

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
22 September 2005 (2.30pm – 3.40pm)

Present:

COUNCILLORS:

Conservative Group Peter Gardner (Chairman)

Labour Group Jeff Stafford

In the absence of a third Member, the Sub-Committee proceeded with a quorum of two Members. The applicant and responsible authorities raised no objection to this.

Mrs Lorraine Kittle (the applicant) Mr John Gover (the applicant's licensing agent) Sergeant Richard Edwards (Havering Police Licensing Sergeant) Paul Campbell 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
PINWOODS, ST JOHN'S ROAD, ROMFORD, RM5 2RS**

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

Lorraine Kittle
Pinwoods
St John's Road
Romford RM5 2RS

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 & Good Friday	12:00 to 23:00
Christmas Day 1 st	12:00 to 15:00
Christmas Day 2 nd	19:00 to 22:30
New Years Eve	10:00 to 00:00 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:

- Films
- Live music
- Recorded music
- Provision of Facilities for dancing
- Late Night Refreshment
- Supply of alcohol

(a) Films:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(b) Live Music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(c) Recorded Music:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(d) Provision of facilities for dancing:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(e) Late night refreshment:

Monday to Thursday:	23:00 hours until 00:00 hours
Friday to Saturday:	23:00 hours until 01:00 hours
Sunday:	23:00 hours until 00:00 hours

(f) Supply of alcohol:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

As part of the application process the applicant had been asked to identify any conditions terms or embedded restrictions imposed on the converted licence that they believed could be removed if the Sub-Committee agreed to grant the variation. Those embedded restrictions were:

- To allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003.

4. Promotion of the Licensing Objectives

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

5. Details of Representations

Representations Objecting to the Application

None

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”):

The representations from the Police related principally to the use of extensions including Tens, at the premises although it was acknowledged that the licensee has only applied for one such extension at the premises in the last two years. In addition, issues concerning the relationship between alcohol and violent crime were also discussed.

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 representation related to the following issues:

Prevention of Crime and Disorder and Public Safety

6. Determination of Application

The Sub-Committee’s decision regarding the application to vary the Premises Licence for the Lamb 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.

Existing licences had been the subject of a successful conversion application previously.

The Sub-Committee noted that although section J – provision of facilities for dancing had been completed, section G – performances of dance had not been completed as required if dancing was in fact to be permissible at the venue. The Sub-Committee agreed to allow the applicant to amend their application on the day to include a request for performances of dance to be allowed at the same hours as provision of facilities for dancing as shown in 3 (d) above.

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 full the application as follows:

1. **Licensable Activities:**

(a) **Films:**

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(b) **Live Music:**

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(c) **Recorded Music:**

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(d) **Performances of dance**

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(e) **Provision of facilities for dancing:**

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 hours until 00:00 hours

(f) **Late night refreshment:**

Monday to Thursday:	23:00 hours until 00:00 hours
Friday to Saturday:	23:00 hours until 01:00 hours
Sunday:	23:00 hours until 00:00 hours

(f) Supply of alcohol:

Monday to Thursday:	10:00 hours until 00:00 hours
Friday to Saturday:	10:00 hours until 01:00 hours
Sunday:	12:00 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 agreed to remove the requested embedded restrictions on the Justices Licence.

4. Conditions

No conditions to the licence were specified by the Sub-Committee.

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 representation made by the Police related principally to the use of non-specified days which the applicant had not in fact asked for. As such, it was the view of the Sub-Committee that the representation from the Police did not sufficiently address the actual application.

Chairman