

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
27 June 2012 (10.30 - 10.40 am)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Frederick Thompson

Residents' Group Brian Eagling

Mr Steve Hogan (the applicant), Mr Paul Campbell (Licensing Officer), the legal advisor and Clerk to the Sub-Committee were also present.

All decisions were taken with no votes against.

There were no declarations of interest.

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

1 REPORT OF THE LICENSING OFFICER

PREMISES

The Coopers Company & Coborn School
St Mary's Lane
Upminster
Essex
RM14 3HS

DETAILS OF APPLICATION

An application for a variation of a premises licence was made under section 34 of the Licensing Act 2003 ("the Act").

APPLICANTS

Mr Steve Hogan
Clerk to the Governors
The Coopers Company & Coborn School
St Mary's Lane
Upminster
Essex
RM14 3HS

1. Details of the application:

The applicant amended the application in advance of the Hearing to request the following:

To also include the first floor of the pavilion

Plays, Live Music, Performance of Dance, Provision of Facilities for Making Music, Dancing and entertainment of a similar description to making music or dancing, Supply of alcohol		
Day	Start	Finish
Monday to Friday	18:00hrs	21:30hrs
Saturday & Sunday	12:00hrs	21:30hrs

The application also sought to amend the following 4 conditions attached to the existing premises licence:

Annex 2, Condition 12, the limit of one glass of wine be removed

Annex 2, Condition 13, PA fundraising functions may occur on other days of the week

Annex 2, Condition 15, PA functions to be permitted during school holidays

Annex 2, Condition 17, alcohol is permitted to be stored overnight in the Pavilion Bar

Seasonal variations

There were no seasonal variations applied for in the application.

Non-standard timings

The non-standard timings limit the number of times per year certain activities can take place in the Pavilion.

2. Promotion of the licensing objectives:

The applicant acted in accordance with premises licence regulations 25 and 26 of the Licensing Act 2003 Regulations 2005 relating to the advertising of the application. The required newspaper advertisement was installed in the Yellow Advertiser on 16 May 2012.

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

There was one valid representation received against the application from an interested party.

There were no representations received against the application from any responsible authority.

Representation from the interested party

The interested party representation addressed the 'protection of children from harm' licensing objective. It was contended, in summary, that as the premises was located within a school, it would create the wrong impression for children who will be using the sports facilities and who could become targets of abuse from men who had consumed too much alcohol at the Pavilion Bar.

3. Determination of Application

Decision:

Consequent upon the hearing held on 27 June 2012, the Sub-Committee's decision regarding the application for a variation of the Premises Licence for The Coopers Company and Coborn School 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

The prevention of children from harm

Whether the granting of the requested variation to the premises licence would undermine the licensing objectives.

- In the absence of the only objector, Mr Hogan, the applicant attending on behalf of the Cooper Company and Coborn School, was invited to respond to the points raised in the objector's written representation.
- Mr Hogan explained that the Pavilion Bar was not open for use by the general public, but was restricted for use solely to members of the Old Cooperians

rugby club. The facilities were to be used after rugby training days (twice weekly) and for post-match refreshments which took place on weekends.

- Members of the rugby club were professionals and former pupils of the school. The members were all too aware of the good name of the school and would not behave in a way which would damage the reputation of the school. Indeed, in the twenty years he had worked at the school, Mr Hogan had not received any complaints about the behaviour of the members of the rugby club.
- Mr Hogan added that he had approached the Metropolitan Police to discuss the proposed application and as a consequence of those discussions the hours requested in the variation had been reduced so that the Pavilion Bar closed at an earlier time. He also reminded the sub-committee that the school had previously obtained a premises licence to sell alcohol. He was not aware of any complaints made since the licence had started.
- Mr Hogan added that there had been no representations submitted by any of the responsible authorities, including the Children and Families Services. Had there been a cause for concern then he would have expected a representation against the application from at least one of the responsible authorities.

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.

Having considered the sole written objection and oral response, the Sub-Committee was satisfied that the application for the variation of the premises licence would not undermine any of the four licensing objectives. The Sub-Committee noted that the school currently operated a premises licence for the sale of alcohol and that there had been no complaints made to the school about the behaviour of the patrons using the premises. It also noted that there had been no representations submitted against the application by any of the responsible authorities. Given those facts, the reduction in hours from what was originally applied for, and that the premises were only available for access by members of the Old Cooperians Rugby Club, the Sub-Committee stated that they were **prepared** to grant the amended application in full.

As there were no objections raised to the requested variation to the conditions, these were also granted in full.

Chairman