

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE**  
**24 August 2005 (2.30pm – 3.40pm)**

**Present:**

**COUNCILLORS:**

|                           |                          |
|---------------------------|--------------------------|
| <b>Conservative Group</b> | Peter Gardner (Chairman) |
|                           | Barry Oddy               |
| <b>Residents' Group</b>   | Ivor Cameron             |

Mr Troy Bett (on behalf of the applicant), Sergeant Richard Edwards (on behalf of PC Dave Leonard, Havering Police Licensing Officer), Paul Jones (Havering Licensing), Derron Jarell (Legal advisor to the Sub-Committee), one member of the press and Alison Maybin (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 PLACE, 113-117 SOUTH STREET, ROMFORD, ESSEX RM1 1NX**

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**

The Laurel Pub Company Ltd  
Porter Tun House  
500 Capability Green  
Luton  
LU1 3LS

**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, a Public Entertainment Licence allowing weekday music and dancing up to 23:00 hours for a maximum of 300 people with an extension authorising entertainment until midnight on weekdays and musical entertainment on Sundays.

### On Licence – permitted hours of trading:

|  |                              |
|--|------------------------------|
| Monday to Saturday                       | 10:00 to 23:00               |
| Sunday & Good Friday                     | 12:00 to 23:30               |
| 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 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
- Indoor Sporting Events
- Live music
- Recorded music
- Performances of Dance
- Provision of Facilities for Making Music
- Provision of Facilities for Dancing
- Late Night Refreshment
- Supply of alcohol

#### (a) Films:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

#### (b) Indoor Sporting Events:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(c) Live Music:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(d) Recorded music:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(e) Performances of Dance:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(f) Provision of Facilities for Making Music:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(g) Provision of Facilities for Dancing:

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 hours |

(h) Late Night Refreshment

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 23:00 hours until 02:00 hours |
| Friday and Saturday: | 23:00 hours until 03:00 hours |
| Sunday               | 23:00 hours until 00:00 hours |

(i) Supply of Alcohol

|                      |                               |
|----------------------|-------------------------------|
| Monday to Thursday:  | 10:00 hours until 02:00 hours |
| Friday and Saturday: | 10:00 hours until 03:00 hours |
| Sunday               | 11:00 hours until 00:00 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:

- To the extent that the variation in part B1 Paragraph 3 is not granted or does not permit, to permit sale of alcohol and such regulated entertainment as authorised until 03:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day.
- Christmas Day: 12:00 to 23:00. New Years Eve: 10:00 to New Years Day – terminal hour as proposed.

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:

- Removal of all embedded restrictions inherent in Licensing Act 1964, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.
- To amend the condition on the Public Entertainment Licence stating: “the total number of customers accommodated at any one time in the premises shall not exceed 300”. To be amended to: “The total number of customers accommodated at any one time in the premises shall not exceed 410”.

## 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

One representation was received (not presented orally) relating to anti-social behaviour by groups of inebriated people in close proximity to residential properties in the vicinity of the premises.

### Responsible Authorities

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

The representations from the Police indicated that following a discussion with the applicant, they were prepared to withdraw their objection if the hours sought were modified to Sunday to Thursday 10:00 hours to 12:00 hours; Friday and Saturday 10:00 hours to 00:30 hours, the application for non-standard timings was modified to 12 extensions per year, excluding TENS, with an absolute police veto in respect of each occasion, and that the applicant’s request to increase the capacity of the venue to a maximum of 410

be withdrawn on public safety grounds.

**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 and Public Safety**

On behalf of the applicant, the applicant’s representative indicated a willingness to revise the application in line with the proposals made by the police.

## **7. Determination of Application**

**The Sub-Committee’s decision regarding the application to vary the Premises Licence for the Place 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:

(a) Supply of alcohol:

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(b) Films

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(c) Indoor Sporting Events

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(d) Live Music

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(e) Recorded Music:

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(f) Performances of Dance

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(g) Provision of facilities for making music

Sunday to Thursday: 10:00 hours until 00:00 hours  
Friday and Saturday: 10:00 hours until 00:30 hours

(h) Provision of facilities for dancing

Sunday to Thursday: 10:00 hours until 00:00 hours

Friday and Saturday: 10:00 hours until 00:30 hours

(i) Late night refreshment

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

Friday and Saturday 23:00 hours until 00:30 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 the request for removal of all embedded restrictions contained in the existing justices licence, as the applicant had not specified the restrictions to which the request referred.

4. Conditions

That the following conditions be placed on the licence:

1. CCTV shall be fitted and operating to the satisfaction of the police.
2. The premises shall employ door supervisors licensed by the Security Industry Authority (SIA).
3. The maximum occupancy of the building (excluding staff and performers) shall be restricted to 300.
4. A copy of the Laurel Pub Company Social Responsibility Policy should be supplied to the Licensing Authority.

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