

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:	ACE Coffee & Bagel, 1 Station Road, Upminster, RM14 2SJ
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Your Name:	Planning Enforcement Team.
Organisation name / name of body you represent:	Havering Council's planning department
Your Address:	5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL
Email:	Planning_enforcement@haverling.gov.uk

Summary of representation:	To OBJECT to the licence application on the specific licencing objective "The prevention of public nuisance".
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Policy Considerations:

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

Licencing Policy 1

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

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

Licencing Policy 6

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

Licencing Policy 8

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

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

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

Licensing Policy 14

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

Representation:

An application was previously refused on this site for the change of use under application reference J0030.18 for the change of Use from general retail A1 Use to A3 Café (Decision notice will be sent through as well).

The running of this business at this site is considered to be unlawful due to the works being carried out without the benefit of planning permission. It is unknown whether the new use would be acceptable or not because it has not been tested through a planning application. The lack of permission also means there are no standard controls on the operations at the premises such as noise, hours of use and ensuring any extract machinery are of a satisfactory standard. Accordingly this licence is strongly objected to.

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:	J0030.18
Description of proposal:	Change of Use from general retail A1 Use to A3 Cafe. Hours of use 07.00 to 23.00 Sunday to Thursday, 07.00 to 24.00 Friday & Saturday. (PRIOR APPROVAL)
Outcome:	Prior Approval Refused

Other documents attached:

Decision notice for J0030.18

Dated: 1st May 2020

Officer: Peter Miller – Planning Enforcement
Officer