

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
18 July 2005 (10.30am – 12.30pm)**

**Present:**

**COUNCILLORS:**

**Conservative Group**

Peter Gardner (in the Chair)  
Edward Cahill  
Alexandra Smith

Mr Austin Morgan (the applicant's legal representative), Mrs Alison Elford (appearing as a witness), PC Dave Leonard (Havering Police), Mr M Gasson (Environmental Health), two members of the public were present to make representations, Graham Hopkins, Licensing Officer, Barnaby Hawes (Legal advisor to the Sub-Committee), Alison Maybin (Clerk), Garry Chick-Mackay (Democratic Services), Anthony Clements (Democratic Services) and Derron Jarell (Legal Services) 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 ORANGE TREE, ORANGE TREE HILL, HAVERING-ATTE-BOWER – OPPOSED VARIATION TO A PREMISES LICENCE**

The Sub-Committee noted that the applicant had submitted an amendment deleting in its entirety "the transmission of recognised International events" from the non-standard timings heading in every place in which it occurred.

The Council's licensing officer presented the report. The application was to allow the premises to open between 10.00 hours and 00.00 hours (midnight) Monday-Sunday for films, late night refreshments and alcohol, and 10.00 hours to 00.30 hours the following day for the playing of recorded music. The application also requested extended hours for a total of 27 days around and including Public Holidays and Patron Saints' days and the removal of any restrictions placed on the licence by virtue of schedule 8, paragraph 6 (8) of the Licensing Act 2003. The report stated that, if the applicant wished, the public house could legally stay open until 00.00 hours Monday to Saturday and 23.00 pm on Sundays for the purpose of serving table meals. Alcohol could be sold to people taking a table meal during the same period. The right would need to be converted as a 'grandfather right' and would not be a variation.

Three valid representations from interested parties had been received during the consultation period in addition to representations from responsible authorities; the Metropolitan Police Licensing Officer and the Principal Officer (public health section) Environmental Health. The police objection had related to the application for additional hours for "the

transmission of “recognised International events”, which had been subsequently withdrawn by the applicant, but also made representation for the number of additional days requested to be reduced to no more than 12 and that the police should have a power of veto over the dates chosen.

The police representative explained that it was a generic application made by a company owning a group of public houses and the police had responded to the application generically. The Sub-Committee would need to consider the issue of the residential location of this particular public house. In the view of the police, midnight closure was the latest time acceptable in a residential area. The issue of the request for additional hours for International events had been resolved by the applicant’s withdrawal of that part of the application. The number of days requested for non standard hours was still a concern and the police were recommending a maximum of 12 days to be allocated with an absolute police veto over the dates chosen. They were also recommending a condition requiring CCTV cameras if the Sub-Committee was minded to grant the licence. The Police Representative commented that it was difficult to assess what the noise impact would be if the hours were extended as no extensions of hours had been requested for the premises under the former Licensing Act.

The Environmental Health representative explained that, in the view of his department, the hours applied for were excessive. If the permitted hours were extended it could be expected that residents would be subjected to a longer period of noise emanating from vehicles using the car park. He reported that no noise complaints relating to the premises had been received by his Department.

The Sub-Committee heard the representations of local residents. Residents reported that noise from the premises had increased since a second beer garden had been opened in the previous year. During that period the character of the public house had changed from that of a quiet country pub used by families to a more rowdy ‘drinkers’ pub. The volume of noise from the car park had increased and after midnight noise was magnified. Rubbish and glass had been dropped into an adjoining residential garden and swearing had been heard coming from the new beer garden. One resident expressed a fear of crime which might result from the later drinking hours and related this to recent (unreported) incidents. A resident reported that public transport in the area was inadequate (one bus per hour) and that the later opening hours might result in the need for more car parking space. Residents expressed a concern that the manager at the premises might change and there was no guarantee that the new management would be sensitive to residents’ needs.

The applicant’s representative presented his client’s case. He called one witness, the manager of the premises. The witness confirmed that she had been in post for one month and had previously managed one other

public house, the Headley Arms. The witness confirmed that the premises was a community pub, part of the Ember Inns group and provided drinking and dining for the over 21s age group. The age range had been confined to over 21s to avoid binge drinking. On Saturdays 40% to 50% of customers were diners. Dining took place both outside and inside the premises. The manager confirmed that she had met the occupiers of surrounding residential properties including the witnesses present. She would want to resolve any issues as they arose. If rubbish and glass was dropped by customers into residential gardens then she would arrange for it to be removed.

The applicant's representative confirmed that the 'international events' request had been withdrawn in response to the police representation. The premises had no screens at present and was a food driven establishment. He stressed that not all the additional days requested would be used. This was borne out by the fact that no special days had been applied for in the past. In his view, the longer hours applied for would enable customers to stagger the times of their departure with less consequent noise or disturbance. He stated that the police had not objected to the one hour extension and that the Environmental Health representative had not reported any complaints of noise. There were no other environmental health issues. He stated that it would not be in the interest of the company to change the management. The company would seek to establish a proper relationship with neighbouring residents. In his view the application had addressed the residents' valid concerns and the police representations.

In response to questions from the Sub-Committee the applicant's representative confirmed that the company had a complaints procedure and complaints would be speedily dealt with. Identification was required to establish that customers were over 21. Children were confined to the garden of the premises and no one under the age of 14 could consume food inside. The small beer garden was not illuminated and should not be used after dark. Safety glasses only were used and were cleared every 20 minutes. Most customers purchased food. Last orders for food were at 8.00pm and most customers left by 10.00pm. The extra hours had been applied for to get away from the principle that most people left together. There were likely to be only around 12 people in the premises at the new closing time. Staff levels were likely to be the manager plus between two and four bar staff. CCTV cameras were already in place and good quality film records were kept.

At this point the Chairman adjourned the hearing to allow the Sub-Committee to make its decision.

On reconvening, the Chairman explained that in making its decision the Sub-Committee took into account the relevant written and oral representations. In particular the representations of the Police and two local residents present at the hearing regarding past and present noise nuisance were given weight. The Sub-Committee had taken notice of the

residential nature of the neighbourhood in which premises is situated and these were important factors in declining to grant the full trading hours sought by the applicant. The Sub-Committee had considered that to allow the application in its entirety would lead to a high risk of public nuisance.

In making its decision the Sub-Committee took account of the licensing objectives and in particular the prevention of public nuisance, in this case noise nuisance, of 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.

The Sub-Committee **RESOLVED**;

To grant the application for conversion of the licence and to grant the application to vary the licence in part as follows:

1. That the premises may open for the following licensable activities;
  - (a) Supply of alcohol:  
  
Sunday to Thursday: 10am until 11pm unless alcohol is supplied to a customer having a table meal in which case until midnight  
  
Friday and Saturday: 10am until midnight
  - (b) Late night refreshment:  
  
Sunday to Saturday: 10am until midnight
  - (c) Films and Recorded Music:  
  
Sunday to Saturday: 10am until midnight
2. The premises may open for the following licensable activities; films, recorded music, late night refreshment, supply of alcohol, for one additional hour on 12 additional days; subject to 10 working days' notice being given to the police and the police giving written consent. Notice should also be provided to the London Borough of Havering Environmental Health Licensing Section.
3. A prominent, clear and legible notice be displayed in the car park requesting that customers entering and leaving the premises respect the needs of local residents and to do so as quietly as possible.

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CHAIRMAN