

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE  
20 November 2007 (10.30am – 11.50am)**

**Present:**

**COUNCILLORS:**

**Conservative** Peter Gardner (Chairman)

**Residents'** John Mylod

**Labour** Tom Binding

Mr G Madgwick on behalf of the Applicant and Mr A Grimsey, his legal representative were present. Also present was the LB Havering Licensing Officer. The legal advisor to the Panel and the clerk were also in attendance.

The Chairman advised those present of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

There were no declarations of interest.

**APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE  
GOLDEN CRANE PUBLIC HOUSE, 117 AVON ROAD, UPMINSTER RM14 1RQ**

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

**PREMISES**

The Golden Crane PH  
117, Avon Road  
Upminster  
RM14 1RQ

**DETAILS OF APPLICATION**

**APPLICANT**

Urban Bars Ltd  
The Golden Crane PH  
117, Avon Road  
Upminster  
RM14 1RQ

**1. Details of existing licensable activities**

**Films, Indoor Sporting Events, Sale of alcohol**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Thursday	10:00 hours	23:30 hours
Friday & Saturday	10:00 hours	00:00 hours

Sunday	10:00 hours	23:00 hours
Good Friday	12:00 hours	22:30 hours
Christmas Day	12:00 hours 19:00 hours	15:00 hours and 22:30 hours
New Year's Eve (except Sunday)	10:00 hours	23:00 hours
New Year's Eve (on a Sunday)	12:00 hours	22:30 hours

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

### **Recorded Music**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday to Sunday	10:00 hours	23:30 hours

### **Late Night Refreshment**

Monday to Thursday	23:00 hours	23:30 hours
Friday & Saturday	23:00 hours	00:00 hours

## **2. Details of requested licensable activities**

### **Licensable Activities:**

**Live music, recorded music, anything of a similar description to live music or recorded music (i.e. karaoke), provision of facilities for making music and provision of facilities for dancing.**

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	10:00 hours	23:30 hours
Friday & Saturday	10:00 hours	00:00 hours

Removal of references to the following permitted hours carried over from the 1964 Licensing Act::

Good Friday	12:00 hours	22:30 hours
Christmas Day	12:00 hours 19:00 hours	15:00 hours and 22:30 hours
New Year's Eve (except Sunday)	10:00 hours	23:00 hours
New Year's Eve (on a Sunday)	12:00 hours	22:30 hours

To permit children onto the premises in line with the 2003 Licensing Act.

### 3. **Promotion of the Licensing Objectives**

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

### 4. **Details of Representations**

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

Nine individuals signed the five letters of representation against this application. All five letters based their representation against the application on the grounds of the prevention of public nuisance.

The valid representations came from the following members of the public:

Mr & Mrs R Grant, 8, Kennet Close, Upminster, RM14 1ST  
Mrs M Raymond, Miss N Raymond and Miss L Raymond, 1, Severn Drive, Upminster, RM14 1SN  
Mr M Schaberg, 2, Severn Drive, Upminster, RM14 1SN  
Mr P Tudor, 7, Severn Drive, Upminster, RM14 1SN and  
Mr S & Mrs D Walker, 14, Severn Drive, Upminster, RM14 1SN

The interested parties expressed concern that the addition of live music to the premises licence at this venue would cause them nuisance as the area is predominantly residential in nature. One letter was from a resident whose property abutted the rear garden of the pub and who made the point that the no smoking law would mean that patrons who wished to smoke would be entering the garden to do so. There was concern that during the summer months, doors would remain open and noise would not be contained, to the annoyance of residents nearby.

#### 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

## 5. Determination of Application

Four objectors were present at the hearing. Mr & Mrs Tudor and Mr & Mrs Grant. Mr Tudor and Mr & Mrs Grant were given leave to speak as their names and signatures appeared on the letters of objection.

The Licensing Officer presented his report and during the course of it, advised the Sub-Committee that the applicant had made this application to vary the licence as there had been confusion as to whether the licence grandfathered to it permitted live music and dancing. As it did not, the applicant was now seeking to remedy this deficiency.

The Sub-Committee invited those objecting to the application to state their case. Mr Grant spoke first and related his fears concerning the impact of the no-smoking legislation on properties backing onto the pub garden. He stated that although there was a well built shelter, the problem lay in the fact that there was no "lobby" between the bar area and the garden and so, every time a smoker left the premises or re-entered it, the doors would be opened and noise would spill out. His concern was that if the situation was annoying during the winter – going on, as it did until very late (children's bedrooms usually being located at the rear of their homes), what would it be like during the summer when it was more likely that the doors would be kept open right through the evening?

He also raised concerns that if full meals were being served very late (as could happen under the granting of late night refreshment), then patrons could be on the premises even later, eating and drinking to the early hours, after which, there would be additional noise as people left, starting cars, banging doors, possibly calling-out or talking loudly. He also expressed fears that glasses and bottles would be left around the car park and environs and that litter would proliferate.

Mr Tudor then spoke to inform the Sub-Committee about his personal observations concerning a recent event at the pub (9 November) when he had witnessed live entertainment and dancing and noted that the band played until 00.07am and there was still activity until 00.15am. He added that bottles were being disposed of in a noisy manner at 00.42am.

He further advised the Sub-Committee that he believed the applicants were so confident of obtaining the necessary licence, that other live events had been advertised. Mr Tudor challenged the request for live music seven days a week, but it was explained that there was no provision for specifying particular days: For entertainment it was either all or nothing – though it was also pointed-out that considerate land-lords were unlikely to abuse this permission.

Members of the Sub-Committee invited the applicant to respond and Mr Grimsey explained that his client was only seeking to redress some confusion concerning the licence which had arisen with the previous owners. He apologised for the inadvertent live entertainment show, which, he assured Members, would not have happened if the true position had been appreciated. He then sought to address the various points which had been raised. With regard

to the claim about noise emanating from the building as patrons left and re-entered the pub, he said that the brewery were considering the possibility of applying for planning permission to construct an extension which would act as a “lobby” and help minimise sound pollution. In addition, he pointed out that the windows were sealed and incapable of being opened and the external doors were self-closing.

With regard to the entertainment element, the Sub-Committee was advised that it was principally family orientated. A quiz night on Thursdays and a few charity events. Naturally, there would be a great deal of activity around major football and other sporting events, but this was no different from most other establishments. All the brewery was seeking was the freedom to be flexible.

He referred to the pub seeking to promote itself as a community venue and suggested that the idea was for it to be known as a “local” “family” pub and the new menu was to promote itself as “food driven” rather than a pub which encouraged transient trade. Mr Grimsey added that he believed that the pub could become a good neighbour and suggested that a “hot line” for residents was being considered in order that, should it ever become necessary (and music become too loud), residents could speak directly with the manager and the problem would be immediately dealt with. In addition, he stated that staff would be trained to critically listen to noise from the pub whenever they were outside clearing away glasses etc. As a final gesture to address complaints about noise, he said that new signage would be erected drawing customers’ attention to the need to respect residents’ peace, bottle bins would be relocated and that litter and glass patrols would ensure that the car park and outer environs of the pub would be kept clear.

It was reiterated that the pub was community focussed and he again apologised on behalf of the management for the event held on 9 November

Members asked a number of questions as to the number of covers and the proposed siting of tables as well as the location of the area for performances. One Member enquired whether noise limiting or control measures could be imposed.

## **Decision**

**Consequent upon the hearing held on 20 November 2007, the Sub-Committee’s decision regarding the application to vary a Premises Licence for the Golden Crane 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.

**The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.**

## **Agreed Facts**

### **Facts/Issues**

#### **Issue 1**

Whether the granting of the premise licence would undermine the prevention of public nuisance.

## **Decision**

### **Issue 1**

#### **Public Nuisance**

The Sub-Committee noted that oral evidence had been provided by a member of the public which demonstrated to their satisfaction that there had been an unauthorised live music event that had been held recently. The Sub-Committee also noted that a programme of live entertainment for November and December had also been advertised. Members noted the statement from the Applicant's legal representative, that due to changes in ownership, there had been some confusion as to the status of live entertainment, but considered that it was the responsibility of the proprietors to familiarise themselves with the conditions of any licence in their possession and that, if there were doubt, they should have consulted the Licensing Authority for clarification before undertaking any programme over which doubt might have arisen. In this, they felt the management had acted rashly.

The Sub-Committee then considered the surrounding environment and were unanimous in their assessment that this was predominantly residential and that several homes adjoined the perimeter of the pub. Members deliberated on whether it was appropriate therefore to permit live entertainment in this instance when there were homes within close proximity and where there could be noise nuisance as there was less opportunity to regulate live volume than recorded and there was no "lobby" between the pub and the outside which might act as a baffle when patrons entered or exited the garden. The Sub-Committee took note of the Applicant's legal representative's offer to give residents a "hot line" direct to the pub for use in the event of noise levels becoming too high. Members also noted the suggestion that the brewery might consider seeking

planning permission for the construction of such a “lobby” between the exiting back doors and the garden, but this had been by way of a “possibility” and, in any case would not be available for the foreseeable future – assuming it was realised.

Having considered the oral and written submissions on behalf of the applicant, objector and the licensing officer, the Sub-Committee **refused** the application for live music and **refused** the application for karaoke, but **granted** the extension on Friday and Saturday for recorded music as requested and **granted** the application for dancing as follows:

Licensable Activities:

Recorded music

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	10:00 hours	23:30 hours
Friday & Saturday	10:00 hours	00:00 hours

Provision of facilities for dancing

<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	10:00 hours	23:30 hours
Friday & Saturday	10:00 hours	00:00 hours

No application for a change to the timings in respect of films, indoor sporting events, sale of alcohol and late night refreshment had been made and these remained unchanged.

The Sub-Committee furthermore **granted** the Applicant’s request to remove the permitted hours detailed in: c., d., e. and f., of Part 2, Annex 2 of the premises licence and **granted** the Applicant’s request to permit children onto the premises in line with the 2003 Licensing Act..

**MANDATORY CONDITIONS**

It is a requirement of the 2003 Act that certain mandatory conditions must be included on Premises Licences where the licence authorises the sale of alcohol, or where there is a condition requiring the use of security staff.

**Section 19 Licensing Act 2003, Mandatory conditions: where the licence authorises the sale of alcohol**

- M1 No supply of alcohol may be made under the Premises Licence;
- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
  - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

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**CHAIRMAN**

**Date: ..... 2007**