

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
31 May 2012 (10.30 - 11.00 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Pam Light

Residents' Group

Labour Group Denis Breading

**Independent Residents
Group**

Present at the hearing were Mr Darren Mills (Applicant) and Ms Sheila Young.

Responsible Authorities present and objecting were PC David Fern (Metropolitan Police) and Marc Gasson (Havering Noise Specialist)

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 at this meeting.

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

**2 APPLICATION FOR A TEMPORARY EVENT NOTICE IN ACCORDANCE
WITH THE PROVISION OF SECTION 100 OF THE LICENSING ACT 2003
("THE ACT"). - EDGE**

PREMISES

Edge
82-84 Market Place
Romford
RM1 3ER

APPLICANT

Darren Mills
198 Lodge Ave

Dagenham
RM8 2HG

1. **Details of the application**

The applicant submitted an application for a Temporary Event Notice on 17 May 2012 in accordance with the provisions of section 100 of the Licensing Act 2003 ("the Act").

The Temporary Event Notice ("TEN") to cover the hours of 00.00 to 03.00 (Sunday night into Monday morning) for the Sale by Retail of Alcohol, the Provision of Regulated Entertainment and the Provision of Late Night Refreshment for a maximum of 499 people on Monday 4 June 2012. The TEN applied to the whole premises which was situated in the centre of Romford on the south side of the Market place.

A TEN allows the sale of alcohol, regulated entertainment and late night refreshment (hot food and drink 23.00hrs to 05.00hrs) for a limited period to take place without there being a licence but limits the number of people present to 499 (including staff).

2. **Grounds of objection**

Havering Police Licensing Officer and the Environmental Health Noise Specialist made representations against the Temporary Event Notice on Monday 21 May 2012.

Under the Licensing Act 2003 the police and environmental health had three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).

3. **Details of Representations**

Metropolitan Police: - made a representation against the application on the ground of public nuisance and crime and disorder.

PC Fern addressed the sub committee orally reiterating his written representations against granting of a temporary event notice for The Edge, which would coincide with the jubilee celebrations event on the morning of 4 June 2012 licensed from midnight - 0300 hours.

He stated that the premises fall within the saturation zone imposed by the Havering Licensing Authority, and violent crime is still rising within this zone. The Police feel that granting additional hours would have a negative impact on the licensing objectives of prevention of crime and disorder and public

nuisance, and that the cumulative impact of granting additional hours will only add to the problems that police are already presented with.

The sub committee was informed that the borough of Havering is amongst the top boroughs for alcohol fuelled violence within the Metropolitan Police. The borough now targets 60% of its resources to tackle the serious issues or crime and disorder in the town centre. The Police are of the opinion that they need to tackle the scourge of violence immediately.

PC Fern stated that the Licensing Act is about prevention and to assist the police and authorities in controlling violence both on and off the premises, along with disorder and public nuisance.

He also added that there are ongoing issues with residents about the noise generated from this premises. At a recent hearing the operator was informed to build a lobbied exit and the Police believe that the work is not yet complete.

PC Fern stated that he has taken into account that this event falls over the jubilee celebrations, and a long weekend. The premises do have a sufficient licence to make alternative arrangements for its event.

He concluded that the Police will not support this event and genuinely believed granting of such hours will only have negative effect in terms of crime and disorder along with public nuisance.

Public Health: - Mr Gasson, the Havering Noise Specialist officer, appeared and reiterated his written objection against the application.

He stated that the service is currently investigating ongoing complaints received from nearby residents of noise from the Edge. Evidence of noise from the venue has been witnessed by officers from this Service both in terms of the music from inside the venue and the noise from the patrons outside the premises.

The sub committee was informed that the complaints have predominantly been associated with functions at the venue where live music is played. This currently is not played through the venue's music system where the noise level is controlled by a noise limiter. As the application relates to a live band playing at the venue and therefore the level of music will not be controlled by their noise limiter. In addition there is currently no lobbied exit at ground floor level from the bar area reducing noise breakout from this area.

4. Applicant's response.

The Applicant, Mr Darren Mills addressed the sub committee in response to the representations from responsible authorities. He clarified that the application did not include live music. He made the following representations:

- That he understands the Police comments on the saturation policy but that the location of the premise is not usually a trouble spot such as in South Street.
- A penned area is to be created to control and manage patrons who are smoking outside the premises
- On the issue of the lobby area, the subcommittee was informed that the premises have 6 months to implement the condition.
- As a specialist night club, patrons of The Edge did not generally go to other premises in South Street.
- The Edge had had only one incident this year with the Police, whereas other clubs have one per night.
- The Edge is a small premises just managing to compete with the others. It is a premises that is operated smoothly and professionally.
- That an 00:30 hour closure will send patrons of The Edge to other venues, that they wouldn't otherwise attend - that the premises needs to open a bit later to compete with others.
- They have been recently running TENs on bank holidays – one till 01:30 and one till 02:00 at the request of police – which had been well run, no difficulties had been encountered, and showed a willingness to work with the authorities.
- The only issue raised specific to this premises and this application was potential noise nuisance relating to live music. The event applied for would not include live music, so that issue had been dealt with.
- Accepted that he naively advertised the event knowing that there has never been an issue with previous application.

5. Determination of Application

Consequent upon the hearing held on 31 May 2012, the Sub-Committee's decision regarding the application for a Temporary Event Notice for The Edge is as set out below, for the reasons stated:

- The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives.

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

- **The prevention of crime and disorder**

The police had submitted that the premises fall within the saturation zone and violent crime is still rising within this zone. The Police view that granting additional hours would have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance.

The sub committee noted that there was no evidence of crime and disorder linked to the premises, and previous TENs had not led to any trouble.

The Havering Noise Specialist officer, offered in his representation that the service was currently investigating ongoing complaints received from nearby residents of noise from the Edge. The representation stated that the complaints have predominantly been associated with functions at the venue where live music is played, due to the noise limiter not being used. The Sub-Committee had heard however that the event applied for would not involve live music.

The Sub-Committee accepted that there were no proven crimes issues relating to this premises that raised concern and that no live music was sought in this application.

6. **Decision**

Having considered the oral and written submissions of the Police and Noise Specialist officer in relation to the TEN, the Sub-Committee decided to **allow** the application for the following reasons:

- A key element of the Temporary Event Notice system is the so-called “light touch”, whereby the presumption is very much in favour of permitting the activity to take place. Only Responsible Authorities can object to a TEN, and only if satisfied that the activity would undermine the licensing objectives.
- The Sub-Committee was of the opinion that there was insufficient evidence in this instance to persuade it that there was a risk of crime and/or disorder or the prevention of public nuisance to warrant the refusal of the application.
- The premises had run TENs previously with no issues arising. This was not an application for a permanent licence, and the Sub-Committee was not satisfied that a one off event of this nature would in fact negatively affect crime and disorder or public nuisance.

Chairman