

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 11 July 2019

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 TO VARY A PREMISES LICENCE - THE RISING SUN, 64-68 HIGH STREET, HORNCHURCH, RM12 4UW	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES The Rising Sun 64-68 High Street Hornchurch RM12 4UW</p> <p>APPLICANT: Joseph Sullivan & Peter Faires</p> <p>1. Details of requested licensable activities An application to vary a premises licence is made by Mr Joseph Sullivan and Mr Peter Faires under section 34 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 15 April 2019.</p> <p>The variation is to permit the following:</p>
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		<p>3. Details of Representations</p> <p>There were no representations against the application from any residents or businesses in the vicinity of the premises.</p> <p>There were three representations against this application from responsible authorities, namely the Metropolitan Police, Havering's Planning Authority and the London Fire Brigade.</p> <p>Representations have been received from the Responsible Authorities on the grounds of the prevention of crime and disorder, public safety and public nuisance.</p> <p>The applicant attended hearing and was represented by a Licensing Agent (Mr Hopkins) who made submissions on his behalf.</p> <p>The premises is situated within a cumulative impact zone (CIZ) as set out in Annex 1 to the Council's Licensing Policy. Where representations are received against an application in the CIZ, there is a rebuttable presumption under the CIZ Policy to refuse the application unless the applicant can demonstrate that granting the licence will not add to existing problems in the area.</p> <p>As the premises is within a CIZ, The applicant has submitted an argument against the special policy. The rebuttal statement was attached to the agenda pack in section three of the application.</p> <p>The Police Licensing Officer (PC Adam Williams) attended as the objecting responsible authority. The Planning Authority made written representations against later opening hours to reduce public nuisance.</p>

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		<p>The London Fire Brigade made written representations for public safety, but withdrew the same subject to a condition that any extended hours shall not be utilised until all works specified in a schedule of works to the license holder by Officer Hallam is undertaken to the written satisfaction of the London Fire Brigade.</p> <p>The Licensing Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State's National Guidance created under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.</p> <p>4. Determination of Application</p> <p><u>DECISION</u></p> <p>Upon consideration of all submissions and representations, the Sub-Committee decided to refuse the application.</p> <p><u>REASONS</u></p> <p>Having considered and heard all of the evidence, the Sub-Committee considered with care the representations made by the responsible authorities and the submissions from the agent and the responses from the applicant.</p> <p>PC Adams Williams clarified that the premises did fall in the cumulative impact zone. The Police objection was on the variation to extend all licensing activities and weekend opening times by an additional hour and by having the same hours daily.</p> <p>This would mean that:-</p>

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		<p>1. Ground Floor - Rising Sun</p> <ul style="list-style-type: none"> a. would be open from 10:00 – 02:30 daily b. with licensable activities from 10:00 – 02:00 daily c. and late night refreshments from 23:00 – 02:00 daily. d. On the nights the clocks go forward:- <ul style="list-style-type: none"> i. to extend permitted hours for all licensable activities to 03:30 ii. to extend opening time to 04:00 <p>2. First Floor – Luna Bar</p> <ul style="list-style-type: none"> a. would be open from 10:00 – 03:30 daily b. with licensable activities from 10:00 – 03:00 daily c. and late night refreshments from 23:00 – 03:00 daily. d. On the nights the clocks go forward:- <ul style="list-style-type: none"> i. to extend permitted hours for all licensable activities to 04:00 ii. to extend opening time to 04:30 <p>Mr Hopkins (Applicants Agent) asked the Sub-Committee to accept all conditions modifications immediately as the Police had objected only to the late opening hours. The Sub-Committee decided to hear the full application and consider the impact of the conditions on the licensing objectives before granting or refusing the same.</p> <p>PC Williams highlighted the late opening hours would make the premises the latest venue open in the Hornchurch town centre. He had concerns about public safety, noise, crime, dispersal of crowds and the cumulative impact on the area.</p> <p>PC Williams stated that the Police had limited resources at this late time to travel to Hornchurch from neighbouring areas as 3.30am was a peak time for crime and in the</p>

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		<p>neighbouring areas. With the lack of Police resources, if there was an incident inside or outside the premises or to the leaving patrons at these later hours, the public would be at risk.</p> <p>This risk was aggravated by the large capacity of the venue which could house 330 people at any one time. 160 people downstairs and 170 people upstairs.</p> <p>PC Williams clarified that where there had previously been Temporary Event Notices leading to later closing times, he had notified the appropriate personnel in advance to ensure that public safety could be upheld on those occasions. However, this would not be feasible on a routine basis as set out in the application.</p> <p>The Sub-Committee heard from the applicant's agent that the applicant would be willing to add a condition to provide a revised dispersal policy in 14 days. He further stated that SIA security staff could stay 30 minutes after closing time to assist in dispersal.</p> <p>In respect of the written representation from the Planning Authority that the 'Function Hall' (on ground floor) is only permitted to be open during the times stated below, the agent stated that any extended hours granted by the Licensing Sub-Committee beyond the Planning Authority permitted hours, would not be utilised if the hours breached the Planning Authority permitted hours. The current permitted opening times by the Planning Authority for the function hall are:-</p> <ol style="list-style-type: none"> 1. 09:00 – 01:00 – Mon to Sat 2. 11:00 – 16:00 – Sun <p>The Sub-Committee found that allowing later opening times when the Police resources were unable to realistically cope with any potential incidents from the venue, would increase the risk to public safety. The Sub-Committee had further concerns that later closing hours would have a negative impact on the area, including nuisance and noise at later hours, with patrons more</p>

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		<p>vulnerable to crime and disorder during these peak hours for the same.</p> <p>The Sub-Committee noted that the applicant had applied to vary the security conditions – with a minimum of 2 SIA door supervisor staff and optional female SIA door supervisor; in replacement of Annex 3-condition 16 which requires one mandatory female SIA door supervisor and an ‘appropriate’ number of SIA door supervisors for the maximum occupancy figure.</p> <p>The Police confirmed that the current police guidance is for 1 door supervisor for every 50 customers, with a maximum occupancy of 330 customers at any one time. This would equate to a security need of 7 SIA door supervisors at full capacity, instead of a minimum of 2 door staff.</p> <p>The Sub-Committee found that the removal of the current condition requiring an ‘appropriate’ number of SIA door supervisors and the removal of a mandatory female SIA door supervisor would dilute the security at the premises and would be detrimental to public safety.</p> <p>The Sub-Committee further noted that the variation application requested a removal of condition Annex 2-condition 3 which requires that fire safety and health and safety risk assessments shall be in place at the premises and reviewed regularly. There was no clarification from the PLH Agent as to why fire safety assessments should be removed. The Licensing Sub-Committee found this removal was not conducive to public safety.</p> <p>On balance the Sub-Committee decided to refuse the application for the reasons stated above.</p>

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		<p>Right of Appeal</p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
A1		
A2		