



LICENSING SUB-COMMITTEE (MORRIS DANCER)

AGENDA

2.30 pm	Monday 26 March 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Frederick Thompson
Linda Trew

**For information about the meeting please contact:
Grant Soderberg
Tel: (01708) 433091 E-mail: grant.soderberg@haverling.gov.uk**

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DECLARATION OF INTERESTS

Members are invited to declare any interest in any of the item on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 REPORT OF THE CLERK (Pages 1 - 6)

5 REPORT OF THE LICENSING OFFICER (Pages 7 - 18)

Application for a Temporary Event Notice for the Morris Dancer, Melksham Close, Romford RM3 8QX

**Ian Buckmaster
Committee Administration & Member Support
Manager**



LICENSING SUB-COMMITTEE

26 March 2012

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

**Grant Söderberg (01708) 433091
e-mail: grant.soderberg@havering.gov.uk**

PROCEDURE FOR THE HEARING: LICENSING ACT 2003 (TEMPORARY EVENT NOTICE)

This is a hearing to consider an application for a temporary events notice under section 100 of the Licensing Act 2003. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration.

Members are advised that, when considering an application, the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

"Where relevant representations are made, the authority must

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives.

The steps are:

- a) modify the conditions of the licence
- b) reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added."

The Sub-Committee will also wish to note that, if none of these steps is required, the application must be granted.

Assuming that the Sub-Committee is satisfied that a hearing is required, then the following procedural steps are recommended. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application

now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**
- 1.2 A members of the Licensing Committee will be excluded from hearing an application where he or she:
 - 1.2.1 has considered an application in respect of the premises in the previous 12 months as a Member of the Regulatory Services Committee; or
 - 1.2.2 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
 - 1.2.3 is a Ward Councillor for a Ward which is likely to be affected by the application or;
 - 1.2.4 has a personal interest in the application.

2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.
- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Representation validation meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the application or any representation.
- 3.2 During this preliminary meeting no decision will have been made or discussion held regarding the substantive merits of the application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

- 5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. Procedural matters:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The Licensing officer will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any

person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.

- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points in which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Fire Authority;
- the Health and Safety at Work Enforcing Authority;
- the Local Planning Authority;
- the Local environmental Health Authority;
- the Local Weights and Measures Authority;
- the Authority Responsible for the Protection of Children from Harm;
- a navigation or other authority responsible for waterways; and
- any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee;
- the party that has submitted the application, certificate, notice or other matter appearing before the Sub-Committee.

At the discretion of the Sub-Committee the above order may be varied.

Cross-Examination:

Where witnesses have been permitted by the Sub-Committee to speak at the hearing on behalf of a party, permission must be sought from the Sub-Committee before another party can ask the witness questions. This process of questioning is normally referred to as cross-examination. The Sub-Committee will allow cross-examination only where it is necessary to assist it in considering the representations or application.

Relevance:

Information submitted at the hearing must be relevant to the applications, representations, or notice and the promotion of the licensing objectives. The

Chairman of the Sub-Committee is entitled to exclude any information it considers to be irrelevant whether presented in written or oral form. The licensing objectives are:

- The prevention of crime and disorder;**
- Public safety;**
- The prevention of public nuisance; and**
- The protection of children from harm.**

7. Failure of parties to attend the hearing:

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Adjournments and extension of time:

- 8.1 The Sub-Committee may adjourn a hearing to a specified date or extend a notice period except where it must make a determination within certain time limits in the following specific applications:

- Applications for conversion of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being granted;
- Applications for variation of existing licences where the Sub-Committee must make a determination within 2 months of the application first being received. In default of a decision being made the application will be treated as being rejected;
- Applications for conversion of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being granted;
- Applications for variation of existing club certificates where the Sub-Committee must make a determination within 2 months of the application being first received. In default of a decision being made the application will be treated as being rejected;
- Applications made by holders of justices' licences for personal licences must be determined within 3 months of the application first being received. In default of a decision not being made within this period the application will be treated as being granted;

- Review of premises licences following closure orders where the Sub-committee must make a determination within 28 days of receiving notice of the closure order.

9. Sub-Committee's determination of the hearing:

- 9.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 9.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 9.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

10. Power to exclude people from hearing:

- 10.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

11. Recording of proceedings:

- 11.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

12. Power to vary procedure:

- 12.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.



LICENSING SUB-COMMITTEE

REPORT

26th March 2012

Subject heading:

**Morris Dancer
Melksham Close Romford RM3 8QX
Temporary Event Notice
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692**

Report author and contact details:

This submission of a temporary event notice is made by Ms Zoe Friend under section 100 of the Licensing Act 2003 (the Act). The notification was received by Havering's Licensing Authority on 14th March 2012.

Geographical description of the area and description of the premises

The Morris Dancer is a public house located in the Harold Wood ward in Harold Hill. The premises is a detached building on its own plot of land which is entirely surrounded by residential properties.

Details of the notification

This temporary event notice (TEN) has been submitted to cover an extension to the normal licensing hours at the premises. The premises user is a personal licence holder who is the designated premises supervisor at the venue. The TEN is to enable the supply of alcohol for consumption on the premises and the provision of late night refreshment from 23:00 to 03:00 on Thursday 29th March 2012 going into Friday 30th March 2012. The event is to permit 15 people including staff to attend a birthday celebration.

The premises licence for the Morris Dancer permits the supply of alcohol until 23:00 Monday to Saturday while the provision of recorded music at the venue has no restriction. Any conditions on the premises licence do not 'carry over' to the period during which licensable activity is being provided under the authority of a TEN. A premises licence and a TEN are discrete authorities permitting licensable activity.

Historically this premises has had infrequent TENs. Prior to this one there have been only three given previously, the most recent of which was in October 2010.

Police representation

PC David Fern submitted an objection notice opposing this TEN. PC Fern contends that *allowing such an event would have a negative impact on the licensing objective of the prevention of crime and disorder*. In line with s.106 of the Act PC Fern suggested to the premises user in his objection notice a compromise on the hours during which the TEN may be undertaken. Any such modification of the TEN in accordance with s.106(2) may be made *at any time before a hearing is held or dispensed with* [under s.105(2)]. At the time of writing this report no such modification had been received under the provisions of s.106(4).

Summary

Section 106(2) of the Act permits the Police to modify a TEN with the agreement of the premises user. Our attendance at this hearing is as a result of the premises user's apparent declination of the suggested modification to the TEN by the Police.

S.105(2) governs the outcome of a TEN at a hearing which has received an objection notice from the Police. In these circumstances the Licensing Authority is required, if necessary, to hold a hearing to consider the objection notice and, having regard to the objection notice, issue a counter notice if it considers it necessary for the promotion of the crime prevention objective. Effectively, now that the matter has reached the hearing stage, the Licensing Authority must either refuse the TEN or permit it to go ahead as submitted, i.e. without the Police modification.

Paul Jones
Licensing Officer
London Borough of Havering



Havering
LONDON BOROUGH

Copy of Application

11490

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	FRIEND		
Forenames	ZOE		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day 24	Month 03
		Year 1985	
4. Your place of birth		BRIGHTON	
5. National Insurance Number		ZR 85 66 37 B	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
THE MORRIS DANCER MELKSHAM CLOSE ROMFORD			
Post town ROMFORD		Post code RM3 8PX	
7. Other contact details			
Telephone numbers Daytime		07756738954	
Evening (optional)			
Mobile (optional)		07763697507	
Fax number (optional)		-	
E-Mail Address (optional)		The Morris Dancer @ gmail.com	
8. Alternative address for correspondence (If you complete the details below, we			

will use this address to correspond with you)	
/	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	/
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	

2. The premises
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)
<p>THE MORRIS DANCER MELKSHAM CLOSE HAROLD HILL ROMFORD RM3 8DX</p>
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)
/
Please describe the nature of the premises below. (Please read note 4)
PUBLIC HOUSE
Please describe the nature of the event below. (Please read note 5)
BIRTHDAY.

11490

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)

29 MARCH 2002.
29th

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)

11pm - 0300AM.

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)

15.

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 11)

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority | SLUGH


Licence number	007396
Date of issue	08/01/2009
Date of expiry	08/01/2019
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	6 th MARCH 2012
Name of Person signing	ZOE FRIEND



Havering
LONDON BOROUGH

Map of the area



Morris Dancer

Map Reference: TQ5491SE
Date: 19/03/2012

Scale @ A4
1:1250

Scale
0 10 20 30 40 50 m



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343



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Havering
LONDON BOROUGH

Representations from
Responsible Authorities



Working together for a safer London

**Licensing Authority
London borough of Havering
Mercury House, Mercury Gardens
Romford
RM1 3SL**

**CC Zoe Friend
Morris Dancer Public House**

**PC 118 KD David Fern
Romford Police Station
19 Main Road
Romford,
Essex
RM1 3BJ**

**Telephone: 01708 432781
Email:
David-
anthony.fern@met.police.uk
Date: 15th March 2012**

Dear Sirs,

Police wish to make representation **against** the application, for a temporary event notice at the Morris Dancer Public House.

The event was to be held on 29/03/2012 the hours requested are from 2300 - 0300 hours.

Police believe that allowing such an event would have negative impact on the licensing objective of, the prevention of crime and disorder

The event requested is to be held on a week night until 0300 hours, there have been previous issues at the location of disorder and this concerns the police.

There are only 15 people shown at venue and the application is for sale of alcohol by retail only.

I have spoken to the applicant and explained my concerns, I am purposed to offer the sale of alcohol by retail from 1100 hours on 29/03/2012 through to 0100 hours on 30/03/2012.

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely

PC David Fern
Metropolitan police - Havering
Licensing officer