

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber                      Town Hall  
9 March 2012 (10.30 am - 12.20 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group**                      Peter Gardner (Chairman)

**Residents' Group**                      Linda Van den Hende

**Labour Group**                              Denis Breading

Present at the hearing were: Mr D Mills (on behalf of the applicant), S Young and K Crow,  
Objectors: J Plater, J Chauhan, M Dale, Dr M Hall, and J Wade.  
In addition: Havering Police Licensing Officer PC D Fern and M Gasson, Environmental Health, Health and Safety.

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

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

There were no declarations of interest by Members.

**PREMISES**

EDGE  
80-84 Market Place  
Romford  
RM1 3ER

**DETAILS OF APPLICATION**

An application to vary a premises licence under s. 34 of the Licensing Act 2003 ("the Act").

**APPLICANT**

Romford Investments Limited,  
The Old Grange  
4 Fairacres  
Ruislip  
HA4 8AN

1. **Details of the current premises licence:**

<b>Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	07:00hrs	00:00hrs
Friday & Saturday	07:00hrs	03:00hrs

<b>Live Music, Recorded Music, Provision of facilities for Dancing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	07:00hrs	00:30hrs
Friday & Saturday	07:00hrs	03:30hrs

<b>Late night Refreshment</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Sunday to Thursday	23:00hrs	02:00hrs
Friday & Saturday	23:00hrs	04:00hrs

2. **Details of Variation applied for:**

<b>Live Music, Recorded Music, Provision of facilities for Dancing Supply of Alcohol</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday		
Tuesday		
Wednesday		
Thursday	07:00hrs	02:00hrs
Friday		
Saturday		
Sunday	07:00hrs	02:00hrs

Also, to remove the condition on the premises licence relating to the lobbied entrance and replace with manage the doors to be closed at a reasonable time apart from entrance and exit to the premises.

**Seasonal variations & Non-standard timings**

There were no seasonal variations or non-standard timings applied for in this variation.

3. **Promotion of the Licensing Objectives**

The applicant had acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on Wednesday 25<sup>th</sup> January 2012.

#### 4. Details of Representations

There were eight valid representations against this application from interested parties.

The interested parties' representations fell mainly under the heading of the prevention of public nuisance.

There was one representation against this application from the responsible authorities. (Metropolitan Police)

The Metropolitan police outlined their concerns over the proposed extended hours.

There were no representations from the following responsible authorities:

**London Fire & Emergency Planning Authority ("LFEPA"):**

**Health & Safety Enforcing Authority:**

**Planning Control & Enforcement:**

**Public Health:**

**Children & Families Service:**

**Trading Standards Service:**

**The Magistrates' Court:**

#### 5. Determination of Application

##### **Decision**

**Consequent upon the hearing held on 9 March 2012, the Sub-Committee's decision regarding the application to vary a Premises Licence for EDGE 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.

The Sub-Committee was asked to consider whether the granting of the premises licence would undermine the licensing objectives.

**The prevention of crime and disorder, Public Safety and the prevention of public nuisance**

**Agreed Facts**

**Facts/Issues:**

PC Fern stated that the Metropolitan Police had concerns about the application because:

- The premises was within the saturation policy area and allowing the additional time would only add to the cumulative impact in the area which was already under stress.
- He argued that with other premises near by (principally in South Street) turning out earlier, it was inevitable that those wishing to continue drinking would make their way to the market and to EDGE and this would add to the containment and dispersal difficulties currently experienced by the police.
- PC Fern referred to crime and disorder statistics gather from the area surrounding the town centre and argued that granting the variations requested would increase the burden on the police to manage crime and disorder, and the dispersal of persons during that critical time-frame.

He added that anything which could be done to limit issues relating to noise and to preventing additional disorder in and around the town centre should be done, and asked that the application be rejected.

Of the eight residents who had made representation against the application in writing, five were in attendance and four wished to speak. The Sub-Committee allowed each to make an oral statement

Mr Chauhan stated that:

- He had lived in his flat for over three years and that his lounge and master bedroom faced the market opposite EDGE which meant that he was aware of the late night noise and activity focused around the premises.
- He referred to the numerous times he had reported nuisance to the authorities over that period and cited this as evidence the management was not taking its responsibilities towards neighbours and the licensing objectives seriously.
- The doors were frequently open late at night, which meant that music/noise from within the club was clearly audible in his property even with the doors and windows closed.
- In addition (and despite the Applicant's assertions to the contrary), the doors were unmanned and people would congregate outside the club unchecked and, Mr Chauhan contended, as a consequence were loud, often used bad language, were argumentative and abusive, all of which caused him concern and annoyance.

- He informed the Sub-Committee that he did a lot of driving in his profession and frequently found that he was not as alert as he ought to be due to a lack of sleep.
- He raised concerns that granting an extension to the licence would act as a magnet, drawing people from other parts of Romford into the market and, whether or not they gained entry to the club, there would be additional noise and disturbance – with an increase in the likelihood of violence and threat to passers-by.
- Mr Chauhan added that he distrusted the club's management to properly implement any controls as it had clearly disregarded the original requirement to construct a lobby to ensure that noise in the club would remain in the club whenever the outer doors were opened.

Mr Dale stated that:

- His flat was directly opposite the club and that even with his doors and windows closed, there was no escape from the bass vibrations emanating from the club penetrating his property.
- He was also affected by people congregating outside the premises shouting, swearing, and what sounded like fights.
- An extension of hours would be an extension of the nuisance he currently experiences.
- The marketplace is now residential as well as commercial.
- He added that the Applicant was in clear breach of his licence as it was a condition that a lobby should be built and to date none had been constructed.

Dr Hall said that:

- His main bedroom and lounge faced the club and that he objected to both the addition to the opening times and removal of the condition to build a lobby to contain the sound within the club.
- He accepted that living in the town centre would involve some exposure to noise pollution, but in his experience, over the past two years the situation concerning noise and nuisance both emanating from the club and caused by people shouting, swearing, arguing as well as car tyres squealing had grown worse and that if the Applicant was granted his wishes, he could see that situation only getting worse.
- As a doctor, it was essential – especially for his patients – that he was not tired because of a poor night's sleep caused by the disturbance either coming directly from the club or from those congregating outside it.

Mr Wade informed the Sub-Committee that:

- Although not directly opposite the club (his property facing the ring road), he was still affected by the disturbance coming from the club.
- As he had professional knowledge of acoustics as an Environmental Health practitioner, he was conscious of the effects uncontrolled sound had on people.

- He confirmed that late night noise was debilitating and because there is less ambient noise, it appears more acute. He added that the creation of a lobby would greatly reduce the amount of sound escaping the premises and although this would have no effect on those outside, would at least reduce considerably one source of aggravation.
- Mr Wade referred to the sound limiters which should have been effective for both recorded and live music. He queried whether there was any limitation to live musicians and if this was the case, was a breach of the existing licence conditions.
- He also queried the assertions of the management that doors were being manned because, if that were the case, management would be able to monitor the noise of patrons and perspective customers outside the premises and this was clearly not being done.

He concluded by urging the Sub-Committee to:

- Refuse the extension of hours
- Retain the requirement for the club to create a lobby
- Adjust the sound limiters until such time as the lobby condition could be complied with so that noise was better contained within the premises (condition 9) both for recorded and live music.
- Set a time limit for the construction of the lobby / changes to the sound limiters to be completed.

In reply, Mr Mills, on behalf of the Applicant said:

- Concerning the limiters, they were re-set in June 2011 but had been originally set two and a half years earlier, but had not been inspected before 2011.
- Concerning the allegation that the doors were propped open and unattended and open until 2.00am, he rejected this completely, claiming that the latest time doors were open was 1.00am on Fridays and Saturdays, and that there were members of the management and/or SIA approved door supervisors in attendance during the evening.
- The reason why doors were occasionally left open was because, during certain times, so many people were entering and leaving the premises that the doors would be opening and closing so frequently, having them kept open reduced health and safety issues developing.
- He stressed that claims that music was still being played at 2.00am on Wednesdays were simply not true. His licence said 12.30am and that is when it ceased.
- When there was live music, that finished on time and, as an additional safeguard, music ceased downstairs first and only continued upstairs to the licensed finish time.
- He argued that the club was part of the community and that he hoped the Sub-Committee would see it in the correct context – in other words, compare it to the town's other clubs, not its pubs.

- He informed the Sub-Committee that towards the end of the evening, DJs would make announcements to patrons reminding them to be considerate and remember that people lived in the vicinity.
- He stated that the club operated an exit and dispersal procedure, but wondered how the club could be held responsible for people choosing to congregate near it. He argued that because people chose to gather outside the club was not proof that they had come out of it – some might have been refused entry, others might not have had any contact with the club at all. SIA also forbade their approved staff to have any “discussion” with people outside the premises.
- He disagreed with the crime figures produced by the police, claiming that because they largely related to South Street, they were not directly applicable to EDGE and that there had been very few incidents even remotely connected with the club over the past two years.
- Mr Mills then made reference to his discussions (and e-mail exchange) with Councillor Galpin after the earlier hearing in which he claimed that he had not had a response from the Council to a query he had raised about the lobby and that, with the passing of the 21 days allowed for appeal, he had sought – and received – guidance from the Chair of Licensing who had informed him that he should not get “too worried about the conditions,” which he took to mean, in connection with the lobby, that its inclusion was more procedural and that, because he did not agree that it was necessary, it need not be pursued. He was shocked that this matter was actually now being discussed again.
- He explained that the club’s lay-out would not lend itself to having any sort of sensible lobby constructed as it had been a shop before being converted into a club. He added that a lobby could be constructed, but he doubted its usefulness.
- With regard to the objections from residents, he was simply surprised because no-one had raised the matter with him (or any of his staff) so how could he take steps to address a problem he didn’t know existed?
- With regard to the limiter, he accepted that the one set by the Council did not cover the amplification system of live bands, but added that there was a second monitor in place which was capable of alerting the management of excessive noise and this had been supplied by a reputable company and used whenever there was live entertainment – and there was no record of excessive noise.
- In addition, he said that he had been a club manager for a number of years in several clubs in Romford and that he had won an award for an outstanding contribution to the night-time economy.

In conclusion, Mr Mills reiterated that the doors were always managed and that live bands finished when they were supposed to.

He acknowledged that Thursdays might now be the “new Saturday”, but his club was, despite the objections, still a well run establishment and would continue to be so. He then offered to reduce by one hour the times on the application as a gesture of goodwill towards the club’s neighbours and in the spirit of compromise

The Sub-Committee stated that in arriving at this decision, it had taken into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council’s Licensing Policy.

The Sub-Committee **refused** the variations requested. On behalf of the Sub-Committee, the Chairman said that it had heard and understood the points presented by the Applicant but, in view of the very strong representations and evidence provided by the police and residents with regard to noise both from within the establishment and from those congregating outside the premises, and having mind to the cumulative impact that would have on the licensing objectives of Public Nuisance and Crime and Disorder, members of the Sub-Committee had felt unable to extend the hours which they felt would add to the disruption already being experienced by residents.

Turning to the difficult issue regarding the lobby the Chairman stated that this had been part of, and clearly recorded in, the original decision notice and was incorporated - and clearly marked - on the licence with a six month time-scale for completion. The Sub-Committee understood the confusion which had arisen in the exchange of e-mails referred to, but the construction of a lobby remained a valid and clear condition.

The Sub-Committee had heard evidence - which had been accepted – of doors being propped open and the noise nuisance that had produced. This gave credence to the need for the lobby entrance and the Sub-Committee could see no good reason to remove the condition.

The Sub-Committee therefore required that the work on the lobby be completed – as per the original decision – within the next six months.