

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
19 December 2005 (10.30am – 10.55am)**

Present:

COUNCILLORS:

Conservative Group Edward Cahill (Chairman)
Wendy Brice-Thompson

Ms Lorraine Hawkins (the applicant) Paul Campbell (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee) and Anthony Clements (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 ASPEN TREE, GOBIONS AVENUE, ROMFORD, RM5 3SP.

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

Greene King Brewing & Retailing Ltd.
Abbot House
P O Box 337
Bury St Edmunds
IP33 1QW

1. Details of existing licensable activities

The applicant currently held a licence granted by a Council Sub-Committee on 22 August 2005.

Current Licence – permitted hours of trading:

Monday to Saturday	10:00 to 23:00
Sunday & Good Friday	10:00 to 22:30
Christmas Day 1 st	12:00 to 15:00
Christmas Day 2 nd	19:00 to 22:30
New Years Eve (Government Deregulated licensing hours)	10:00 to 23:00 New Years Day

2 **Details of requested variation(s)**

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

Licensable Activities:

- Films
- 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) Films:

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

(b) Live Music:

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

(c) Recorded Music:

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

(d) Anything of a similar description to that falling within (e) (f) or (g) – karaoke, DJ, Disco

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

(e) Provision of facilities for dancing

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

(f) Late Night Refreshment

Friday and Saturday: 23:00 hours until 00:00 hours

(g) Supply of Alcohol

Sunday to Thursday: 11:00 hours until 23:00 hours

Friday and Saturday: 11:00 hours until 00:00 hours

3. **Promotion of the Licensing Objectives**

The applicant had completed the operating schedule, which formed part of their application, that they would take the steps set out to promote the four licensing objectives:

4. **Details of Representations**

Representations Objecting to the Application

Gillian M Bullion, 48, Gobions Avenue, Romford, Essex, RM5 3SP

The representation received from the public related principally to the noise and anti-social behaviour in the vicinity of the premises. Several anti-social incidents had been observed by the objector.

Responsible Authorities

No objections were received from any of the responsible authorities listed below:

Chief Officer of Metropolitan Police (“the Police”)

London Fire & Emergency Planning Authority (“LFEPA”)

Health & Safety Enforcing Authority

Planning Control & Enforcement

Public Health

Children & Families Service

Trading Standards Service

The Magistrates Court

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

Prevention of Public Nuisance

5. Determination of Application

The Sub-Committee's decision regarding the application to vary the Premises Licence for the Aspen Tree 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 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. Licensable Activities:

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(e) Provision of facilities for dancing

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

(f) Late Night Refreshment

Friday and Saturday: 23:00 hours until 00:00 hours

(g) Supply of Alcohol

Sunday to Thursday: 11:00 hours until 23:00 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 refused a request to remove current restrictions under s.168 of the Licensing Act 1964. Thus the pub's policy on children in the premises is to remain unchanged.

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 had 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.

Date: Chairman