

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
Monday 4 July 2005 (10.35am – 12.15pm)**

Present:

COUNCILLORS:

Conservative Group Peter Gardner (Chairman)

Labour Group Jeff Stafford

Two representatives from Punch Taverns PLC (the applicant); J Durham (applicant's legal representative); Paul Campbell (Licensing Officer); PC Dave Leonard (Havering Police), Garry Chick-Mackay (LB Havering); Penelope Thorp and Derron Jarell (Legal Advisors to the Sub-Committee), and Andy Beesley (Clerk) were also present. Three members of the public were present.

An apology for absence was received from Councillor Barry Oddy.

There were no declarations of interest.

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 OLD WHITE HORSE, OCKENDON ROAD, NORTH OCKENDON,
UPMINSTER – OPPOSED VARIATION TO A PREMISES LICENSE**

The Sub-Committee received a report concerning a variation to a premises licence for the Old White Horse, Ockendon Road, North Ockendon, Upminster. The Environmental Health Officer advised that subsequent to the publishing of the agenda, the applicant had requested an amendment to the application. The applicant's legal representative advised that the applied variation for live music, recorded music and the supply of alcohol needed to be amended to read:

- Monday to Sunday 10:00hrs to 00:00hrs (midnight)

Also non standard timings of:

- A further additional hour every Christmas Eve
- A further additional hour every Boxing Day
- To reflect New Year's Eve/Day hours

The Chairman asked the applicant to clarify the situation with regards to the designated premises supervisor (DPS). The Chairman referred the Sub-Committee to the Environmental Health Officer's report which explained that the named premises supervisor in the application (Mr Overton) had been declared bankrupt and was the subject of an eviction by the applicant. The applicant's legal representative advised that Mr Overton was evicted from the premises by the applicant. The legal representative also stated that an alternative DPS (Mr Mansworth) could be used if the Sub-Committee deemed that Mr Overton was not a suitable person for the role.

The applicant's legal representative suggested that in his view, the agreement of the DPS was a matter that could be dealt with by condition at a later stage subject to the granting of the premises license.

The Chairman adjourned the Hearing for 30 minutes to take legal advice on the matters concerning the DPS. The Hearing was reconvened at 11:30pm.

On the recommencement of the Hearing, the applicant's legal representative requested that the DPS, as written in the application, be replaced by a Mr Wagstaff.

The Chairman invited the Police to comment on the suitability of Mr Wagstaff as a DPS.

PC Leonard stated that he was aware the Police had received a request from the applicant for Mr Wagstaff to have interim authority as the premises supervisor until a qualified alternative was found; PC Leonard did point out however that Mr Wagstaff could not be considered for a transferable license as he did not hold a personal license and had not been vetted by the Police.

In response, the applicant's legal representative re-iterated the point that, in his view, the application was for a premises license, the issue of the DPS could be dealt with by condition in accordance with the Licensing Act 2003. The legal representative also stressed to the Sub-Committee that it should not pre-judge the outcome of Mr Wagstaff's application to become the DPS.

The Chairman adjourned the Hearing for a further 10 minutes to enable Members of the Sub-Committee to take legal advice on some of the matters that had been raised. The Hearing recommenced at 12:10pm.

The Chairman announced that, following legal advice, the Sub-Committee was not prepared to consider the application in view of the lack of a suitable DPS. The Chairman stated that as the applicant's nominee for the DPS, as indicated in the application was declared bankrupt, he could not trade on the premises.

Furthermore, the nominees for DPS, as proposed by the applicant during the Hearing could not be considered as these individuals did not hold a personal license and had not undergone the necessary Police checks.

CHAIRMAN

Date _____