

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
11 May 2007 (10.35am – 11.15am)**

Present:

COUNCILLORS:

Conservative

Edward Cahill (Chairman)
Pam Light
Melvin Wallace

Mr J Jarvis, the applicant and a colleague - Mr N Thwaites were present. Also present was Mr J Rose representing the Council's Parks Service. The LB Havering Licensing Officer, the legal advisor to the Panel and the clerk to the Panel were also in attendance.

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 Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

APPLICATION FOR A PREMISES LICENCE IN RESPECT OF RAINHAM CRICKET CLUB, SPRING FARM PARK, LAMBS LANE NORTH, RAINHAM

The Sub-Committee considered the application for a licence for the above premises as follows.

PREMISES

Rainham Cricket Club
Spring Farm Park
Lambs Lane North
Rainham

DETAILS OF APPLICATION

Application for a Club Premises Certificate under section 71 of the Licensing Act 2003 ("the Act") for the premises referred to in part 1 of the application.

1 Determination of Application

Decision

Consequent upon the hearing held on 11 May 2007, the Sub-

Committee's decision regarding the application for a Club Premises Certificate for Rainham Cricket Club was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

In addition the Sub Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Decision

Section 71 (6) of the Licensing Act 2003 provides that the Secretary of State must, by regulations, require an applicant to advertise the application within the prescribed period, in the prescribed form and in a manner which is prescribed.

These regulations are the Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005. Regulation 25 provides that the person making the application shall advertise by displaying a notice on their premises (this was done) but also requires the applicant to publish a notice in a local newspaper, circular or similar document on at least one occasion during the period of 10 working days starting on the day after the application is submitted.

Despite attempts by the applicant to do so, there had been no publishing of the relevant advertisement and unfortunately this had resulted in the application failing to comply with the relevant regulations. The licensing sub-committee therefore had no option but to dismiss the application.

2. Right of Appeal

Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:

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.

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CHAIRMAN

Date: 2007