

Havering Council – Decisions taken by the Licensing Sub-Committee on Friday, 7 December 2012

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

	<p>Application for a Temporary Event Notice at Hornchurch Football Club House</p>	<p>PREMISES The Stadium Bridge Avenue Upminster Essex RM14 2LX</p> <p>DETAILS OF APPLICATION An application for a Temporary Event Notice made under section 100 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANTS Ms Christina Hunt 27 Champlain Avenue Canvey Island Essex SS8 9QL</p> <p>1. Details of the application:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">TEN to cover – The sale by retail of alcohol, The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, The provision of regulated entertainment and The provision of late night refreshment for 130 people</td> </tr> <tr> <td style="width: 60%;">Day</td> <td style="width: 20%;">Start</td> <td style="width: 20%;">Finish</td> </tr> <tr> <td>Saturday 15th December 2012 into Sunday 16th December 2012</td> <td align="center">19:00hrs</td> <td align="center">01:00hrs</td> </tr> </table> <p>2. Grounds of objection</p>	TEN to cover – The sale by retail of alcohol, The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, The provision of regulated entertainment and The provision of late night refreshment for 130 people			Day	Start	Finish	Saturday 15 th December 2012 into Sunday 16 th December 2012	19:00hrs	01:00hrs
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		<p>Marc Gasson of the Havering Council Environmental Health Noise Team made a representation against the Temporary Event Notice on 22 November 2012.</p> <p>3. Details of representations</p> <p>Public Health:</p> <p>Mr Gasson, the Havering Noise Specialist officer, reiterated his written objection against the application.</p> <p>He commented that there had been a history of noise complaints relating to the premises and that the clubhouse was located in a very close proximity to neighbouring residential properties.</p> <p>The history of noise complaints had mainly concentrated on noise breakout from the venue which had in turn led to the club installing a noise limiter. Mr Gasson also advised that there had been periodic noise problems with patrons entering and leaving the premises usually in the summer months.</p> <p>Mr Gasson also commented that no previous enforcement action had been taken against the applicants.</p> <p>4. Applicant's response:</p> <p>Mr McBride, Chairman of Hornchurch FC, speaking on behalf of the applicant, confirmed to members of the Sub-Committee that over 200 events had taken place in the past with only</p>

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		<p>three phone calls having been received from residents, which had resulted in only two complaints.</p> <p>Mr McBride also confirmed that an electronic noise limiter had been installed at the premises.</p> <p>Mr McBride also advised that the club had held previous events until 00.00hrs and that there had been no noise problems.</p> <p>Mr McBride advised that the application was being applied for to enable a 30th birthday party to take place and the bar would again be closing at 00.00hrs.</p> <p>The club had previously had Temporary Event Notices granted, and all events had passed without incident. Further, none of the previous applications had been challenged.</p> <p>Determination of Application</p> <p>5. Decision:</p> <p>Consequent upon the hearing held on 7 December 2012, the Sub-Committee's decision regarding the application for a Temporary Events Notice for The Stadium was as set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm

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		<p>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.</p> <p>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.</p> <p>Agreed Facts <u>Facts/Issues</u></p> <p>Whether the granting of the requested variation to the premises licence would undermine the licensing objectives.</p> <p>The Sub-Committee noted the objections raised by Mr Gasson with regards to noise nuisance, The Sub-Committee also noted the applicant’s contention that they had successfully operated a number of similar events without any incidents to report and that no previous enforcement action had been taken. The Sub-Committee were not provided with any specific references to noise nuisance having been reported or acted upon.</p> <p>The Sub-Committee noted that the management of the clubhouse had started to police patrons leaving the clubhouse, reminding them of the need to keep noise to a minimum.</p> <p>The Sub-Committee were assured by the Applicant that the bar would close at 12:00am.</p>
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		<p>On the assurances provided by the applicant, the lack of any recorded noise nuisance caused by it (other than historic noise breakout which the premises had addressed by way of a noise limiter), and the evidence that numerous TENs had been operated at the premises without objection or trouble, the Sub-Committee were satisfied to approve the temporary event notice.</p> <p>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.</p> <p><u>Details of the application</u></p> <table border="1" data-bbox="842 922 1977 1161"> <tr> <td colspan="3">TEN to cover – The sale by retail of alcohol, The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, The provision of regulated entertainment and The provision of late night refreshment for 130 people</td> </tr> <tr> <td>Day</td> <td>Start</td> <td>Finish</td> </tr> <tr> <td>Saturday 15th December 2012 into Sunday 16th December 2012</td> <td>19:00hrs</td> <td>01:00hrs</td> </tr> </table>	TEN to cover – The sale by retail of alcohol, The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, The provision of regulated entertainment and The provision of late night refreshment for 130 people			Day	Start	Finish	Saturday 15 th December 2012 into Sunday 16 th December 2012	19:00hrs	01:00hrs
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