

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
19 August 2005 (10.30am – 12.45am)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Alexandra Smith (Chairman) substituting for Councillor Peter Gardner Barry Oddy
<b>Residents' Group</b>	Ivor Cameron

The Chair announced that she was substituting for Councillor Peter Gardner.

Mr Keith Clarke and Mr A Mansworth (on behalf of the applicant), Sergeant Richard Edwards (on behalf of PC Dave Leonard, Licensing Officer), Havering Borough Police, 4 members of the public were present to make representations, Paul Campbell (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee) Alison Maybin (Clerk) and twenty four additional members of the public 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 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  
NEW INN PUBLIC HOUSE, SQUIRRELS HEATH LANE, ROMFORD, RM2 6DP**

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**

Punch Taverns plc

Jubilee House  
Second Avenue  
Burton-on-Trent  
DE14 2WF

## 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	12:00 to 22:30
Christmas Day 1 <sup>st</sup>	12:00 to 15:00
Christmas Day 2 <sup>nd</sup>	19:00 to 22:30
New Years Eve	10:00 to 23:00 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
- Provision of facilities for entertainment of a similar description (Karaoke)
- Supply of alcohol

#### (a) Live music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday	10:00 hours to 02:00 hours the following day (Saturday)
Saturday:	10:00 hours to 02:00 hours the following day (Sunday)
Sunday	10:00 hours to 23:00 hours

(b) Recorded music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday	10:00 hours to 02:00 hours the following day (Saturday)
Saturday:	10:00 hours to 02:00 hours the following day (Sunday)
Sunday	10:00 hours to 23:00 hours

(c) Provision of facilities for entertainment of a similar description (Karaoke):

Monday to Thursday:	10:00 hours until 00:00 hours
Friday	10:00 hours to 02:00 hours the following day (Saturday)
Saturday:	10:00 hours to 02:00 hours the following day (Sunday)
Sunday	10:00 hours to 23:00 hours

(d) Supply of alcohol:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday	10:00 hours to 02:00 hours the following day (Saturday)
Saturday:	10:00 hours to 02:00 hours the following day (Sunday)
Sunday	10:00 hours to 23:00 hours

As part of the application process the applicant had been asked to identify any intention to use the premises for the licensable activities listed above at different times to those specified. The non-standard timings requested were:

- A further additional hour every Christmas Eve when falling on Monday, Tuesday, Wednesday Thursday and Sunday.
- To reflect existing New Year's Eve/ Day hours.

**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

The following members of the public made oral representations to the Sub-Committee:

Mr H Gee  
Mr B Haward on behalf of Mrs M Westlake  
Mr D R Wilkinson  
Mr R G Wood

The representations from local residents related to

- A current increase in antisocial behaviour in residential roads close to the premises and a current increase in on-street parking in adjoining residential roads resulting in danger to motorists and pedestrians.
- Inebriated customers were causing damage to cars and gardens in the vicinity.
- If the proposals were granted, customers from public houses in other areas would move on to the New Inn at closing time.
- Customers were noisy on departure from the premises. Residents, especially children, would be woken by the slamming of car doors and noisy shouting. This would be detrimental to their health and quality of life.
- Residents were sleeping at the back of their houses with the windows closed due to existing noise levels. Music was currently being played at 'disco' level. Every word could be heard at a distance of 100 metres.
- A residential home for elderly people was in close proximity to the premises and other retired people also lived in the vicinity.
- No public transport was available to cover the additional hours being requested.
- Local residents had not sought the increase in hours. The proposals were inappropriate in a residential location.
- The increase in hours would increase the cost of local services.
- No reasons had been given for around 50 residents' letters of representation being rejected, with no right of appeal.

#### Responsible Authorities

#### **Sergeant Richard Edwards on behalf of PC Dave Leonard, Licensing Officer, Havering Borough Police:**

The representations from the Police related to residential location of the public house. There was no record of previous requests for extensions in hours and the applicant had not demonstrated a need for the additional hours at the weekend. There were no crime statistics available and, in the opinion of the police, the premises were well managed. There was little crime and disorder reported in the vicinity. If an increase in hours resulted in more crime and disorder, the police would struggle to cope as resources were currently concentrated in Romford Town Centre. The police were recommending 12 extensions per year, excluding TENS, with an absolute police veto in respect of each occasion.

**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

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

**Prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.**

## **7. Determination of Application**

**The Sub-Committee's decision regarding the application to vary the Premises Licence for the New 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.

## **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. That the premises may open for the following licensable activities;

(a) Supply of alcohol:

Sunday: 12:00 hours until 23:00 hours  
Monday to Thursday: 10:00 hours until 23:00 hours  
Friday and Saturday: 10:00 hours until 00:00 hours

(b) Recorded Music:

Sunday: 12:00 hours until 23:00 hours  
Monday to Thursday: 10:00 hours until 23:00 hours  
Friday and Saturday: 10:00 hours until 00:00 hours

(c) Live Music Performed by no more than 2 entertainers:

Sunday: 12:00 hours until 23:00 hours  
Monday to Thursday: 10:00 hours until 23:00 hours  
Friday and Saturday: 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 licensing authority and the Police for each occasion. The prior written consent of the Police to be obtained and the police to have absolute right to refuse any occasion. A register to be kept at the premises available for inspection by the police or an Authorised Office of the Licensing Authority and details of each occasion to be recorded in it including the written consent of the police.

The Sub-Committee attached the following condition to the licence.

Doors and windows must be closed by 23:00 hours, other than to permit access to and departure from the premises.

The reason for the condition is the Prevention of Public Nuisance.

The Chairman of the Sub-Committee reminded the applicant that recorded music and live music performed by no more than 2 entertainers should not exceed background levels and suggested that the applicant might wish to hold meetings with local residents to address their concerns.

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.

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Chairman