

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
13 May 2005 (10.10am – 10.50am)**

Present:

COUNCILLORS:

Conservative Group	Peter Gardner (in the Chair)
Conservative Group	Wendy Brice-Thompson
Residents' Group	John Mylod

Mrs Smith (the applicant) and Mr Davis (the applicant's representative), Councillor Barry Oddy (on behalf of the residents of Maylands Ward), Bill Charlton (Licensing specialist, Environmental Health), Lynne Lock (Licensing Technician) and Penelope Thorp (Legal advisor to the Sub-Committee) were also present.

There were no apologies for absence and no declarations of interest.

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

**CROWN PUBLIC HOUSE, 360 HORNCHURCH ROAD - OPPOSED
PUBLIC ENTERTAINMENT LICENCE APPLICATION**

Before the hearing commenced, the Licensing Officer was asked by the applicant, to clarify an apparent textual error in his report. It appeared that in section 12 – Alternatives to be considered – there was a reference to: "paragraph 3 and 18 of this report". No paragraph 18 appeared.

The Licensing Officer explained that this was an error as the paragraph 18 referred to would have indicated choices for the panel (whether to grant the licence, refuse the licence or grant it with conditions). This was not inserted for this case and was therefore irrelevant. The applicant was asked whether she was satisfied with the answer and, on receiving assurance that she was, the Chairman asked for the applicant's representative to present the applicant's case.

The Sub-Committee received a written submission, the text of which was read out by the applicant's representative. This submission outlined the history of the establishment, referred to the family nature of the business and apologised for the unlicensed performance, which, it was explained, was an attempt to

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determine whether there was a market upon which to ground a licence application.

The applicant's representative then set out voluntary acceptance of:

1. A restriction to the licence to the evenings of Thursday, Friday and Saturday,
2. A restriction to the maximum number of persons in the area where the entertainment was taking place to no more than 160, and
3. The use of a noise limiting device.

The applicant's representative explained to the Sub-Committee that, with regard to parking, the applicant's acknowledged there were no more than 36 parking spaces on the pub's site, but he cited the proximity of the car park that served the Tesco and B & Q stores and stated that there were no existing restrictions, the car parking spaces that would be used were far from both stores and that, if necessary, the applicant would approach both stores to seek a voluntary agreement that would confirm access for patrons of the pub.

The Sub-Committee were informed that the applicants had no neighbour problems and there were no issues with the police. An article in the Yellow Advertiser dated 27 April had reported a police clamp-down on pubs causing a nuisance. These pubs were named, and the Crown was not one of them.

The Sub-Committee were informed that objectors were concerned about noise and unruly behaviour coming from patrons leaving the premises. This was rebutted by the assertion that the problem was not emanating from the Crown, but from people who were dispersing from Romford Town Centre, as disturbances happened between 2.30 and 3.00am. It was emphasised that the applicant was not seeking to extend opening hours of the pub.

The Sub-Committee sought to clarify certain points. It was confirmed that the applicant only wanted three nights as they wished to maintain a varied evening entertainment programme. The question of bank holidays was raised, but the applicant again stated that this was not required. A Member asked about the issue of a "final warning" letter by the environmental health service as there was no reference to any earlier warnings. It was explained that this had been a single incident and no other warnings had been issued.

The applicant was asked about the complaints on 4 and 14 October 2004. The applicant's representative stated that the applicant had been surprised to see this, as she had received no indication that any complaints had been raised. With regard to the incident of 12 November 2004, the applicant explained that she had tried a test booking to see whether there was scope or a market for group entertainment. She apologised to the Sub-Committee for doing this without a licence and confirmed that there had been no intention to flout licensing rules.

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A question about parking was raised by the Sub-Committee. The applicant's representative explained that in addition to the 36 car parking spaces belonging to the pub, patrons had been in the habit of casually using spaces in the B&Q/Tesco car park. As this car park had no barriers and was open 24 hours a day, it was felt that there should be no need for patrons to park on the other side of the busy Hornchurch Road in front of residents' homes in roads leading off Upper Rainham Road.

Members expressed concern about this arrangement as it could lead to B&Q/Tesco imposing restrictions. The applicant's representative added that the car parking spaces that would be used were a long way from both stores and were seldom, if ever occupied by shoppers and that for the most part, the pub's use would be after B&Q had ceased trading for the day and evening/night shoppers were fewer in number and less likely to park far from the store. He further offered to write to both stores and formally request permission to use the car parking spaces. A Member asked if there was an easy way of entering the B&Q/Tesco car park and was informed that a way existed beside the pub and that the applicant was intending to ask permission from the stores to add some paving slabs to ensure an all-weather surface.

The applicant's representative drew Members attention to the number of people the Licensing Officer had referred to in his report. The figure quoted was 226, but the maximum the applicant felt would be reasonable was 160. The Licensing Officer explained that capacity figures were calculated by reference to external standards and that in applying them, account had been taken of the fixed seating, the stage area set aside for use by the artistes and the area behind the bar.

A Member asked what the target age range was and what styles of music would be played. The applicant answered that patrons age would be 35 years and above and that no heavy music would be played, but rather jazz, and styles that would encourage a more relaxed entertainment. The applicant stressed that it was her aim to maintain the pub's family identity.

The Sub-Committee then invited Councillor Oddy to speak on behalf of Ward residents. He expressed residents' concerns that noise would undoubtedly be a problem and cited a recent incident when he had been in the car park at B&Q and could hear music and loud noise coming from the pub. There were reported complaints from neighbours about noise and nuisance in the early hours (2.30/3.00am), especially with cars being parked outside resident's' properties.

There still remained a question concerning car parking. Residents were reportedly concerned about the deterioration of image that this would inflict on the locality. Councillor Oddy added that if the stores management objected to the pub using their car park, they could put in barriers and this would have a detrimental effect to the vicinity. He also made the observation that once a licence had been granted, the applicants could decide to change the style of music/age groups and use all six nights if they so chose. To conclude, the Sub-

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Committee was urged not to grant the licence as it could open the flood-gates to problems in the vicinity.

In response, the applicant's representative stated that the pub closed at 11pm and, as there was generally adequate car parking, there was no need for the pub's patrons to park in residential streets. With regard to the 2.30/3.00am disturbance, this was highly unlikely to emanate from the pub's patrons, for the same reason. It was more likely to have been caused by people dispersing from Romford clubs that were about a mile distant and closed around 2.00am. He reiterated that his client only wished for three nights and that the applicant wanted to maintain and develop the pub's family character. In responding to Councillor Oddy's observation about the noise coming from the pub during the St George's day celebrations, the applicant recalled that it had been during the day and the pub had an organised outside treasure hunt for children along with a barbeque. The doors to the rear of the pub were open and music turned up for this event.

A Member asked the applicant whether the windows in the room which the licence was to cover, were single- or double-glazed. He was informed that they were single-glazed and, because of the age of the pub, there was likely to be a listed building restriction on it. He then asked where the speakers were to be located. In answer, the Sub-Committee were advised that the speakers would be inward facing (that is they would face away from the windows into the room with sound being projected towards the rear of the pub and away from residents across Hornchurch Road).

A final assurance was sought from the applicant about the need to install sound limiters of an approved type and to work with Environmental Health Officers to set the maximum volume. A Member asked whether young people from the nearby YMCA frequented the pub in any number and, if they did, how would this affect any future change in music the pub would be inclined to supply. In response, the applicant informed Members that very few young people from the YMCA visited the Crown as they preferred another venue.

The Chairman asked the applicant for confirmation that the closing time for the pub was to remain at 11pm. On being assured that the applicant would not be seeking a variation to licensing hours, he adjourned the meeting in order that the Sub-Committee could deliberate.

On reconvening, the Chairman explained that because the applicant had voluntarily asked for three days and not six, had asked that the maximum permitted number of patrons in the area devoted to live entertainment should be 160 and had agreed to the installation of a sound limiter, the Sub-Committee were granting a licence for Thursday, Friday and Saturday live entertainment for no more than five artistes on stage at any one time.

The Sub-Committee **RESOLVED** –

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That the application submitted by Mr & Mrs Smith for a live entertainment licence be granted, subject to the following conditions –

- 1. That live entertainment music be provided by no more than five artistes on Thursday, Friday and Saturday evenings concluding at no later than 11pm,**
- 2. That patrons attending this live entertainment be limited to a maximum of 160 and**
- 3. That the applicants work with Environmental Health Officers to install and use a recognised noise limiter during live performances.**

Members REQUESTED the applicants to liaise with the owners of the car park to seek to obtain permission for the use of parking spaces should they be needed.

CHAIRMAN

Date _____