



Havering
LONDON BOROUGH

Licensing Officer's Report



LICENSING SUB-COMMITTEE

REPORT

28 June 2016

Subject heading:

Monty's Bar
155 Billet Lane, Hornchurch, RM11 1UR
Variation of Premises Licence
Paul Campbell, Licensing Officer
5th floor Mercury House
x 2766

Report author and contact details:

This application for a variation to the premises licence is made by Monty's Bar Ltd under section 17 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 4th May 2016.

Geographical description of the area and description of the building

The premises are a single unit venue, it is situated at the end unit of a terrace of 5 business premises which include a hairdressers, car showrooms and newsagents, the properties have residential flats above them.

Monty's Bar has a bar area with a forecourt which is used by customers.

The premises are situated on the west side of Billet Lane Directly opposite the Chequers Public house this is a one way traffic triangle. The premises are about 20 metres south of Butts Green Road and 650 metres north of Hornchurch High Street.

There is a mixture of business and residential properties in the vicinity of the venue.

A map of the area and photo of the premises are attached to my report.

Details of the application

Current premises licence hours:

| Films, Recorded Music, Supply of Alcohol | | |
|---|--------------|---------------|
| Day | Start | Finish |
| Sunday to Wednesday | 09:00 | 23:00 |
| Thursday | 09:00 | 00:00 |
| Friday & Saturday | 09:00 | 01:00 |

| Live Music | | |
|-------------------|--------------|---------------|
| Day | Start | Finish |
| Thursday | 19:00 | 00:00 |
| Friday & Saturday | 19:00 | 01:00 |

| Late Night Refreshment | | |
|-------------------------------|--------------|---------------|
| Day | Start | Finish |
| Thursday | 23:00 | 00:00 |
| Friday & Saturday | 23:00 | 01:00 |

| Opening hours | | |
|----------------------|--------------|---------------|
| Day | Start | Finish |
| Sunday to Wednesday | 09:00 | 23:30 |
| Thursday | 09:00 | 00:30 |
| Friday & Saturday | 09:00 | 01:30 |

Variation applied for:

The application does not apply to alter the hours of licensable activity or the hours of opening at the premises.

The application is to

- Removed nine conditions – a 5,7,16,18,19,24,26,32,33.of the Annex 2 conditions
- Vary two conditions – 2 & 28 of annex 2 conditions.

Condition 2 should now read:

- No door supervisors necessary on a Thursday unless there is an event at the premises.
No door supervisors necessary on a Friday unless there is an event at the premises, to be reviewed after 6 months.
Two door supervisors shall be on duty at the venue from 20:00hrs to 15 minutes after closing time on Saturdays and during any TENS and non-standard timings that occur on Friday nights.

Condition 28 should now read:

- All door supervisors whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.

,
Also being varied is the change registered address from

Beatons accountants Harold wood Romford

to:

Daval Consultancy, Suite 7North Wing,Warlies Park House, Horseshoe Hill,
Upshire Essex EN9 3SL.

Comments and observations on the application

The applicant acted in accordance with regulations 25 and 26 of *The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005* relating to the advertising of the application. The required public notice was installed in the Havering edition of the Yellow Advertiser on Wednesday 11th May 2016.

Summary

There were no representations against this application from interested persons.

There were two representations against this application from responsible authorities.

Details of representations

Valid representations may only address the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm
- Public safety

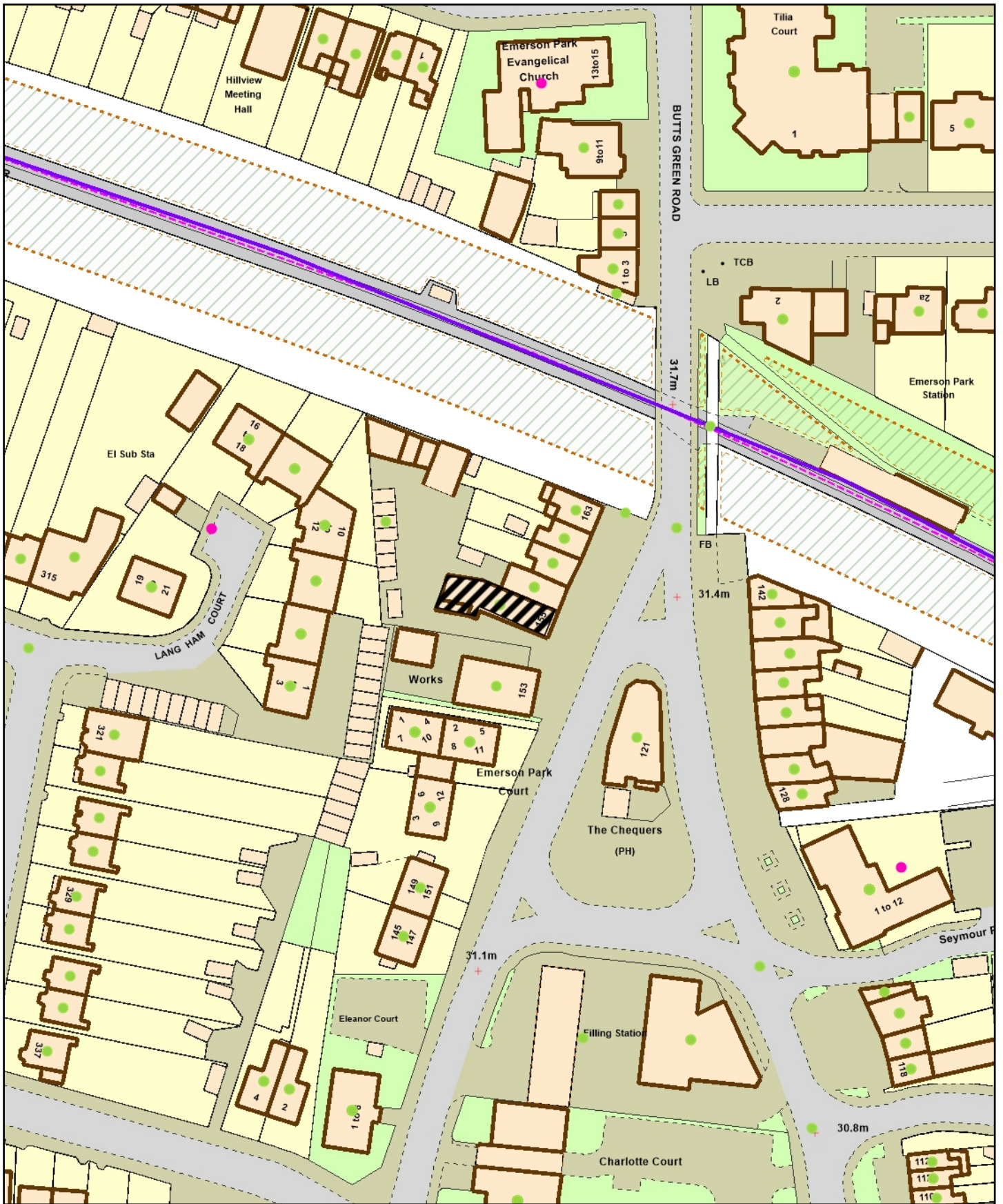
Responsible authorities' representations

The representations from Responsible Authorities are from Planning and Environmental Health (Noise).

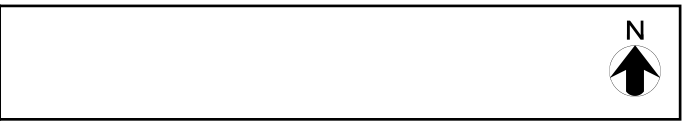
There were no representations from the other responsible authority.

← Billet Ln
Hornchurch, England

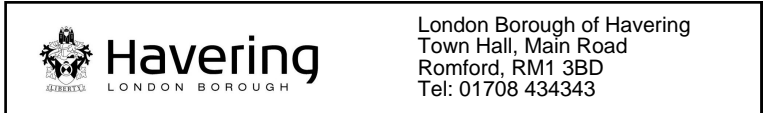




Monty's Bar



Scale: 1:1000
Date: 02 June 2016



London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327



Havering
LONDON BOROUGH

Copy of Application

* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

Monty's Variation

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

Monty's Bar

* Family name

Limited

* E-mail

info@montys-bar.co.uk

Main telephone number

01708 608112

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Registration number

08334127

* Business name

Monty's Bar Ltd

If your business is registered, use its registered name.

* VAT number

GB 158194876

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

* Legal status

Private Limited Company

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

16,500

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Small bar ground level in billet lane Hornchurch. Vary 2 conditions, 2 & 28 of annex 2 conditions and remove 9 conditions of the annex 2 conditions. and change registered business address, conditions to be removed 5,7,16,18,19,24,26,32,33. Annex condition 2 should now read:No door supervisors necessary on a Thursday unless there is an event at the premises. No door supervisors necessary on a Friday unless there is an event at the premises, to be reviewed after 6 months. Two door supervisors shall be on duty at the venue from 20:00hrs to 15 minutes after closing time on Saturdays and during any TENS and non-standard timings that occur on Friday nights. Annex condition 28 should now read: All door supervisors whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.

Change registered address from Beatons accountants Harold wood Romford to: Daval Consultancy, Suite 7North Wing, Warlies Park House, Horseshoe Hill, Upshire Essex EN9 3SL.

Section 4 of 17

PROVISION OF PLAYS

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

Yes No

Section 5 of 17

PROVISION OF FILMS

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

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

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

Yes

No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

Yes

No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

Yes

No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

Yes

No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

Yes

No

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

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

Yes

No

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PROVISION OF LATE NIGHT REFRESHMENT

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

Yes

No

Continued from previous page...

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SUPPLY OF ALCOHOL

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

- Yes No

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ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

New wording of conditions will fulfill the requirements of the licensing act objectives

Continued from previous page...

b) The prevention of crime and disorder

New wording of conditions will fulfill the requirements of the licensing act objectives

c) Public safety

New wording of conditions will fulfill the requirements of the licensing act objectives

d) The prevention of public nuisance

New wording of conditions will fulfill the requirements of the licensing act objectives

e) The protection of children from harm

New wording of conditions will fulfill the requirements of the licensing act objectives

Section 17 of 17

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Continued from previous page...

- Capacity 50000-59999 - £32,000.00
- Capacity 60000-69999 - £40,000.00
- Capacity 70000-79999 - £48,000.00
- Capacity 80000-89999 - £56,000.00
- Capacity 90000 and over - £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/havering/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

| | |
|----------------------------|--|
| Applicant reference number | <input type="text" value="Monty's Variation"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

Classified

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Calls cost £1.02 per minute from a BT landline. Other networks may vary, calls from a mobile could be considerably higher. Text YABARGANN (space) Advert up to a maximum 150 characters and send to 83149. Texts cost £1.02 plus standard network rates. If you do not want to receive details on any other product or services, please text the word EXT at the end of your message. Your advertisement will appear in the next available edition. We do not accept bargain ads under £100 by fax, post or person.

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Public Notices

LICENSING ACT 2003

Notice of Application to Vary a Premises Licence Under Section 34 of the Licensing Act 2003

APPLICANT: Monty's Bar Limited
PREMISES: Monty's Bar, 155 Billet Lane, Hornchurch, Essex RM11 1UR

The proposed variation is: To vary two conditions in Annex 2 conditions, numbers 2 & 28 and to remove 9 conditions from Annex 2 conditions, numbers 5, 7, 16, 18, 19, 24, 26, 32, 33 and to change registered business address.

Full details of the application and the variations sought can be inspected at the address noted below during normal business hours. Any representations by an interested party or responsible authority regarding this application can be made to: Licensing Team, Housing & Public Protection, London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BD. Website: www.havering.gov.uk

Such representation must be received in writing by 1st June 2016, 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 statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is £5,000.

Bargain Buys

HP PACKARD COMPUTER

with 17" monitor, VGC, cost £650 will accept £95 ono. FULL OFFICE OF FURNITURE, lovely beechwood desk, computer table, tall beechwood bookcase, high backed luxury swivel chair in beige, filing tray and accessories, £95 the lot.

SHOPPING TROLLEY

with four wheels, never been used, as new condition, cost £35 will accept £15. Tel: 0208 595 5026

MULTIYORK THREE SEATER

SETTEE plus arm chair, £99 Tel: 01708 448 692

RECORDS BOUGHT ROCK

POP PUNK METAL SOUL JAZZ FUNK DISCO REGGAE DANCE. LP's + 45's COLLECTIONS welcome, cash waiting! Tel: 07788 209 990.

THOMAS THE TANK

Goldmine, plus Thomas trains, folds away for easy storage, £15 ono. Early Learning Centre Children's Cooker, door slightly damaged but otherwise good condition, £15 ono. Lonsdale children's blue coat, age 5-6 years but fits more like an age 4-5 years, £5. Debenhams Thomas Nash black suit, trousers age 4 years, jacket age 3 years, and a white striped Thomas Nash shirt age 3-4 years, £10 the set, ideal for weddings and christenings. Boys Regatta black jacket/coat, age 3-4 years, £5. Tel: 01702 294 112.

THREE PIECE SUITE AND TWO SEATER SETTEE

beige autumn leaves pattern, as new, £95. Tel: 01702 298 225

THREE PIECE SUITE AND TWO SEATER SETTEE

beige autumn leaves pattern, as new, £95. Tel: 01702 298 225

LOOLA PRAM WITH CAR SEAT AND PUSH CHAIR

rain covers, perfect condition, £95 Tel: 07547 401 214

SINGLE GUEST FOLDING BED

and mattress, used once only, VGC, £50 ono. PRINTER £25 ono. COMPUTER CHAIR, blue colour, £25 ono Tel: 01708 609 559

3FT DIVAN

base and mattress, as new, £60 Tel: 01702 232 445

H2O WATER PURIFIER

£40. FRENCH STYLE CLOCK, with two cherubs £40. Tel: 01268 412 494

COLLAPSIBLE PLASTIC COMPOST BIN

£20. Tel: 01375 391 788

PANASONIC DIGITAL CORDLESS SYSTEM

3 phones each system, black, silver screen £20 each set. VERY HEAVY CLOTHING HANGING RAIL, height 6ft x width 6ft, suitable for boot sales £20 Tel: 01268 558 389

BOOT SALE ITEMS

Boxes of assorted goods, Large amount £50. Tel: 01708 45 9043 (Upminster)

TABLE on center pedestal

36" diameter, dark solid oak but could be refinished to lighter colour, good condition, would suit kitchen and diner, only £80. Louis style reproduction chair, in classical rose and blue striped upholstery, excellent condition, only £75 Tel: 01702 476 946.

LADIES CLOTHES, shoes,

bags, purses, jewellery, small clearances, includes brick-a-brac, china, glass, silver, etc for cash. Call Karen on Tel: 01702 621318 or mobile: 07958 508 822.

A VERY RARE BUREAU,

made by Herbert Cubs, batch number 3, view Westcliffe on Sea. Needs TLC, anyone who's interested please contact me, it's a very rare bureau of value. Tel: 01702 390 820.

22 SETS OF PRIMED ARCHITRAVE

for sale £200 ovno, should be enough to complete a 4 bed house. Tel. 07800 540 029.

BOOT SALE ITEMS - Boxes of assorted goods, Large amount £75.

GARDEN CHAIR CREAM SEAT PADS x4 £10. VENETIAN BLIND Black wood slats W103cm D154cm £15. LAMP TABLE Black metal frame H66cm W30cm £5. Tel: 01708 459 043 (Upminster)

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GOOD HOMES FOR RETIRED GREYHOUNDS Ring Pat on 01708 551 689

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Web: www.greyhoundhome.co.uk
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Havering
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Representation from
Responsible Authorities



Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

Please call: Chima Umannakwe

Telephone: 01708431033

Fax: 01708 432554

email: chima.umunnakwe@havering.gov.uk

Text Relay for the deaf, speech impaired
or hard of hearing: 18001 01708 432777

memo

From: Chima Umannakwe

To: Licensing Team

My Reference : CCU/017955

Your Reference :

Date: 1st June 2016

Licensing Act 2003- Application to Vary Premises license Representation – Monty’s bar, 155 Billet Lane Hornchurch, RM11 1UR

I refer to the application to vary premises license as detailed above and advise that I make representation against the application as follows:

The following representation takes into consideration ‘Prevention of Public Nuisance’ and Havering Council’s statement of licensing policy nos. 1 and 14 in relation to premises in the area of cumulative impact and commitment to protecting the amenity of residents and businesses in the vicinity of the licensed premises respectively .

There are a number of conditions requested to be removed as part of this variation application which is set out in the variation application. A total of five noise complaints have been received by Environmental Health concerning loud amplified music affecting residents living above the licensed premises. Whilst these complaints have not been unsubstantiated to date, removal of certain condition forming part of this review application would potentially increase the likelihood of adverse impact from noise and nuisance on neighbouring residential properties.

Conditions 7 and 32 have been requested to be removed as part of this application. These conditions were considered and the license granted to promote the licensing objective ‘Prevention of Public Nuisance’ The conditions relate to preventing noise and nuisance at neighbouring residential properties in particular, the flats above the venue which, has been subject to previous complaints of structure borne music noise transmission. The applicant has not provided satisfactory explanation as to how they intend to promote the licensing objective, in particular ‘Prevention of Public Nuisance’ with regard to controlling nuisance from amplified music.

Therefore it is our argument that removal of condition 7 and 32 specifically will undermine the requirement for the DPS to observe the Council’s licensing policy as stated earlier and more importantly, preventing public nuisance.

Having said, I would request that the Licensing Sub-Committee consider the other conditions stated in the variation application and leave condition 7 and 32 as part of any conditions imposed under the premises license.

I hope the above clarified our position.

Chima Umannakwe
Environmental Health Officer

Licensing Act 2003 Responsible Authority representation

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

| | |
|--|--|
| Premises Name and address: | "Monty's Bar", 155 Billet Lane, Hornchurch RM11 1UR |
| Your Name: | Samuel Cadman |
| Organisation name / name of body you represent: | Havering Council's planning department |
| Your Address: | 5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL |
| Email: | sam.cadman@havering.gov.uk |
| Contact telephone number: | 01708 434798 |
| Summary of representation: | To OBJECT to the application to vary the premises licence on the specific licencing objective "The prevention of public nuisance". |

Policy Considerations:

The representation takes into account the following licencing policies as set out in the document titled "Statement of Licencing Policy" with effect from 7th January 2016:

Licencing Policy 1

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

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

Licencing Policy 6

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

Licencing Policy 8

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

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

- Is able to demonstrate a track record of compliance with legal requirements.

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

Licensing Policy 14

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

Representation:

An assessment by the planning services was undertaken in 2013 with relation to the use of the property as a drinking establishment, and the impact on the amenity of the local area was considered and subsequently conditioned. It must be noted that the hours granted in the licence exceed those in the granted planning permission. Despite this the application to vary the licence does not address any of the enforceable planning conditions, and as such these cannot be addressed in this representation.

There are several conditions that are going to be varied and removed, so for clarity, I have outlined what is applied for below:

Vary conditions 2 and 28 of Annex 2 of the licence from:

- 2. Two door supervisors shall be on duty at the front entrance of the venue from 20:00 to 15 minutes after closing time Thursdays, Fridays and Saturdays and during non-standard timings.*
- 28. All door supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'high visibility clothing'.*

To now read:

- 2. No door supervisors necessary on a Thursday unless there is an event at the premises. No door supervisors necessary on a Friday unless there is an event at the premises, to be reviewed after 6 months. Two door supervisors shall be on duty at the venue from 20:00hrs to 15 minutes after closing time on Saturdays and during any TENS and non-standard timings that occur on Friday nights.*
- 28. All door supervisors whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.*

To remove the following conditions:

- 5. Members of staff shall be fully aware of the licensing objectives and Health and Safety regulations.*
- 7. The premises licence holder shall ensure that noise and vibration do not cause a nuisance to nearby properties.*
- 16. Drinks shall be served in containers made from toughened glass (tempered glassware). Note: weights and measures legislation requires the use of 'stamped glasses' where 'meter-measuring equipment' is not in use.*
- 18. At least one trained first-aider shall be on duty when the public is present.*
- 19. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.*
- 24. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'system file'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.*
- 26. The designated premises supervisor shall hold a National Certificate of Drugs Awareness qualification run by the BII or similar accredited body.*
- 32. Staff shall be given adequate training to enable them to prevent customers causing unnecessary noise when they leave the premises and prominent, clear notices shall be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.*
- 33. The specification and orientation of all speakers shall be agreed with the Licensing*

Authority/responsible authority.

The licence was approved and granted given these conditions having regard to the prevention of public nuisance. It was deemed reasonable and expedient to have these conditions, and although I agree that not all of the conditions are relevant, there are some that do prevent a public nuisance and also gives some level of accountability to the Designated Premises Supervisor (DPS) for the prevention of public nuisance. Section 16 of the licence application form outlines how the alterations would meet / promote the licencing objectives. The answers to sections a) for general comments and d) the prevention of public nuisance state that the "new wording will fulfil the requirements of the licencing act objectives". This does not explain how the variations will affect the level of public nuisance at the property.

I note that the variations to conditions 2 and 28 are deemed reasonable in terms of their content, but there are some conditions that are asked to be removed that does cause concerns for the prevention of public nuisance. Conditions 7 and 32 relates to keeping noise and nuisance to the surrounding properties (most notably to the flat above the property) to a minimum and removing this condition would increase the potential for disturbance to the neighbouring properties. Conditions 18 and 19 relate to ensuring that the patrons of the premises are able to get the correct the medical treatment if the need arises. If this is removed, the access to medical treatment would not be as readily available, and may hamper any attempts to get medical treatment if the need arises. There is no explanation as to how public nuisance will be reduced if conditions 7, 18, 19 and 32 are removed, and eliminates a level of accountability by the DPS to uphold the licencing objectives. This therefore undermines licencing policy 1, 8, and 14.

Given the arguments as set out above, the application to vary the licence has not alleviated the planning department's concerns in relation to the prevention of public nuisance. As this is the case, I ask that the licencing committee vary the licence as requested, but to keep conditions 7, 18, 19 and 32. If the committee is not minded to do this, then the planning services would completely object to the licence application.

It must be noted that planning conditions granted through planning application P1451.13 are not being adhered to and consequently a planning enforcement investigation will have to now be undertaken, with enforcement action considered under the planning regime.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.

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

| | |
|--------------------------|---|
| Application Number: | P1451.13 |
| Description of proposal: | Retrospective Change of Use to A4 (drinking establishment) from A3 (cafe/restaurant). |
| Outcome: | Approved with conditions. |

Other documents attached:

Please see attached documents for the decision notice for planning application P1451.13

Signed



Dated:

10 / 5 / 16

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Stephen Beaton
29 Trelawney Place
Howard Road
Chafford Hundred
Grays
RM16 6DG

APPLICANT

Mr Stephen Beaton
29 Trelawney Place
Howard Road
Chafford Hundred
Grays
RM16 6DG

APPLICATION NO: P1451.13

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

Proposal: Retrospective Change of Use to A4 (drinking establishment) from A3 (cafe/restaurant)

Location: 155 Billet Lane
Hornchurch

The above decision is based on the details in drawing(s):

Ground and First floor Plans (Drawing No. KC/BW/01)

Site Location Plan (1:1000)

Site Location Plan - Waste and Storage Collection (1:200)

subject to compliance with the following condition(s):

Note to Applicants:

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

- 1 Until 1st May 2015, the premises, including any outdoor areas, shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 23:30 on Monday to Wednesday, 09:00 to 00:30 on Thursday, 09:00 to 01:30 on Friday, Saturday and Bank Holidays and 09:00 to 23:30 on Sunday without the prior consent in writing of the Local Planning Authority. After 1st May 2015 the premises, including any outdoor areas, shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 23:00 on Monday to Saturday and Bank Holidays and 09:00 to 22:30 on Sunday without the prior consent in writing of the Local Planning Authority.

Reason:-

To assess the impact of later opening hours for a trial period and to enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC23 and DC55.

- 2 Noise levels (expressed as the equivalent continuous sound level, LAeq) (1hr) from fixed plant and machinery at the boundary with of the nearest noise sensitive premises shall not exceed LA90-10dB.

Reason:

In the interest of residential amenity.

INFORMATIVE(S)

- 1 Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Dated: 10th June 2014



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



IMPORTANT - attention is drawn to the notes overleaf

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

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

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

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

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

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

