

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
11 August 2005 (2.45pm – 4.00pm)**

**Present:**

**COUNCILLORS:**

**Conservative Group** Peter Gardner (Chairman), Alexandra Smith

**Residents' Group** Ivor Cameron

Mark Francis (on behalf of the applicant Punch Taverns plc), Wayne Beglan, counsel for the applicant and D P Healy the designated premises supervisor,

PC D Leonard (police licensing officer), Graham Hopkins (Havering Licensing) Derron Jarell (Legal advisor to the Sub-Committee) and Grant Söderberg (Clerk) were also present.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

**THE CROWN – APPLICATION TO VARY A PREMISES LICENCE**

The Committee received a report outlining the application.

The premises were currently permitted to open Monday to Saturday 10.00am to 11.00pm, Sunday and Good Friday 12.00noon to 10.30pm, Christmas day 1<sup>st</sup> 12.00noon to 3.00pm and 7.00pm to 10.30pm and New Years Eve 10.00am to 0.00hours New Years Day.

The Sub-Committee noted that there were no representations by members of the public who lived in the vicinity of the premises or on a transitory route from the venue.

The Licensing Officer presented his report to the Sub-Committee. The Sub-Committee then raised a matter concerning Mr Healy. It had been made known that on 30 June this year, he had been interviewed in connection with late opening, contrary to the pub's current license. In answer to a question from the Sub-Committee, he confirmed that he had done this in order to raise income. It was also noted that since that time, he had not been found repeating this.

The police representative stated that the police were objecting because:

1. The application from the applicant was generic – not specific to this particular public house, and therefore did not take into account the local conditions,
2. Although on a main road, it was close enough to residential areas in

Spring Gardens, Paul's Court and in London Road, for it to be considered a residential area. It was also opposite a primary school. It received visits from community police.

3. Although not within the strict definition of "town centre", the police felt that it had certain attributes similar to a town centre licensed premises. It was for that reason they were requesting CCTV to be installed and door supervisors appointed. They were also concerned that if the applicant was granted the hours requested, this would encourage other nearby public houses (the Slater's Arms, the Sun and Prince Albert were cited) would ask for equal times and 2.00am was too late for residential areas.

The police representative then advised the Sub-Committee of statistics concerning crime related to, or fuelled by, alcohol. It was also stated that one in five crimes occurred near public houses. The police also had concerns about Mr Healy and the prospect of further late opening.

The Chairman asked the Licensing Officer how late Mr Healy had been found to be open. This was stated to be 3.30am on a Sunday morning.

The Sub-Committee's Legal Advisor questioned the applicant's representative about restrictions being lifted. Counsel for the applicant replied that there was an error on the application form, the applicant was not seeking any conditions to be lifted.

The applicant's representative was referred to Part B1 where there was an application for karaoke (confirmed in section K). He was then referred to section B which related to films. This had been left unfilled.

The Sub-Committee contended that karaoke depended on this medium and it had not been applied for. Both Counsel and the applicant's representative responded that this had been considered in another borough and had been resolved (after considerable deliberation), in favour of the applicant on the basis that the screen would be facing the performer, not the clientele. It was therefore not a public display.

The Council's Legal Advisor replied that karaoke was pre-recorded and this was licensable. Irrespective of the number of people viewing it, it needed to be applied for.

The applicant's Counsel then presented the applicant's case. He maintained that the Crown was on a busy main road, near commercial enterprises and a large car park. He also rebutted the police claims that CCTV or door supervisors were needed, on the grounds that the Crown was not a town centre pub, there was no history or evidence of incidents at or near the pub that required door supervisors or the use of CCTV and that both would be a disproportionate cost – especially as need had not been demonstrated.

He added that the pub had "lobby doors" which helped disperse departing members of the public. The pub had enjoyed live music for the past five years without a single complaint being received.

With regard to Mr Healy, he confirmed that he had been unwise earlier this year, but that it had not been for the sale of alcohol, merely local residents who failed to depart. However, after a visit from the police and Licensing, had “taken on board” what was required and would not repeat the exercise. He was also an active member of Pub Watch.

Counsel then proposed that the pub would:

- Confine music to 11.00pm on Sundays and midnight Thursdays, Fridays and Saturdays.
- Ensure all windows were closed between 11.30pm and midnight,
- Refuse entry to the beer garden after 11.00pm and clear it by 11.20pm and
- Close the main doors at midnight to prevent any further entry by members of the public.

Further clarification was sought regarding the maximum number of entertainers. This was confirmed that there would be no more than two at any one time. The question of CCTV was raised again as it was suggested that a basic provision covering the bar would provide the publican with protection and act as a deterrent. This was again rejected by Counsel as being unnecessary as the bulk of the clientele were middle-aged and lived locally.

A final observation was made concerning children on the premises. The applicant’s representative stated that children were not permitted anywhere in the bar area or the beer garden unless accompanied by a parent or guardian.

After deliberation, the Sub-Committee RESOLVED, that the application submitted by Punch Taverns Ltd. for a transfer of the existing licence be granted, but the application for a variation to the existing hours be refused in its original format. The Sub-Committee did, however grant permission for the hours to be varied as follows:

Hours the premises are open to the public:

Monday to Thursday	10.00am	to	12.00 midnight
Friday and Saturday following	10.00am	to	01.30am of the morning
Sunday	12.00 noon	to	12.00 midnight

Supply of alcohol:

Monday to Thursday	10.00am	to	11.30pm
Friday and Saturday following	10.00am	to	01.00am of the morning
Sunday	12.00 noon	to	11.30pm

Furthermore the Sub-Committee set the following conditions:

- The windows of the premises are to be closed by 11.00pm every day.
- The maximum number of entertainers performing at any one time to be TWO.

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- No children are to be admitted to any part of the premises (including the area designated as the beer garden) unless accompanied by a parent or guardian.
- Live and recorded music to coincide with the hours permitted for the sale of alcohol.

However, the Sub-Committee noted that the application made no reference for permission to show films (Part B, section B) and that therefore members were not minded to permit karaoke until a proper application had been made.

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**Chairman**

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**Date**