

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
27 September 2011 (10.30 am - 12.45 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Frederick Thompson

Residents' Group

Labour Group Denis Breading

**Independent Residents
Group**

Apologies were received for the absence of Councillors .

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

1 REPORT OF THE LICENSING OFFICER

Mr Barry Tuck and Paul Stone (representing the applicant).

The following responsible authorities were represented by Mr Marc Gasson - Public Health, Mr K Davies – LFEPA and Dave Leonard – Havering Police Licensing Officer and two members of the press.

The following objectors were present: T Bhalla, B & T Williams, T & G Presland, N & M Walker, B Gray, S French, P Less, D Lees, G Peel, C Hossain, E Leonard, P G Henn, P Mullis, N Sheridan, Councillor Ower and Councillor Barrett.

Also present were Paul Campbell (Havering Licensing Officer), the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared.

DETAILS OF APPLICATION

Application for a premises licence under the Licensing Act 2003 (“the Act”).

APPLICANT

Upminster Court
133 Hall Lane
Upminster
RM14 1AL

1. Details of existing licensable activities

The premise does not currently hold a premises licence.

2. Details of requested licensable activities

Details of the application

Live Music, Recorded Music, Performance of Dance, Anything of a similar description to Music and Dance, Provision of facilities for Making Music, Dancing, Entertainment of a similar description to Music or Dance, Supply of Alcohol

Day	Start	Finish
Monday	07:00hrs	02:00hrs
Tuesday	07:00hrs	02:00hrs
Wednesday	07:00hrs	02:00hrs
Thursday	07:00hrs	02:00hrs
Friday	07:00hrs	02:00hrs
Saturday	07:00hrs	02:00hrs
Sunday	07:00hrs	02:00hrs

Late Night Refreshment

Day	Start	Finish
Monday	23:00hrs	02:00hrs
Tuesday	23:00hrs	02:00hrs
Wednesday	23:00hrs	02:00hrs
Thursday	23:00hrs	02:00hrs
Friday	23:00hrs	02:00hrs
Saturday	23:00hrs	02:00hrs
Sunday	23:00hrs	02:00hrs

Seasonal variations & Non-standard timings

There are no Seasonal variations or Non-standard timings applied for in this application.

Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was first installed in the Romford Recorder on Friday 12 August 2011 but some of the details of the application were incorrect and re-advertised on Friday 19 August 2011. Both of the advertisements were within the time scale allowed under the Licensing Act 2003.

Summary

There were 160 separate valid representations against this application from interested parties. These relate to 212 people (52 representations were from husband and wife or pairs of people) and come from 142 different addresses.

A street map of the area was included to assist the sub-committee with the street locations of the representations.

Two persons Mr Sellars and Mr Lees had requested that Councillor Clarence Barrett speak on their behalf.

There were three representations against this application from responsible authorities. (Metropolitan Police, Public Health, London Fire and Emergency Planning Authority)

Details of representations

Valid representations may only address the following licensing objectives:

The prevention of crime and disorder
The prevention of public nuisance
The protection of children from harm
Public safety

Interested parties' representations

There were 160 separate valid representations against this application from interested parties. These relate to 212 people (52 representations were from husband and wife or pairs of people) and come from 142 different addresses.

The interested parties' representations covered all aspects of the licensing objectives.

Responsible Authorities' representations

There were three representations against this application from responsible authorities. (Metropolitan Police, Public Health, London Fire and Emergency Planning Authority).

The representations related to Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The Fire Service representation relates mainly to the structure and safety issues at the premises which I understand are being addressed through contractors and builders and may have been fully resolved by the time of this hearing. The police and Public Health representations relate to the licensable activities at the premises and list some areas they wish the sub-committee to consider.

There were no representations from the following responsible authorities:

The Health & Safety Enforcing Authority
The Trading Standards Service
Planning Control & Enforcement
Children & Families Service

4. Details of Representations

Two persons Mr Sellars and Mr Lees had requested that Councillor Clarence Barrett speak on their behalf.

Responsible Authorities

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

London Fire & Emergency Planning Authority (“LFEPA”): One.

Health & Safety Enforcing Authority: None.

Planning Control & Enforcement: None.

Public Health: One

Children & Families Service: None

Trading Standards Service: None

The Magistrates Court: No

5. Determination of Application

Decision

Consequent upon the hearing held on 27 September 2011, the Sub-Committee's decision regarding the application for a Premises Licence for Upminster Court 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.

Agreed Facts **Facts/Issues**

Whether the granting of the premises licence would undermine the four licensing objectives.

Representation made by LFEPA

The written representation by the LFEPA sought to address concerns in respect of the public safety licensing objective. It was contended that the emergency exit door and dining areas were found to be fastened by snib latches and lever handles, and as a result if more than 60 persons were likely to use these exits they may not be able to easily and immediately open them in an emergency. The rear emergency exit door opens directly over a step which would not be suitable for escape for wheelchair users or other people with disabilities. The external emergency exit route from the dining room is not suitably guarded from the external plant area. The external emergency exit routes to the rear and side of the building are not provided with adequate artificial lighting. The external emergency exit routes were not provided with fire exit signs to denote the emergency route to a suitable designated assembly point.

At the hearing, the representative for the LFEPA supported his representation by outlining his concerns that the exit route had insufficient lighting, no signage and emergency lights. He

also stated that he had concern about the certificate issued from an approved inspector. He added that following discussion with the applicant the works are due to be carried out as requested.

Finally, the LFEPA representative requested that should the application be granted, a condition be added which required that the licence would not come into effect until the Fire Authority were satisfied with the fire safety measures provided in the premises.

Representation made the Public Health Authority:

The written representation made by the Public Health Authority outlined that information provided within the application varied from that received at the site meeting on the 31 August 2011. As such the representation was based on the information in the application.

That in light of functions being held at the venue on an "Ad hoc" basis using either amplified or live music an objection to the application was necessary unless the following conditions were applied:

1. A noise limiting device be installed in each room where private functions using live and/or recorded music are to be held. The noise limiters are to be installed by a competent electrician is to be set and sealed by officers from the Council's Housing and Public Protection Service.
2. The terminal hour for any private function should be limited to midnight on a Friday and Saturday night and 23:00 hours Sunday to Thursday night.

Representation by the Metropolitan Police:

The written representation submitted by the Metropolitan Police considered that the applicant had not satisfactorily promoted the four licensing objectives. It added that the aspirations conveyed by the applicant at a meeting the Police attended on 31 August did not remotely translate to the written application before the Sub-Committee.

The Police contended that the hours being applied for together with the lack of any operation schedule being addressed meant there was the potential (however unlikely) to effectively allow the venue to operate as a nightclub. While current management apparently did not have such an intention in mind, should different management take over,

they would have a 2am licence every day of the week.

At the hearing, PC Leonard supported his written statement that he had concern for the 02:00 hour closure applied for, that music, dancing, an undefined number of people being served alcohol, as well the noise made by people travelling along the gravel drive way would be of concern to local resident if people at the centre were departing at such a late hour. He went on to suggest a 00:30 hour closure, which is in line with the Council's Guidance for mixed residential areas.

Representation made by Interested Parties:

At the hearing, three residents and Councillor Barrett addressed the sub committee stating their representation against this application based upon the following licensing objectives. The prevention of crime and disorder , public safety , the prevention of public nuisance and the protection of children from harm

Mr Presland addressed the sub committee stating that as a resident who lives 50 yards from the boundary of the premises he was objecting on the grounds of prevention of public nuisance, public safety and the protection of children from harm. He stated that he does not want the refusal of any licence for the premises, but it would need to be reasonable given serious concerns, particularly in terms of public nuisance, in an area with a large number of residential premises.

He stated that there is currently no night time economy in the area, that it is a low, ambient noise area, that Upminster Court is on a hill, and the noise carries, and there are no buildings or sound barriers to prevent that from happening. Music, potentially from 7am to 2am, and people leaving, would constitute a significant and unacceptable nuisance.

Mr Presland added that in his opinion the application had contravened a number of the Council's policies set out in the Licensing Policy, and referred to policies 08 (the Licensing Authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises), 12 (protecting the amenity of residents in the vicinity of licensed premises), 13 (The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities) and 14 (Where relevant representations are received from responsible authorities and/or interested parties, the

Licensing Authority may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives).

Mr Presland stated that the application fails to comply with the Licensing policies, and if granted, will cause significant public nuisance, and he (and those he spoke on behalf of) strongly opposed the application in its current form.

Mr Moorey addressed the sub committee stating that if granted, the licence applied for (alcohol, music, dancing) seven days a week from 7am till 2am, would effectively enable the premises to operate as a nightclub. He stated that this was quite inappropriate for premises that are in the heart of a residential area. The local residents had been given assurance that the property would be used as a training centre for Uniserve clients.

Under the heading of the public safety objective, Mr Moorey asserted that residents had been advised that a small number of staff and visitors were expected to be using the property, but based on the application submitted, there would now be considerably more visitors attending events and exiting on to Hall Lane till the early hours of the morning.

In relation to the protection of children from harm, the surrounding properties were homes for many young families whose rest and study would be disrupted by amplified and live music being played up till 2am. Mr Moorey suggested that should the applicant require a licence for alcohol, music and dancing, the hours should be restricted to 11pm, no music should be heard beyond the property, and the applicant should provide a contact telephone number for resident to make complaints should there be any issue with noise.

Mrs Hussain addressed the sub committee stating that she has been a resident for about 31 years and had concern about the hours applied for, noise pollution and the gravel effect of late visitors departing the premises. She added that the premise was not an entertainment venue.

Councillor Clarence Barrett addressed the sub committee stating that if the application is granted in its current format, it will impact upon the lives of hundreds of residents. He stated that the information the applicant provided at a meeting on 31 August did not reflect the application submitted.

Under the prevention of crime and disorder, Councillor Barrett had concern with the application as an alcohol licence

till 2am would add to antisocial behaviour and disorder, and the police in the area are already stretched. The application states that badged doormen will be required, despite the statement that all attendees at the venue would be known to the applicant. If this were so, why would doormen be necessary, and begged the question of what sort of events would be being held there?

In respect of public safety the sub committee was informed that residents had concern for fire safety as detailed by the Fire Officer. In respect of public nuisance, concerns were raised at the 2am closing time, and the disruption beyond that from people departing the premises and the gravel effect on the driveway. Councillor Barrett suggested the installation of a noise limiter to control the effect of the music from the premises.

In respect of objective on protection of children from harm, the sub committee was informed of the concern for the disturbance of children's sleep due to noise from the premises. In concluding, he reminded the sub committee that the application had drawn 160 separate valid representations from local residents, as well as those from responsible authorities. He stated that the application was unacceptable in the current format, and would have a detrimental impact upon what is a residential area.

Response made by the applicant:

Mr Tuck and Mr Stone, on behalf of the applicant, explained to the sub-committee that the application and the premises was a showpiece for the Uniserve Group. Cromwell manor was a minor subsidiary of the group and much of the original misunderstanding in this application had been caused by the reference to Cromwell Manor.

The premises provided office accommodation and a training centre. He advised that 30 employees had recently moved in to the property, and that the building also comprised 12 double bedrooms and 4 VIP bedrooms. He stated that their aim was to hold about two events a year on the site, but it was otherwise a corporate headquarters and a training centre.

In terms of the concerns raised by the local residents, the applicant sought to reassure local residents that the intention was not to run a night club from this premises. The intention was that any attendees staying on site would remain within the building after 23:30 hours. That there were no plans for room entertainment and that the bar area was the only

entertainment area on the premises. That the legal capacity of the entertainment area was not more than 80 depending on the seating arrangement.

Both representatives stated they understood the concerns of residents and authorities, but they had thought that they had to cover all potential eventualities, and that they were unable to amend the application once it had been made. They submitted that the concerns of the residents could likely be assuaged if the application had been clearer about what was actually intended for the premises.

The applicants sought a short adjournment in order to deliberate with head office and make an appropriate, amended application.

Following the resumption of the hearing the applicants offered the following revised operating schedule as a result of the level of concerns from local residents present and other representations.

1. 12:00 to 23:00 hours seven days a week for delegates attending training sessions.
2. For residents at the premises, the closing hour to extend to 02:00 Sunday to Thursday (there would be no residents on other days)
3. Six non standard events, on ten days notice
4. Installation of noise limiting devices.

The revised application was put to all objectors, who were agreeable to it in that form.

Having considered the written representations and oral responses, the Sub-Committee was **satisfied** that the applicant had addressed all the issues raised.

The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy, including the recently introduced Saturation Policy for St Andrew's Ward.

The Sub-Committee **granted** the revised application in full subject to the following conditions:

1. The licence will not come into force until the Fire Authority are satisfied with the fire safety measures that have been provided in the premises and an agreed maximum capacity limit has been stated.

Chairman