

Licensing Act 2003 Responsible Authority representation

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

Premises Name and address:	6 Station Road, Upminster Essex RM14 2UB
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Your Name:	Planning Enforcement Team.
Organisation name / name of body you represent:	Havering Council's planning department
Your Address:	5 th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL
Email:	Planning_enforcement@havering.gov.uk

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

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

Licencing Policy 1

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

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

Licencing Policy 6

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

Licensing Policy 8

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

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

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

Licensing Policy 14

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

Representation:

An assessment by the planning services has been previously undertaken under a planning application with reference P0145.17. Upon review of all material considerations in terms of the use of the property, it seemed necessary and expedient to restrict the use of the property to prevent a public nuisance. The use has subsequently been conditioned so that:

The licence application proposes a use that exceeds the restrictions that have been placed on the use by the planning department; and the use proposed does not have lawful planning status and the application therefore does not accord with licencing policy 6.

Given the argument as set out above, the planning department's concerns on the prevention of public nuisance have not been alleviated though the licence application. As this is the case, we ask that the licencing committee use their powers under licencing policy 1, 8 and 14 to take consideration of the views of the planning department as a responsible authority. You are therefore advised to restrict the hours of operation to what has been approved by the planning department as set out above.

Condition 3 states:

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 23:00 Monday through Sunday and Bank/Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

Condition 4 states:

The outdoor seating area hereby permitted, shall not be used by patrons after 18:00 hours Monday through Sunday nor at all on Bank/Public Holidays and any/all tables and chairs shall be removed from the footway each evening. No amplified music or speech shall be played or reproduced at any time in the external area.

Reason:-

In the interests of neighbouring amenity and in order that the proposed development accords with Development Control Policies Development Plan Document DC61.

Complaint and Inspection History (if applicable):

No visits to the property were undertaken.

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

Application Number:	P0145.17
Description of proposal:	Retrospective change of use from Class A3 (Cafe/Restaurant) to mixed use of A3/A4 (Drinking Establishment).
Outcome:	Approved with conditions.

Other documents attached:

NONE

Dated: 5th August 2020

Officer: Onkar Bhogal