

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
22 August 2005 (14.30pm – 14.45pm)**

Present:

COUNCILLORS:

Conservative Group Peter Gardner (Chairman)

Labour Group Jeff Stafford

Ms Lorraine Hawkins (the applicant), Paul Campbell (Havering Licensing) Derron Jarell (Legal advisor to the Sub-Committee) and Debbie Okutubo (Clerk) were present.

An apology for absence was received from Councillor Owen Ware.

The Sub-Committee continued the hearing with a quorum of two.

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 ASPEN TREE – APPLICATION TO VARY A PREMISES LICENCE

The Committee received a report outlining the application.

The premises were currently permitted to open Monday to Saturday 10.00am to 23.00pm, Sunday and Good Friday 12.00noon to 23.00pm, Christmas day 1st 12.00noon to 15.00pm and 19.00pm to 22.30pm and New Years Eve 10.00am to 0.00hours New Years Day.

The Sub-Committee noted that there were no representations by members of the public who lived in the vicinity of the premises or on a transitory route from the venue.

The Licensing Officer's oral submission indicated that a copy of the advertisement concerning the proposed variation in the pub's licensing hours had not been received by the licensing authority seven days prior to the hearing as required under the Licensing Act 2003. The Sub-Committee noted that the Licensing Officer had telephoned Green King on 12 August 2005 asking for confirmation that the advertisement was made. During the hearing the Chairman asked the Licensing Officer, whether he had received a copy of the advertisement within the seven days leading up to the hearing.

The Licensing Officer stated, that he made an additional telephone call to try and resolve the issue regarding the applicant's advertisement in a local

newspaper. He said that the call was made on 18th August 2005 and Green Hill replied via an e-mail on Friday 19 August contending that they placed the advert but did not have a copy of the publication. He further stated that he had no proof that the advertisement was indeed placed in a local paper as required by the Act.

The Sub-Committee ruled that although they had been informed that the applicant had a copy of the text for the advertisement with them on the day of the hearing, they were of the belief that the applicant's failure to provide a copy of the local newspaper with the advert in it when requested by the Licensing Authority was a breach of the procedures and they were not prepared to waive the seven day requirement for submission of documents for consideration.

They further ruled that as the applicant failed to provide the Licensing Authority with documented proof that they had indeed placed an advertisement in a local newspaper as required by the Act, and that such proof was not received by the Licensing Authority from the applicant despite several attempts by the Licensing Officer, as stated in paragraph 8.1 of the Procedures for Hearing Under the Licensing Act 2003, a copy of which was sent to the applicant, showed a complete disregard for the hearing procedures, and therefore they would not accept any further documentation in support of the application for variation.

Accordingly, the Sub-Committee determined that the application was invalid.

Chairman

Date