



LICENSING SUB-COMMITTEE

REPORT

20th June 2023

Subject heading:

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

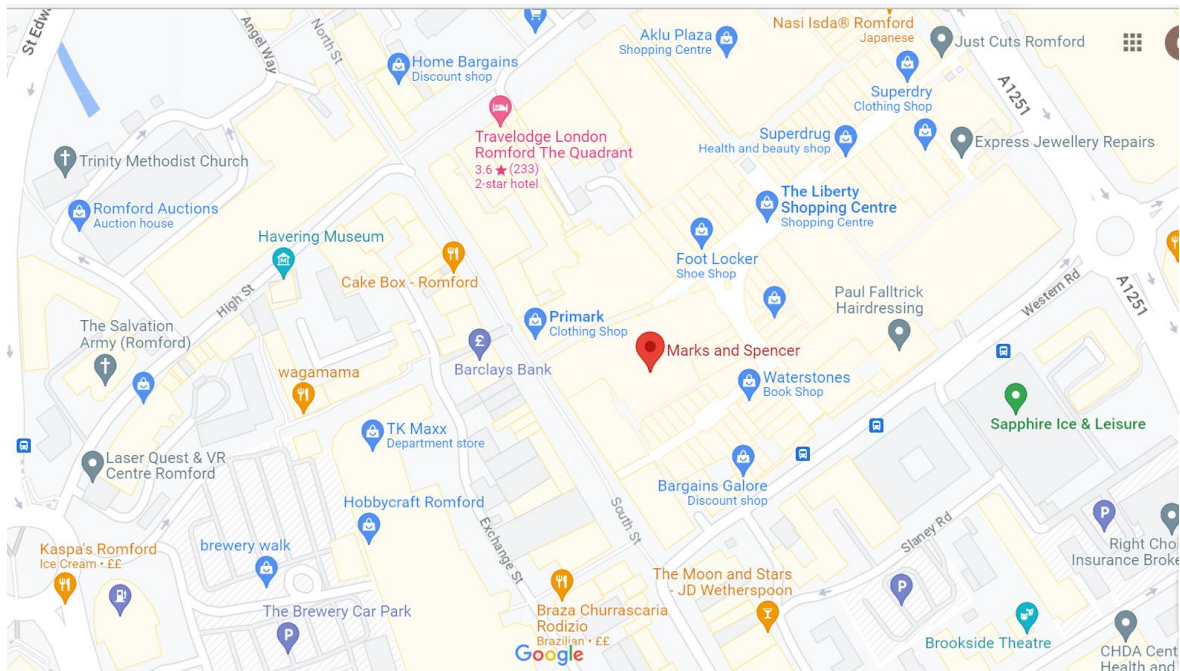
Report author and contact details:

**Premises licence variation application
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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

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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.