

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
12 September 2005 (2.30pm – 3.40pm)

Present:

COUNCILLORS:

Conservative Group Peter Gardner (Chairman)

Residents' Group Ivor Cameron

In the absence of a third Member, the Sub-Committee proceeded with a quorum of two Members. The applicant and responsible authorities raised no objection to this.

Mr David Burrows, Ms Teresa Porstendorfer and Mr Colin Dyke (on behalf of the applicant), PC Dave Leonard (Havering Police Licensing Officer), Station Officers David Hallam and Mark O'Brien (London Fire Brigade for LFEPA), Paul Campbell (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee) and Ian Buckmaster (Clerk) were 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 Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

APPLICATION TO VARY THE PREMISES LICENCE IN RESPECT OF THE LAMB INN, 5 MARKET PLACE, ROMFORD, RM1 3AB

The Sub-Committee considered a licensing application as follows.

DETAILS OF APPLICATION

Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 ("the Act"), and application to vary the premises licence simultaneously.

APPLICANT

Spirit Group Ltd
107 Station Street
Burton-on-Trent
DE 14 1SZ

1. Background

Under the Act's transitional arrangements, an applicant was required, should they

wish to continue to provide existing licensable activities at the premises, after the second appointed day, to convert those licences that they held on or before the 6th August 2005.

Under the provisions of the Act and associated relevant regulations, an applicant was also entitled, should they wish to do so, to apply concurrently to vary the terms of all or of a selection of current licences held or seek consent to undertake additional licensable activities.

2. Details of existing licensable activities

The applicant currently held a Justices On Licence with conditions attached, which authorised the licensee to sell by retail at the premises intoxicating liquor of all types for consumption on or off the premises.

On Licence – permitted hours of trading:

Monday to Saturday	10:00 to 23:00
Sunday & Good Friday	12:00 to 23:00
Christmas Day 1 st	12:00 to 15:00
Christmas Day 2 nd	19:00 to 22:30
New Years Eve	10:00 to 00:00 New Years Day
(Government Deregulated licensing hours)	

3. Details of requested variation(s)

An application had been made to vary the provision of licensable activities as set out below:

Licensable Activities:

- Live music
- Recorded music
- Supply of alcohol
- Late Night Refreshment
- Provision of facilities for dancing
- Anything of a similar description to live and recorded music, and performance of dance

(a) Live music:

Sunday to Wednesday:	10:00 hours until 00:00 hours
Thursday to Saturday:	10:00 hours until 01:00 hours

(b) Recorded music:

Sunday to Wednesday:	10:00 hours until 00:00 hours
Thursday to Saturday:	10:00 hours until 01:00 hours

(c) Anything of a similar description to live and recorded music, and performance of dance:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

(d) Provision of facilities for dancing:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

(e) Late night refreshment:

Sunday to Wednesday: 23:00 hours until 01:00 hours
Thursday to Saturday: 23:00 hours until 02:00 hours

(f) Supply of alcohol:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

As part of the application process the applicant had been asked to identify any conditions terms or embedded restrictions imposed on the converted licence that they believed could be removed if the Sub-Committee agreed to grant the variation. Those embedded restrictions were:

- To allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003.
- To remove the restrictions relating to drinking up time.
- To allow credit sales

5. Promotion of the Licensing Objectives

The applicant had completed the operating schedule, which formed part of his application, that he would take the steps set to promote the four licensing objectives:

6. Details of Representations

Representations Objecting to the Application

None

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”):

The representations from the Police related to the proposed opening on “occasions of local, national or international significance or for charitable events”, and to circumstances in which a Registered Door Supervisor might

be employed and to use and operation of CCTV within the premises, especially given its proximity to Romford Town Centre. In addition he discuss issues on the relationship between alcohol and violent crime.

London Fire & Emergency Planning Authority (“LFEPA”):

The LFEPA representations concerned doors used for fire escape from the premises, occupancy of the premises when open and certification of electrical, mechanical and other installations at the premises.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: None

In summary, having regard to the following objectives the representation related to the following issues:

Prevention of Crime and Disorder and Public Safety

7. Determination of Application

The Sub-Committee’s decision regarding the application to vary the Premises Licence for the Lamb Inn 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 were:

- 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.

Existing licences had been the subject of a successful conversion

application previously.

On behalf of the applicants, a schedule of amendments to Part B2 of the application was submitted, addressing the concerns raised in the Police and LFEPA representations.

In relation to the embedded restrictions, the Sub-Committee noted that no representation was made by a responsible authority or interested party, and no submission was made by the applicant seeking their variation.

The Sub-Committee noted that the words "Provision of hot food and hot drinks" should have been included in the 'further details' section of part L (late night refreshment) of the Operating Schedule in the application.

Although mention was made in the Operating Schedule in the application of the provision of entertainment by way of karaoke, the Sub-Committee noted that the applicant had not applied under section B (Films) and so karaoke would not be a permitted activity at the premises on the basis of this present application.

Decision

Having considered the variations sought, the representations and having considered the oral and written submissions on behalf of the applicant, the Sub-Committee granted in part the application as follows:

1. Licensable Activities:

(a) Live music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday and Saturday:	10:00 hours until 01:00 hours
Sunday:	10:00 hours until 00:00 hours

(b) Recorded music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday and Saturday:	10:00 hours until 01:00 hours
Sunday:	10:00 hours until 00:00 hours

(c) Anything of a similar description to live and recorded music, and performance of dance:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday and Saturday:	10:00 hours until 01:00 hours
Sunday:	10:00 hours until 00:00 hours

(d) Provision of facilities for dancing:

Monday to Thursday: 10:00 hours until 00:00 hours
Friday and Saturday: 10:00 hours until 01:00 hours
Sunday: 10:00 hours until 00:00 hours

(e) Late night refreshment:

Monday to Thursday: 10:00 hours until 01:00 hours
Friday and Saturday: 10:00 hours until 02:00 hours
Sunday: 10:00 hours until 01:00 hours

(f) Supply of alcohol:

Monday to Thursday: 10:00 hours until 00:00 hours
Friday and Saturday: 10:00 hours until 01:00 hours
Sunday: 10:00 hours until 00:00 hours

2. Non-standard timings

In addition to the use of Temporary Event Notices allowed under the Licensing Act 2003, the premises may open on 12 non-standard occasions, in line with the Association of Chief Police Officers guidelines; subject to a minimum of 10 working days' notice being given to the licensing authority and the Police for each occasion. The prior written consent of the Police shall be obtained and the police shall have absolute right to refuse any occasion. A register shall be kept at the premises in the manner required by the Police and the Licensing Authority and available for inspection by the police or an Authorised Officer of the Licensing Authority and details of each occasion shall be recorded in it including the written consent of the police.

3. Embedded Restrictions

The Sub-Committee refused to remove the other embedded restrictions on the Justices Licence.

4. Conditions

That, having regard to the undertakings given on behalf of the applicants, the following conditions be placed on the licence:

- (a) Within one month from the date on which the varied licence takes effect, and at reasonable intervals thereafter, the applicants shall carry out a risk assessment and review the need for use at the premises of door supervisors
- (b) The CCTV at the premises shall be kept in good working order and operated in the manner required by the Police
- (c) Not more than 100 persons at any one time shall be permitted to enter or to remain on the ground floor of the premises

- (d) All reasonable assistance shall be given to the LFEPA to verify the lawful operation at the premises of all public safety systems and services and to obtain any certificates required by law.

In making its decisions the Sub-Committee took account of the licensing objectives and in particular the prevention of public nuisance which it must promote in carrying out its functions. The Sub-Committee was of the view that the application has been granted to the greatest extent possible whilst promoting the prevention of public nuisance and the licensing objectives generally. The limitation on the hours sought and the conditions imposed on the licence were the minimum intervention in the applicant's right to enjoy its property that the Sub-Committee could impose whilst carrying out its functions appropriately.

The Sub-Committee instructed that the licence hereby authorised shall not be issued until the LFEPA shall have confirmed in writing to the Licensing Authority that it is satisfied that there is proof that the certificates of safety referred to in its representations have been duly issued to the applicant.

Chairman

September 2005