

**MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
9 March 2007 (10.40am – 11.35am)**

Present:

COUNCILLORS:

Conservative Group Melvin Wallace (Chairman)
Peter Gardner

Rainham Residents' Group Coral Jeffery

There was no apologies for absence and no declaration of interest.

Tracey Hodge, Nicola Mancini and Paul Harry (the applicants), and Dave Leonard (Havering Licensing Police) were present. Lynne Locke (Havering Licensing Officer) Yagazie Nwiagwe (Legal Advisor to the Sub-Committee) and Andy Beesley (Clerk) were also 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 FOR A VARIATION OF A PREMISES LICENCE IN
RESPECT OF THE COACH HOUSE – 33 MAIN ROAD, ROMFORD, RM1
3DL**

The Sub-Committee considered an application to vary a premises licence under section 17 of the Licensing Act 2003 (“the Act”) for the premises referred to in part 1 of the application..

APPLICANT

Mr Nicola Mancini
179 Carter Hatch Road
Enfield
Middlesex
EN3 5EB

1. Details of existing licensable activities

The applicant currently had a licence for the sale of alcohol and recorded music 24 hours for residents of the hotel and bona fide guests.

Monday to Saturday: 11:00hours to 24:00hours

Sunday: 12:00hours to 23:30hours

2. Details of Application

Licensable Activities:

An amended application was made for the provision of the following licensable activities. The application was amended by the applicant at the Hearing:

Licensable Activities:

Films for hotel residents and bona fide guests		
Day	Start	Finish
Monday	00:00 hours	24:00 hours
Tuesday	00:00 hours	24:00 hours
Wednesday	00:00 hours	24:00 hours
Thursday	00:00 hours	24:00 hours
Friday	00:00 hours	24:00 hours
Saturday	00:00 hours	24:00 hours
Sunday	00:00 hours	24:00 hours

Live Music		
Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Live Music requested to finish at 01:00 hours the following day

Recorded Music

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Recorded Music requested to finish at 01:00 hours the following day

Performance of Dance

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Performance of Dance requested to finish at 01:00 hours the following day

Anything of similar description of above

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Anything of a Similar Description requested to finish at 01:00 hours the following day

Provision of facilities for making music

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Provision of Facilities for Making Music requested to finish at 01:00 hours the following day

Provision of facilities for dancing

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Provision of Facilities for Dancing requested to finish at 01:00 hours the following day

Provision of facilities similar to above

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Provision of Facilities similar to above requested to finish at 01:00 hours the following day

Supply of alcohol

Day	Start	Finish
Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
Friday	11:00 hours	01:00 hours the next day
Saturday	11:00 hours	01:00 hours the next day
Sunday	12:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Supply of Alcohol requested to finish at 01:00 hours the following day

Late night refreshments

Day	Start	Finish
Monday	23:00 hours	00:00 hours the next day
Tuesday	23:00 hours	00:00 hours the next day
Wednesday	23:00 hours	00:00 hours the next day
Thursday	23:00 hours	00:00 hours the next day
Friday	23:00 hours	01:00 hours the next day
Saturday	23:00 hours	01:00 hours the next day
Sunday	23:00 hours	00:00 hours

NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Late Night Refreshment requested to finish at 01:00 hours the following day

3. Promotion of the Licensing Objectives

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

4. Details of Representations

Representations Objecting to the Application

Seven written representation were received from members of the public who lived in the vicinity of the premises or on a transitory route from the premises.

The written representations related to the prevention of public nuisance and the prevention of crime and disorder. Residents were concerned that additional hours would lead to an increased possibility of noise nuisance and disturbance from patrons leaving the premises at an unsociable hour.

Mr Evans and Mr Borley attended the Hearing. Both residents contended that the additional hour to 1am during the week was unreasonable in a residential location, however they considered an additional hour on Friday and Saturday night to be more appropriate.

Responsible Authorities

Chief Officer of Metropolitan Police (“the Police”)

A representation against the application was made by the Metropolitan Police.

The Police representation raised concerns regarding the request for a further additional hour until 1am in a predominantly residential area. The Police contended that the weekday hours currently permitted were more than sufficient for a premises in a residential location. The Police considered that it would be difficult to contest an additional hour on a Friday and Saturday night.

London Fire & Emergency Planning Authority (“LFEPA”) –
Representation was deemed to be invalid

Health & Safety Enforcing Authority - None

Planning Control & Enforcement - None

Public Health - None

Children & Families Service - None

Trading Standards Service - None

The Magistrates Court - None

5. Determination of Application

Consequent upon the hearing held on 9 March 2007, the Sub-Committee’s decision regarding the application for a variation of a Premises Licence for the Coach House 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 are:

- 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.

6. Decision

Agreed Facts	
Facts/Issues	
Issue 1	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
Issue 2	Whether the granting of the premises licence would undermine the prevention of crime and disorder objective.
Issue 1	<p>Public Nuisance</p> <p>The Sub-Committee noted the representations received from both the member of the public and the Police. There was however no known history of any previous complaints related to this specific premises. The Panel were mindful that the applicant had amended their application at the Hearing to address the concerns raised by local residents and the Police.</p>
Issue 2	<p>Prevention of Crime and Disorder</p> <p>The Sub-Committee noted the representations made by the public. The Panel noted that the Police had not experienced any issues of crime and disorder at the premises. The Panel were mindful that the applicant had amended their application at the Hearing to address the concerns raised by local residents and the Police</p>

Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee granted in full the amended application as follows:

Licensable Activities:

Films for hotel residents and bona fide guests		
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Live Music		
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Performance of Dance

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Provision of facilities for dancing

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Monday	11:00 hours	00:00 hours the next day
Tuesday	11:00 hours	00:00 hours the next day
Wednesday	11:00 hours	00:00 hours the next day
Thursday	11:00 hours	00:00 hours the next day
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NB: On 5, 6, 12, 13, 19 and 20 December 2007 only, and each Wednesday and Thursday in the month of December for subsequent years, Provision of Facilities for Dancing to finish at 01:00 hours the following day

Provision of facilities similar to above

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Supply of alcohol

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Saturday	23:00 hours	01:00 hours the next day
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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 (this

includes an annual charity fund-raising event to be held on a non-specific date in August), 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. The request for removal of the embedded restrictions was denied.

7. Conditions

That, having regard to the undertakings given on behalf of the applicants, the following conditions be placed on the licence:

- (a) The applicant is to ensure that the patio area at the front of the premises facing Main Road is closed off for use by patrons by 22:00 hours.

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.

Chairman

Date: