

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
8 September 2005 (10.35am – 11.45am)

Present:

COUNCILLORS:

Conservative Group	Peter Gardner (Chairman) Edward Cahill
Labour Group	Harry Webb

Mr William Newham (the applicant), Mr Nick Yeo (Counsel for the applicant) Sgt Dave Leonard (Havering Police Licensing Officer) Paul Campbell (Havering Licensing) Stephen Doye (Legal advisor to the Sub-Committee) and Debbie Okutubo (Clerk) were present.

In attendance was Councillor John Mylod and Rev. John Davis from Hornchurch Baptist Church.

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 CHEQUERS INN – APPLICATION TO VARY A PREMISES LICENCE

The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

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

Spirit Group Ltd
107 Station Street
Burton-on-Trent
DE 14 1SZ

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 (Government Deregulated licensing hours)	10:00 to 00:00 New Years Day

3. **Details of requested variation(s)**

An application had been made to vary the provision of licensable activities as set out below:

Licensable Activities:

- Live music
- Recorded music
- Supply of alcohol
- Late Night Refreshment
- Provision of facilities for dancing
- Anything of a similar description to live and recorded music, and performance of dance (Karaoke)

(a) Live music:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

(b) Recorded music:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

(c) Anything of a similar description to live and recorded music:

Sunday to Wednesday: 10:00 hours until 00:00 hours
Thursday to Saturday: 10:00 hours until 01:00 hours

(d) Provision of facilities for dancing:

Sunday to Wednesday: 10:00 hours until 00:00 hours

Thursday to Saturday: 10:00 hours until 01:00 hours

(e) Late night refreshment:

Sunday to Wednesday: 23:00 hours until 01:00 hours

Thursday to Saturday: 23:00 hours until 02:00 hours

(f) Supply of alcohol:

Sunday to Wednesday: 10:00 hours until 00:00 hours

Thursday to Saturday: 10:00 hours until 01:00 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.
- To remove the restrictions relating to drinking up time.
- To allow credit sales

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

Councillor John Mylod (on behalf of Mr and Mrs Smith and Mr Petersen) and Reverend J. Davies.

Responsible Authorities

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

The representations from the Police related to the proposed opening on “occasions of local, national or international significance or for charitable events”, and to circumstances in which a Registered Door Supervisor might be employed and to use and operation of CCTV within the premises. In addition he discussed issues on the relationship between alcohol and violent crime.

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 Licensing objectives the representations related to the following issues:

Prevention of Crime and Disorder and Public Safety

7. **Determination of Application**

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

In relation to the embedded restrictions, the Sub-Committee noted that no representation was made by a responsible authority or interested party, and no submission was made by the applicant seeking their

variation.

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) Live music (not including Karaoke):

Sunday to Thursday: 10:00 hours until 23:00 hours
Friday and Saturday: 10:00 hours until 00:00 hours

(b) Recorded music:

Sunday to Thursday: 10:00 hours until 23:00 hours
Friday and Saturday: 10:00 hours until 00:00 hours

(c) Provision of facilities for dancing:

Sunday to Thursday: 10:00 hours until 23:00 hours
Friday and Saturday: 10:00 hours until 00:00 hours

(d) Late night refreshment:

Not granted. The Sub-Committee felt that there was insufficient detail on the form

(e) Supply of alcohol:

Sunday to Thursday: 10:00 hours until 23:00 hours
Friday and Saturday: 10:00 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.

For the avoidance of doubt the seasonal variation for St David's Day, St Patrick's Day, St Georges Day and St Andrews Day must be included within the 24 potential dates when increased hours may be authorised.

3. Embedded Restrictions

The Sub-Committee refused to remove the embedded restrictions on the Justices Licence.

Chairman

September 2005