

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE**  
**26 September 2005 (10.40am – 11.00am)**

**Present:**

**COUNCILLORS:**

|                           |   |
|---------------------------|---|
| <b>Conservative Group</b> | Peter Gardner (Chairman)<br>Edward Cahill |
| <b>Residents' Group</b>   | Ivor Cameron                              |

Mrs Caroline Jackson (the applicant) PC Dave Leonard (Havering Police Licensing Officer) Graham Hopkins (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.

**APPLICATION TO VARY THE PREMISES LICENCE IN RESPECT OF THE  
THE CHERRY TREE PUBLIC HOUSE, 119, RAINHAM ROAD, RAINHAM,  
RM13 7QX**

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**

Caroline Jackson  
24 Elizabeth Road  
Rainham  
RM13 7QX

**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 <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. **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 the advertisement for the application did not list all the licensable activities that the applicant was seeking to vary. This was in contravention of section 26 (1) of Statutory Instrument 2005 No. 42 – Licenses and Licensing: The Licensing Act 2003 (Premises Licences & Club Premises Certificates) Regulations 2005. The Sub-Committee further noted that the advertisement also did not indicate where the application could be inspected and by when members of the public could make representations

concerning the proposal. This was in contravention of section 26 (4) paragraph D of the above regulations.

### **Decision**

Having considered the issues with the applicant's advertisement listed above, the Sub-Committee refused the application. There will therefore be no change to the premises' existing hours for licensable activities.

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Chairman