

LONDON BOROUGH

# LICENSING SUB-COMMITTEE EDGE (TENS)

### **AGENDA**

10.30 am Thursday Council Chamber - 31 May 2012 Town Hall

Members 3: Quorum 2

**COUNCILLORS:** 

Peter Gardner (Chairman)
Denis Breading
Pam Light

For information about the meeting please contact:
Taiwo Adeoye -01708 433079
email: taiwo.adeoye@havering.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 - 8)

Procedure for the Hearing: Licensing Act 2003

#### 5 REPORT OF THE LICENSING OFFICER (Pages 9 - 24)

Application for a Temporary Event Notice for Edge 82/84 Market Place, Romford, RM1 3ER

lan Buckmaster
Committee Administration & Member Support
Manager



# LICENSING SUB-COMMITTEE

REPORT

31 May 2012

Subject Heading: Procedure for the Hearing: Licensing Act 2003

Report Author and contact details: Taiwo Adeoye – Committee Officer

01708 433079

taiwo.adeoye@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:

#### **Licensing Sub-Committee: 31 May 2012**

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.

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### **Licensing Sub-Committee**

Section 1 - Licensing Officers Report

Appendix 1 - Copy of the Application

Appendix 2 - Map of local area

Appendix 3 Representations from the Responsible

**Authorities** 



# LICENSING SUB-COMMITTEE

REPORT

31 May 2012

**Subject Heading:** 

Report Author and contact details:

Temporary Event Notice Application Edge 82-84 Market Place Romford RM1 3ER

Paul Campbell – Licensing Officer

01708 432777

licensing@havering.gov.uk

This application for a Temporary Event Notice made by Darren Mills under section 100 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 17<sup>th</sup> May 2012.

#### Geographical description of the area and description of the building

The Temporary Event Notice (TEN) is for Monday 4<sup>th</sup> June 2012 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. The TEN apply to the whole premises which are situated in the centre of Romford on the south side of the Market place. A map of the area is attached to assist the sub-committee.

The premises are in the centre of Romford and very close to public transport.

The application forms were received by the licensing office on Thursday 17<sup>th</sup> May 2012.

I followed the procedure relating to TENs entered it onto our data base and returned a signed copy to the applicant/agent acknowledging the TEN by post.

PC Dave Fern the Havering Police Licensing Officer and Marc Gasson the Environmental Health Noise Specialist made a representation against the Temporary Event Notice on Monday 21<sup>st</sup> May 2012.

Under the Licensing Act 2003 the police and environmental health have 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).

#### Licensing Sub-Committee, 31 May 2012

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).

#### **Details of the application**

A copy of the application is attached.

## **Licensing Sub-Committee**

<u>Appendix 1</u> - Copy of the Application

16/12

EDGE

11704

#### **Temporary Event Notice**

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 at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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 de	tails of pre	mises user /Place	0 110 =	d mate 1)			
1. Your name	or pre	anises tisel (Fleas	e rea	u note 1) ,			
Title	Mr N	Irs Miss M	1s 🗍	Other (please	e state)		
Surname	MILLS			-,er (prodist	o sidio)		
Forenames	DARREN						
2. Previous names Please continue on Title	a dejminic	er details of any sheet if necessar rs Miss M	V )			if <mark>a</mark> pplice	ible.
Surname		141192 1A		Other (please	state)		
Forenames			22		i i		
3. Your date of birtl				Day £3	Month 11	Year	1.9
4. Your place of bir	th			BARKING	I MOINT II	Lyear	67
5. National Insurance	e Number			1164/100	36		
<ol><li>Your current addiseparate correspond</li></ol>	ress (We w	ill use this addre	ss to	correspond w	ith you unless y	ou comp	lete the
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DAGENILIAN	1						
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E-Mail Address							
(if available)							
8. Alternative address	for corres	pondence (If you	com	plete the deta	ils below we w	ill use th	in
address to correspond	with you)				ms obtow, we w	in use ui	15
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M-69-7-38 W	•
Mobile (optional)	750
Fax number (optional)	(K)
E-Mail Address	
(if available)	K
2. The premises	
Plaga give the address 54	
it has a said address of the premises	where you intend to carry on the licensable activities or if
is the traditoss Black a defailed descille	oftion (including the Ordnance Survey references)
(1 lease read flote 2)	· ·
80-84 MARKET PLACE	
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ROMEGRO, ESSEX,	
RMI-3ER	
INMI -SEK	
D	
Does a premises licence or club premise	es certificate have effect in relation to the premises (or any
part of the premises)? If so, please ente	r the licence or certificate number below.
Premises licence number	
	***
Club premises certificate number	
If you intend to use only part of the pren	nises at this address or intend to restrict the area to which
this notice applies, please give a descrip-	tion and details below. (Please read note 3)
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Please describe the nature of the premise	s below. (Please read note 4)
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<u>*</u> :	
Please describe the nature of the annual	I (DI
Please describe the nature of the event be	low. (Please read note 5)
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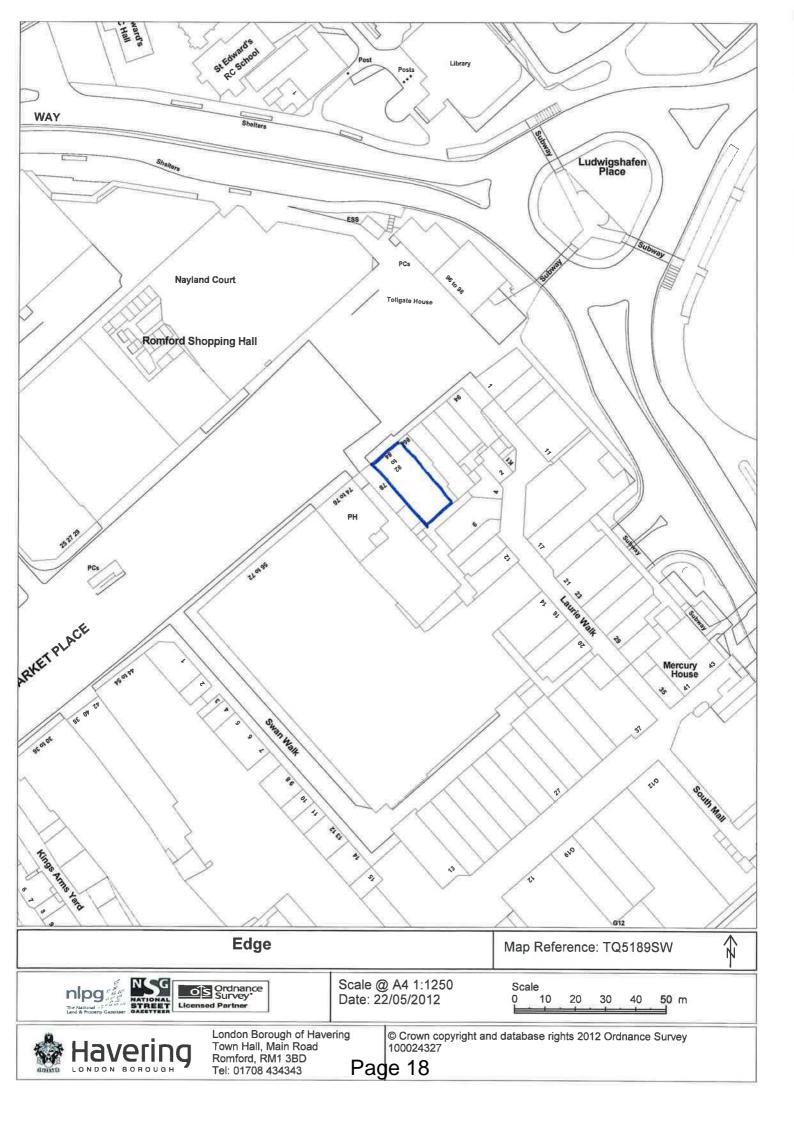
3. The licensable activities

Please state the licensable activ "X" next to the licensable activ	ities that you intend	to carry on at the premises (parry on). (Please read note 6)	olease mark an
The sale by retail of alcohol			M
The supply of alcohol by or on of the club	behalf of a club to, o	or to the order of, a member	
The provision of regulated ente			Ø
The provision of late night refre		9	Ø
Are you giving a late temporary	event notice? (Plea	se read note 7)	
Please state the dates on which glicensable activities. (Please real	you intend to intend ad note 8)	to use these premises for	
MONDAY -	Juniz 4th		-
Please state the times during the (please give times in 24 hour clo	event period that you	ou propose to carry on licensa te 9)	ble activities
Please state the maximum numb allow to be present at the premis licensable activities, including a note 10)	es during the times on the staff, organisers of the staff, organisers o	when you intend to when you intend to carry on or performers. (Please read	479
If the licensable activities will in of alcohol, please state whether t	he supplies will be	On the premises only	<b>X</b>
for consumption on or off the pre (please mark an "X" next to the a	emises, or both appropriate box).	Off the premises only	
(Please read note 11)	×	Both	
<ol> <li>Personal licence holders (Plea Do you currently hold a valid per</li> </ol>			v (5)
Please mark an "X" in the box th	nat applies to you)		Yes No
f "Yes" please provide the detail ssuing licensing authority			
sound neonang authority		WELL OF BARKING, +	DAG ENHAM
dence number	08922		
Date of issue	18	9407 USC	12
Pate of expiry	10/04/17 N/A		15
any further relevant details	N/A	-	

5. Previous temporary event notices you have given (Please read note 13)

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	No
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	3	
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	No Ø
Associates and business colleagues (Please read note 14)		
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	No X
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes	No
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	No X
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)  If answering yes, please state the total number of temporary event notices your	Yes	No X
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	No 📈
**************************************	XX	
7. Checklist (Please read note 15) I shall (Please mark the appropriate boxes with an "X")		
Send at least two copies of this notice to the licensing authority for the area in which the premises are situated	ch	×
Send a copy of this notice to the chief officer of police for the area in which the premises are situated		×
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		×
If the premises are situated in one or more licensing authority areas, send at least o copy of this notice to each additional licensing authority	ne	

	s are situated in one or more police areas, send a copy of this notice to	
	s are situated in one or more local authority areas, send a copy of this	7-4
	additional local authority exercising environmental health functions	
		187
wake or enclo	se payment of the fee for the application	
Sign the declar	ration in Section 9 below	M
	¥	
	Please read note 16)	
It is a condition	of this temporary event notice that where the relevant licensable activiti	es
described in Se	ection 3 above include the supply of alcohol that all such supplies are man	de by or
under the autho	prity of the premises user.	<b>,</b>
***************************************		-
		321
9. Declarations	(Please read note 17)	
The information	n contained in this form is correct to the best of my knowledge and belie	f.
	at it is an offence:	2
i) to knowingly	y 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	on mo
	unauthorised licensable activity to be carried on at any place and that a	nercon i
liable on convic	tion for any such offence to a fine not exceeding £20,000, or to imprison	person i:
for a term not e	xceeding six months, or to both.	micin
	recording on months, or to both.	
Signature	04111	-
Signature	9///=1/	
Date	15/05/12	
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Person signing	DARREN LILLS	
For completion	by the licensing authority	
O. Acknowlede	gement (Please read note 18)	
or Hommowicu)	Sometic (1 lease read flote 10)	
acknowledge r	eccipt of this temporary event notice.	9
ignature		
.D.1-141.A		
	On behalf of the licensing authority	
Date	on behalf of the needsing authority	
*	(A)	
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officer signing	* * *	



## **Licensing Sub-Committee**

<u>Appendix 3</u> - Representations from the Responsible Authorities



## Working together for a safer London

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

CC - Darren MILLS DPS EDGE

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: 21st May 2012

Police wish to make representation <u>against</u> the temporary event notice for the EDGE 80 - 84 MARKET PLACE, ROMFORD, RM1.

This event is for the jubilee celebrations on morning of 04/06/2012 licensed from midnight - 0300 hours.

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

The cumulative impact of granting additional hours will only add to the problems that police are already presented with. 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. We need to tackle the scourge of violence and we need to do it now.

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.

There are also ongoing issues with residents about the noise generated form these premises. At a recent hearing the operator was informed to build a lobbied exit. I believe this work is not yet complete thus creating further public nuisance.

I have taken into account that this event falls over the jubilee celebrations this is a long weekend. The premises do have a sufficient licence to make alternative arrangements for its event.

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

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



The Licensing Authority Housing & Public Protection 5<sup>th</sup> Floor Mercury House Mercury Gardens Romford Essex

**Public Protection** Housing & Public Protection London Borough of Havering Mercury House, Mercury Gardens Romford RM1 3SL

Telephone: 01708 432749

Fax:

01708 432554

email:

marc.gasson@havering.gov.uk Textphone 9: 01708 433175

Date:

21 May 2012

Your Reference:

My Reference:

RM1 3SL

MDG/074921

(for the attention of Paul Campbell-Licensing Specialist)

Dear Mr Campbell

#### Licensing Act 2003-Application for Temporary Event Notice 4/6/2012 The Edge, 82-84 Market Place, Romford, Essex.

I refer to the above application for a T.E.N. for the 4<sup>th</sup> June 2012 from 00:00-03:00 hours making the following observations and therefore objecting to it being granted.

This 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 complaints jhave 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. For these reasons I object to the the Temporary Event Notice, as any extension of hours for licensible activities will increase the likelihood of noise problems witnessed previously being caused to nearby residents at the later hours applied for.

I trust this claries my position.

Yours Sincerely

Marc Gasson

Noise Specialist.

cc- The Edge

84-88 Market Place

Romford

Essex

(For the attention of Darren Mills-Designated Premises Supervisor)

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