol be sold for consumption in the café and would ask therefore if there are any conditions which you would like my client to agree to which would lead to you withdrawing your representation and the matter being determined by a Committee.

I look forward to hearing from you.

Kind Regards,

Jon

Jon Wallsgrove
Partner

From: Paul Jones <[REDACTED]>
Sent: Wednesday, May 31, 2023 2:30 PM
To: Jon Wallsgrove <[REDACTED]>
Subject: RE: M&S premises licence variation application - representation

Dear Mr Wallsgrove

Thank you for your email.

My understanding of the application process is that an applicant provides to the Licensing Authority the steps he intends to take to promote the licensing objectives. It might therefore appear inappropriate for a Licensing Authority to tell an applicant what steps he should take to this end.

Perhaps I might refer you to my email dated 02/05/23 in which I hope my concerns were made clear. Any additional steps the licence holder may choose to propose should seek to address the matters contained in my email.

Many thanks

Kind regards

Paul Jones

Paul Jones | Public Protection Officer

From: Jon Wallsgrove <[REDACTED]>
Sent: 31 May 2023 15:47
To: Paul Jones <[REDACTED]>
Subject: RE: M&S premises licence variation application - representation

Dear Mr Jones

Thank you for your email.

Would you please confirm whether there were any other representations made against the application?

It is entirely appropriate for any responsible authority to propose conditions to an applicant, to meet the evidence backed concerns they have that without them the licensing objectives would not be promoted. That is how every other Local Authority in England and Wales have dealt with the thousands of licensing applications we have submitted over the last 18 years.

As I have made very clear my client does not consider any conditions are appropriate to promote the licensing objectives, other than those proposed, as selling a very limited range of alcohol in their café presents no risks whatsoever. They have several hundred licensed cafes none of which have caused any issues, including those in cumulative impact areas. The fact that the premises licence is a converted licence and does not have what one might consider to be the "usual" conditions on it (the "conditions" you identify in your email) does not mean they should then be added as a matter of course when an application to vary the licence is submitted. I accept however, that appears to have become a fairly standard practice over the years in all areas of the UK. Indeed on other variations for M&S licences to licence the café responsible authorities have requested "standard" conditions, which M&S have agreed to.

I have made it abundantly clear that my client is willing to consider agreeing conditions you feel are appropriate to meet your concerns, as it would be in their interest to do so to avoid the delay and expense of appearing before a Licensing sub-committee. That would be the only reason they would agree to conditions not because they accept there is any necessity for them to be placed on the licence to promote the licensing objectives.

You have said there is no objection to the café being licensed in your representation and I am giving you one more opportunity to propose conditions which meet your specific concerns which will lead to you withdrawing your representation, in the hope this matter can be resolved. I would implore you to take that opportunity and perhaps seek the counsel of others before simply sending me another email asking me to send you a list of "standard" conditions.

I look forward to hearing from you,

Kind Regards,

Jon

Jon Wallsgrove

Partner

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