

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
16 December 2005 (2.30pm – 4.00pm)

Present:

COUNCILLORS:

Conservative Group Barry Oddy

Labour Group Jeff Stafford (Chairman)

Mr Nick Yeo (Applicant's legal representative), Graham Hopkins (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee) and Alison Maybin (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 FATLING AND FIRKIN PUBLIC HOUSE, 109 HIGH STREET, HORNCHURCH RM11 1TX

The Sub-Committee considered a licensing application as follows;

DETAILS OF APPLICATION

Application to vary the premises licence under the Licensing Act 2003 ("the Act").

APPLICANT

The Spirit Group Limited
107 Station Street
Burton-on-Trent
DE14 1SZ

1. Details of existing licensable activities

The applicant currently held a converted Premises Licence under the Licensing Act 2003 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.

Premises Licence – permitted hours of trading:

| | |
|-------------------------------|---|
| Monday to Saturday | 10:00 to 23:00 |
| Sunday and Good Friday | 12:00 to 22:30 |
| 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) |

2. Details of requested variation(s)

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

Licensable Activities:

- Live music
- Recorded music
- Anything of a similar description to that falling within e, f or g
- Provision of facilities for dancing
- Late night refreshment
- Supply of alcohol

(a) Live music:

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:00 hours |
| Friday and Saturday | 11:00 hours until 00:00 hours |

(b) Recorded Music

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:00 hours |
| Friday and Saturday | 11:00 hours until 00:00 hours |

(c) Anything of a similar description to that falling within e, f or g

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:00 hours |
| Friday and Saturday | 11:00 hours until 00:00 hours |

(d) Provision of facilities for dancing

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:30 hours |
| Friday and Saturday | 11:00 hours until 00:00 hours |

(e) Late night refreshment

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 23:00 hours until 23:30 hours |
| Friday and Saturday | 23:00 hours until 00.30 hours |

(h) Supply of alcohol:

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:30 hours |
| Friday and Saturday | 11:00 hours until 00:30 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. The applicant requested removal of the following embedded restrictions:

1. The restriction relating to drinking up time.
2. The restriction relating to credit sales.
3. The restriction on children under 16 being on the premises so as to allow accompanied children under 16 to be on the premises until 18:00 hours.

3. Promotion of the Licensing Objectives

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

4. Details of Representations

Representations Objecting to the Application from “Interested Parties”

None

Responsible Authorities

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

Objection withdrawn prior to the Hearing upon acceptance by the applicant of the ACPO guidelines relating to non-standard timings and conditions relating to maintenance of the current CCTV system, the employment of SIA approved door supervisors and a child protection condition.

London Fire & Emergency Planning Authority (“LFEPA”): None.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: None

Children & Families Service:

Objection withdrawn prior to the Hearing upon acceptance by the applicant of a condition requiring that persons under 16 should not remain on the public areas of the premises after 18:00 hours.

Trading Standards Service: None

The Magistrates Court: None

5. Determination of Application

Decision

The Sub-Committee's decision regarding the application to vary the Premises Licence for The Fatling and Firkin Public House 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

The Sub-Committee denied the Application for Regulated entertainment because it was improperly advertised by the applicant, as it did not "briefly describe" the activities requested. The Sub-Committee noted that an application for karaoke would need to have been submitted under section B (films) rather than under Section H (anything of a similar description to that falling within e, f or g).

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

1. Licensable Activities:

(a) Late night refreshment

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 23:00 hours until 23:30 hours |
| Friday and Saturday | 23:00 hours until 00.30 hours |

(b) Supply of alcohol:

| | |
|---------------------|-------------------------------|
| Sunday to Thursday: | 11:00 hours until 23:30 hours |
| Friday and Saturday | 11:00 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 removed the following embedded restrictions on the Justices Licence:

1. The restriction relating to drinking up time, subject to adding a condition that the premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
2. The restriction on children under 16 being on the premises, subject to the condition that no persons under 16 shall be admitted to or allowed to remain on the public areas of the premises after 18:00 hours.

The request for removal of the restriction on credit sales was declined.

4. Conditions

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

1. The premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensed activity.
2. No persons under 16 shall be admitted to or allowed to remain on the public areas of the premises after 18:00 hours.
3. The current CCTV system shall be maintained and to be kept in good working order, with recordings kept for 31 days for the use of any criminal investigations which may arise within the premises, to the satisfaction of the police.
4. SIA approved door supervisors shall, be employed if the DPS deems this necessary.

5 Mandatory Condition

The Licensing Act 2003, Part 3, paragraph 19 provides that where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

“the first condition is that no supply of alcohol may be made under the premises licence – at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.”

This mandatory condition was placed on the converted premises licence.

Chairman

January 2006