

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 13 July 2017

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION FOR A TEMPORARY EVENT NOTICE - THE MANOR HOTEL & RESTAURANT	Licensing Act 2003 Notice of Decision									
		<p>PREMISES The Manor Hotel & Restaurant Berwick Pond Road Rainham Essex RM13 9EL</p> <p>APPLICANT Mr Anoop Pandhi 111A George Lane London E18 1AN</p> <p>1. Details of Application</p> <p>The Manor Hotel has a Premises Licence for the building only not the marquees</p> <table border="1"> <thead> <tr> <th align="left" colspan="3">Films</th> </tr> <tr> <th align="left">Day</th> <th align="left">Start</th> <th align="left">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>10:00</td> <td>00:30</td> </tr> </tbody> </table> <p>Live Music, Recorded Music, Supply of Alcohol also Late Night Refreshment</p>			Films			Day	Start	Finish	Monday to Sunday
Films											
Day	Start	Finish									
Monday to Sunday	10:00	00:30									

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		<table border="1"> <thead> <tr> <th data-bbox="842 443 1346 483">Day</th> <th data-bbox="1346 443 1742 483">Start</th> <th data-bbox="1742 443 2098 483">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="842 483 1346 523">Sunday to Tuesday</td> <td data-bbox="1346 483 1742 523">10:00</td> <td data-bbox="1742 483 2098 523">00:30</td> </tr> <tr> <td data-bbox="842 523 1346 563">Wednesday to Saturday</td> <td data-bbox="1346 523 1742 563">10:00</td> <td data-bbox="1742 523 2098 563">01:30</td> </tr> </tbody> </table> <p>Details of the application The application for a Temporary Event Notice was described as “Marquee – day time festival. On 15 July 2017 into 16 July 2017</p> <p>It was to cover the building marquee and grounds for the: Sale of Alcohol by retail The provision of regulated entertainment The provision of Late Night Refreshment (Hot food and/or drink from 23:00hrs)</p> <p>Between the hours of 13:00 and 01:00</p> <p>For 499 people (including staff and entertainers)</p> <p>2. Grounds of Objection</p> <p>Under the Licensing Act 2003 as amended, the police and Environmental Health had three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).</p> <p>The application was made on line on Friday 16 June 2017.</p>	Day	Start	Finish	Sunday to Tuesday	10:00	00:30	Wednesday to Saturday	10:00	01:30
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Sunday to Tuesday	10:00	00:30									
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		<p>Environmental Health's (David Cant) representation was received by the licensing authority on Tuesday 20 June 2017</p> <p>The Police did not make a representation against this application.</p> <p>3. Details of Representations</p> <p>Mr Cant's objection to the proposed TEN at Manor Hotel Rainham on 15th-July -16th July 2017 in the interest of the prevention of public nuisance.</p> <p>A TEN had been granted over the weekend of 29 & 30 October 2016 which drew five complaints of unreasonably loud music from different residents in Warwick Lane, Buckland Way, Lakeside and Lake Avenue. A further two complaints were received from two other residents in Berwick Pond Road and Lakefields Close concerning an alleged unlicensed event of a similar nature at the premises on 25 February 2017. On each occasion the use of the marquee in the garden and hired-in professional sound systems appeared to have been the main contributing factors to the complaints. Whilst Mr Pandhi had not provided sufficient details of the event to allow for proper consideration, a search of the internet suggests that the event was a nightclub-type event as shown in the flyer attached in the agenda pack. Details could be found at the following location:</p> <p>https://en-gb.facebook.com/events/992661157535580/</p> <p>Mr Pandhi had not provided any evidence that the prevention of public nuisance had been considered or identified any appropriate control measures but had been provided with an opportunity to clarify the nature of the event and to discuss an approach which might allow it to go ahead. He had failed to reply to date.</p>

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		<p>Mr Cant believed that the nature, location and proposed time/duration of the event was not in keeping with the quiet semi-rural location and if allowed to proceed as before was likely to cause public nuisance to a wide area and should not be allowed to go ahead.</p> <p>At the hearing Chima Umunnakwe, representing the Council’s Environmental Health team, advised that discussions had taken place the previous day between the service and Mr Pandhi’s legal representatives and a number of conditions to place on the TEN had been agreed by the two parties.</p> <p>In view of this the service had agreed to withdraw its representation.</p> <p>4. Applicant’s response.</p> <p>The applicant, Mr Anoop Pandhi, addressed the Sub-Committee and commented that he had rescued the business from administration and that the business was now a money making concern that had secured the futures of thirty-eight members of staff.</p> <p>Mr Pandhi also commented that the business was looking at creative ways of increasing turnover and events such as the one planned were helpful to that goal.</p> <p>Mr Pandhi advised the Sub-Committee that he had taken on board lessons learnt from previous events and had employed the use of acoustic experts to minimise noise nuisance to neighbouring residential properties.</p> <p>Mr Pandhi also advised that the proposed event would be aimed at people 45yrs+ and that a taxi rank would be established at the venue to assist in patrons leaving quietly.</p>

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		<p>Mr Pandhi concluded by advising that he would shortly be applying for a separate premises licence for the marquees.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 13 July 2017, the Sub-Committee’s decision regarding the application for a Temporary Event Notice for Manor Hotel & Restaurant was as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <p>6. Decision</p> <p>The Licensing Sub-Committee considered a TEN for the proposed event to be held in a Marquee at the Manor Hotel Berwick Pond Road Rainham RM13 9EL on the 15 to 16 July 2017.</p> <p>Written representation from Mr Cant Environmental Health Officer and oral representations</p>

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		<p>were received from Mr Umunnakwe Environmental Health Officer, who had had concerns in respect of the licensing objectives in particular prevention of public nuisance. Representations have also been received from Mr Pandhi.</p> <p>As a result of contact between the parties prior to the hearing the objection was withdraw subject to the imposition of the following conditions:</p> <ol style="list-style-type: none"> 1. To move the speakers to face the direction of the open fields to the rear of the property to reduce noise nuisance to neighbouring properties. 2. Use less powerful speakers. 3. The speakers would be less powerful than those used previously and would be set off the ground which would reduce bass travel through the floor. 4. Use of bass matts below speakers to absorb noise and reduce nuisance. 5. A member of staff would regularly monitor noise levels outside the marquee whilst regulated entertainment took place after 11pm in order to reduce noise levels deemed to cause a nuisance. 6. Reasonable steps would be taken to recognise the rights of local residents and notices would be displayed at the marquee exit requesting customers to leave quietly and reminding them that they were in a residential area. <p>The Sub-Committee considered this new proposal and considered the Licensing objectives as set in the Councils statement of licensing Policy Document. It also considered the guidance set out under Section 182 of the Licensing Act 2003.</p>

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		<p>The conclusion that the Sub-Committee reached was that the TEN should be granted subject to the conditions being attached to the notice.</p> <p>Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p> <p>Richard Cursons Clerk to the Licensing Sub-Committee</p>
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A2		