

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
18 June 2007 (10.40am – 11.50am)**

**Present:**

**COUNCILLORS:**

**Conservative**

Edward Cahill (Chairman)  
Pam Light

**Labour**

Tom Binding

Mr T B Lau (the applicant), his daughter and Mr Neill, his legal representative were present. Also present were the LB Havering Licensing Officer, the legal advisor to the Panel and the clerk to the Panel.

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.**

The application was of the existing premises licence. for a Premises Licence under section 17 of the Licensing Act 2003 ("the Act") and was a major variation of the existing premises licence.

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

**PREMISES**

Chinese China  
207 St Mary's Lane  
Upminster  
RM14 3BU

**DETAILS OF APPLICATION**

Application for a Premises Licence under section 17 of the Licensing Act 2003 ("the Act") for the premises referred to in part 1 of the application.

The applicant currently had a licence for the following licensable activities:

### **Recorded Music**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	10:00 hours	00:00 hours
Tuesday	10:00 hours	00:00 hours
Wednesday	10:00 hours	00:00 hours
Thursday	10:00 hours	00:00 hours
Friday	10:00 hours	00:30 hours
Saturday	10:00 hours	00:30 hours
Sunday	10:00 hours	23:00 hours

### **Late night refreshments**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	23:00 hours	00:00 hours
Tuesday	23:00 hours	00:00 hours
Wednesday	23:00 hours	00:00 hours
Thursday	23:00 hours	00:00 hours
Friday	23:00 hours	00:30 hours
Saturday	23:00 hours	00:30 hours
Sunday	None	None

### **Sale of alcohol**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	18:00 hours	23:00 hours
Tuesday	18:00 hours	23:00 hours
Wednesday	18:00 hours	23:00 hours
Thursday	18:00 hours	23:00 hours
Friday	18:00 hours	23:30 hours
Saturday	18:00 hours	23:30 hours
Sunday	18:00 hours	23:00 hours

### **Details of requested variations**

An application had been made for the provision of the following licensable activities:

#### **Films (ie karaoke)**

**Provision of facilities for making music (ie. Karaoke)**

**Provision of facilities for dancing (ancillary to karaoke)**

**Provision of facilities for Entertainment of a similar description to making music and dancing (ancillary to karaoke)**

**Sale of Alcohol, (on-sales only)**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	12:00 hours	00:00 hours
Tuesday	12:00 hours	00:00 hours
Wednesday	12:00 hours	00:00 hours
Thursday	12:00 hours	00:00 hours
Friday	12:00 hours	01:00 hours
Saturday	12:00 hours	01:00 hours
Sunday	12:00 hours	00:00 hours

### **Recorded Music**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	10:00 hours	00:00 hours
Tuesday	10:00 hours	00:00 hours
Wednesday	10:00 hours	00:00 hours
Thursday	10:00 hours	00:00 hours
Friday	10:00 hours	01:00 hours
Saturday	10:00 hours	01:00 hours
Sunday	10:00 hours	00:00 hours

### **Late Night Refreshment**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	23:00 hours	00:00 hours
Tuesday	23:00 hours	00:00 hours
Wednesday	23:00 hours	00:00 hours
Thursday	23:00 hours	00:00 hours
Friday	23:00 hours	01:00 hours
Saturday	23:00 hours	01:00 hours
Sunday	23:00 hours	00:00 hours

### **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 out to promote the four licensing objectives:

### **Details of Representations**

#### Representations Objecting to the Application from “Interested Parties”

Five written representation were received from members of the public who lived in the vicinity of the premises or on a transitory route from the premises.

The written representations related to the prevention of public nuisance. Residents contended that the limited parking area outside the restaurant resulted in restaurant customers parking outside the interested parties’ homes. The result of this was that the customers collect their cars after an evening spent in the restaurant and disturbed the residents with loud conversations, laughter and signing, while still in high spirits. Their concern is that if the hours are extended at the restaurant this disturbance is likely to continue until a later hour.

#### Responsible Authorities

**Chief Officer of Metropolitan Police (“the Police”):** None

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

**Health & Safety Enforcing Authority:** None.

**Planning Control & Enforcement:** None.

**Public Health:** None

**Children & Families Service:** None.

**Trading Standards Service:** None

**The Magistrates Court:** None

### **Decision**

**Consequent upon the hearing held on 18 June 2007, the Sub-Committee’s decision regarding the application to vary a Premises Licence for Chinese China 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.

<b>Agreed Facts</b>	
<b>Facts/Issues</b>	
<b>Issue 1</b>	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
<b>Issue 1</b>	<b>Public Nuisance</b>  The Committee received an oral representations from a member of the public who referred to the level of disturbance caused by loud noise of vehicles using the restaurant at night. The resident argued that the limited parking area outside the restaurant resulted in restaurant customers parking outside the local residents homes. The result of this was that the customers collect their cars after an evening spent in

	the restaurant and disturbed the residents with loud conversations, laughter and singing. Their concern was that if the hours were extended at the restaurant this disturbance was likely to continue until a later hour
<b>Response of the Applicant for the License</b>	The applicant for the License addressed the issues raised in the representations to the Sub Committee. He argued that the noise referred to by the resident had no direct connection to the premises in question, and occurred off the premises. He added that the noise and disturbance could have been attributed for persons returning to their cars after attending a whole host of possible licensed premises in the nearby vicinity. The legal representative also added that there had been no representations submitted by any of the responsible authorities.

Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee granted the application as followed:

**Films (ie karaoke)**

**Provision of facilities for making music (ie. Karaoke)**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	12:00 hours	00:00 hours
Tuesday	12:00 hours	00:00 hours
Wednesday	12:00 hours	00:00 hours
Thursday	12:00 hours	00:00 hours
Friday	12:00 hours	00:30 hours
Saturday	12:00 hours	00:30 hours
Sunday	12:00 hours	00:00 hours

**Provision of facilities for dancing (ancillary to karaoke)**

**Provision of facilities for Entertainment of a similar description to making music and dancing (ancillary to karaoke)**

**Sale of Alcohol, (on-sales only)**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday	12:00 hours	00:00 hours
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Thursday	12:00 hours	00:00 hours
Friday	12:00 hours	01:00 hours
Saturday	12:00 hours	01:00 hours
Sunday	12:00 hours	00:00 hours

**Recorded Music**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
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Wednesday	10:00 hours	00:00 hours
Thursday	10:00 hours	00:00 hours
Friday	10:00 hours	00:30 hours
Saturday	10:00 hours	00:30 hours
Sunday	10:00 hours	00:00 hours

**Late Night Refreshment**

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Tuesday	23:00 hours	00:00 hours
Wednesday	23:00 hours	00:00 hours
Thursday	23:00 hours	00:00 hours
Friday	23:00 hours	01:00 hours
Saturday	23:00 hours	01:00 hours
Sunday	23:00 hours	00:00 hours

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**CHAIRMAN**

Date: ..... 2007