



LICENSING SUB-COMMITTEE CHINESE CHINA (TENS)

AGENDA

10.30 am	Wednesday 12 December 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Frederick Thompson
Melvin Wallace

For information about the meeting please contact:

**James Goodwin: 01708 432432
email: james.goodwin@haverling.gov.uk**

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) – receive

2 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary 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 - 34)

Application for a Temporary Event Notice made by Ting Bong Lau in respect of Chinese China, 207 St Mary's Lane, Upminster.

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



LICENSING SUB-COMMITTEE

12 December 2012

Subject Heading:

Procedure for the Hearing: Licensing Act 2003

Report Author and contact details:

**James Goodwin 01708 432432
e-mail: james.goodwin@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

- 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

Section 1 - Licensing Officers Report



LICENSING SUB-COMMITTEE

REPORT

12 December 2012

Subject Heading:

Application for a Temporary Event Notice
made by Ting Bong LAU 19 Nightingale
Avenue Upminster RM14 1ES

Report Author and contact details:

Paul Campbell – Licensing Officer
01708 432777
licensing@havering.gov.uk

This application for a Temporary Event Notice (TEN) is made by Mr Ting Bong LAU under section 100 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 27th November 2012.

Following usual procedure a copy of the TEN was signed by me as being acknowledged by the Licensing Authority and returned to the applicant by post.

Geographical description of the area and description of the building

The premises are a single unit terrace building (no floors above). It is situated on the north side of St Marys Lane Upminster about 220 metres east of Station Road

The premises are situated in a row of shops, the premises either side do not have living accommodation above. The property directly opposite is a large supermarket. There are residential properties to the rear of the premises 39 metres away and diagonally opposite at the corner of Tudor Gardens 33 metres away.

There is no car park at the premises but on street parking is allowed in the evening and during the night. The premises are within easy walking distance of Upminster Underground Station.

A map of the area is attached to assist the committee.

Details of the application

TEN to cover – The sale by retail of alcohol, The provision of regulated entertainment and The provision of late night refreshment for 50 people		
Day	Start	Finish
Friday 14 th December 2012	00:00hrs	01:00hrs
Saturday 15 th December 2012	00:30hrs	01:30hrs
Sunday 16 th December 2012	00:30hrs	01:30hrs

Comments and observations on the application

Under the Licensing Act 2003 the police and/or 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).

Summary

There was one representation against this application from responsible authorities.

Responsible Authorities' representations

Marc Gasson Noise Specialist for the London Borough Of Havering lodged a representation against the TEN with the Licensing Authority on 28th November 2012 within the three day period allowed.

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).

Chinese China holds a premises licence which covers the Supply of alcohol and some Regulated Entertainment with a finish time on a Thursday of 00.00 and on a Friday and Saturday 00.30 and 01.00.

A copy of this licence is attached to my report.

Details of the application

A copy of the application is attached.



Premises licence number

001404

Part 1 – Premises details

Postal address of premises

Chinese China
207 St. Mary's Lane Upminster RM14 3BU

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke), provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), recorded music, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke)

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 00:30

Provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), supply of alcohol

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 01:00

Recorded music

Sunday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 00:30

Late night refreshment

Sunday to Thursday – 23:00 to 00:00

Friday & Saturday – 23:00 to 01:00

The opening hours of the premises

Sunday to Thursday – 12:00hrs to 00:30hrs

Friday & Saturday – 12:00hrs to 01:30hrs

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Signed

Paul Jones, Licensing Officer

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Ting Bong Lau
19 Nightingale Avenue Upminster RM14 1ES
01708 225705**

Registered number of holder

Not applicable

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Ting Bong Lau
19 Nightingale Avenue Upminster RM14 1ES**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

1371 – London Borough of Havering

Mandatory conditions

1. **No supply of alcohol may be made under the Premises Licence;**
 - (a) **at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or**
 - (b) **at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
2. **Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
3. (1) **The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) **In this paragraph, an irresponsible promotion means any one or more of the following : activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–**
 - (a) **games or other activities which require or encourage, or are designed to require or encourage, individuals to–**
 - (i) **drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**

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Mandatory conditions – contd.

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The responsible person shall ensure that–
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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Signed

Paul Jones, Licensing Officer

Mandatory conditions – contd.

8. Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –
PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

Annex 2 – Conditions consistent with the operating schedule

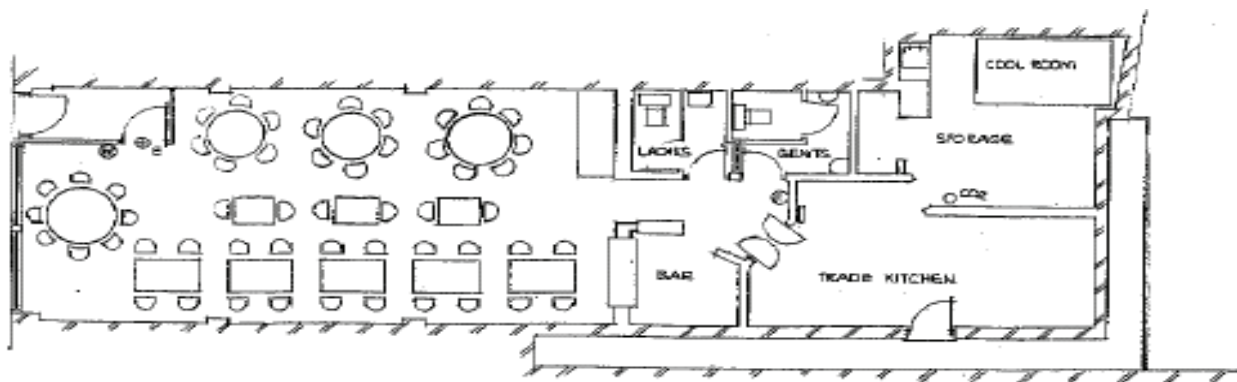
1. All staff shall be fully trained.
2. Staff shall refuse to serve anyone they feel may pose a threat to staff and/or customers.
3. Staff shall refuse to serve customers who appear to have drunk to excess.
4. Staff shall only serve alcohol to those customers who are eating in the restaurant.
5. Staff shall oversee the dispersal of customers from the premises.
6. Staff shall arrange transport as required for customers and those customers waiting for taxis are to remain in the restaurant and be asked to leave quietly.
7. There shall be no entry to new customers after midnight.
8. There shall be no take away food provided after midnight.
9. All staff shall be fully trained with regard to the protection of children from harm.
10. Staff shall not sell intoxicating liquor to children and if in doubt of age to ask for identification before alcohol is supplied.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:



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Part B

Premises licence summary

Premises licence number

001404

Premises details

Postal address of premises

Chinese China
207 St. Mary's Lane Upminster RM14 3BU

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke), provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), recorded music, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke)

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 00:30

Provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), supply of alcohol

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 01:00

Recorded music

Sunday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 00:30

Late night refreshment

Sunday to Thursday – 23:00 to 00:00

Friday & Saturday – 23:00 to 01:00

The opening hours of the premises

Sunday to Thursday – 12:00hrs to 00:30hrs

Friday & Saturday – 12:00hrs to 01:30hrs

1 of 2

Signed

Paul Jones, Licensing Officer

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On supplies only

Name, (registered) address of holder of premises licence

**Mr Ting Bong Lau
19 Nightingale Avenue Upminster RM14 1ES**

Registered number of holder

Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Ting Bong Lau

State whether access to the premises by children is restricted or prohibited

Restricted

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Licensing Sub-Committee

Appendix 1 - Copy of the Application

14-16/12/12

CHINESE CHINA

12311



Havering
LONDON BOROUGH

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 details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	LAU
Forenames	TING BONG
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 10 Month 01 Year 1955
4. Your place of birth	HONG KONG
5. National Insurance Number	VX909020D
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
19 NIGHTINGALE AVENUE UPMINSTER ESSEX RM14 1ES	
Post town	UPMINSTER
Post code	RM14 1ES
7. Other contact details 07887 688389 (NIKI)	
Telephone numbers	01708 225705
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

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 (if available)	

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)	
CHINESE CHINA 207 ST MARYS LANE UPMINSTER ESSEX RM14 3BU	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	001404
Club premises certificate number	
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)	
A CHINESE RESTAURANT	
Please describe the nature of the event below. (Please read note 5)	
AN EXTENSION TO THE CURRENT LICENSE TO PROVIDE KARAOKE WITH SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT TO CUSTOMERS WHO HAS RESERVED A MEAL FOR THE EVENING.	

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 checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
15 DEC 12 14 DEC 12 16 DEC 12		
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 9)		
14 DEC 12 - 00.00am - 1.00am 15 DEC 12 - 00.30am - 1.30am 16 DEC 12 - 00.30am - 1.30am		
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 10)	50	
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 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

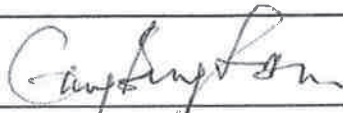
4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	LONDON BOROUGH OF HAVERING	
Licence number	001371	
Date of issue	12-10-05	
Date of expiry	13-7-15	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
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 checked="" type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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 15)	
I have: (Please mark the appropriate boxes with an "X")	
Sent at least two copies of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
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 17)	
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	26 / 11 / 12
Name of Person signing	T. B. LAU

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

In these notes, a person who gives a temporary notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any 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) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

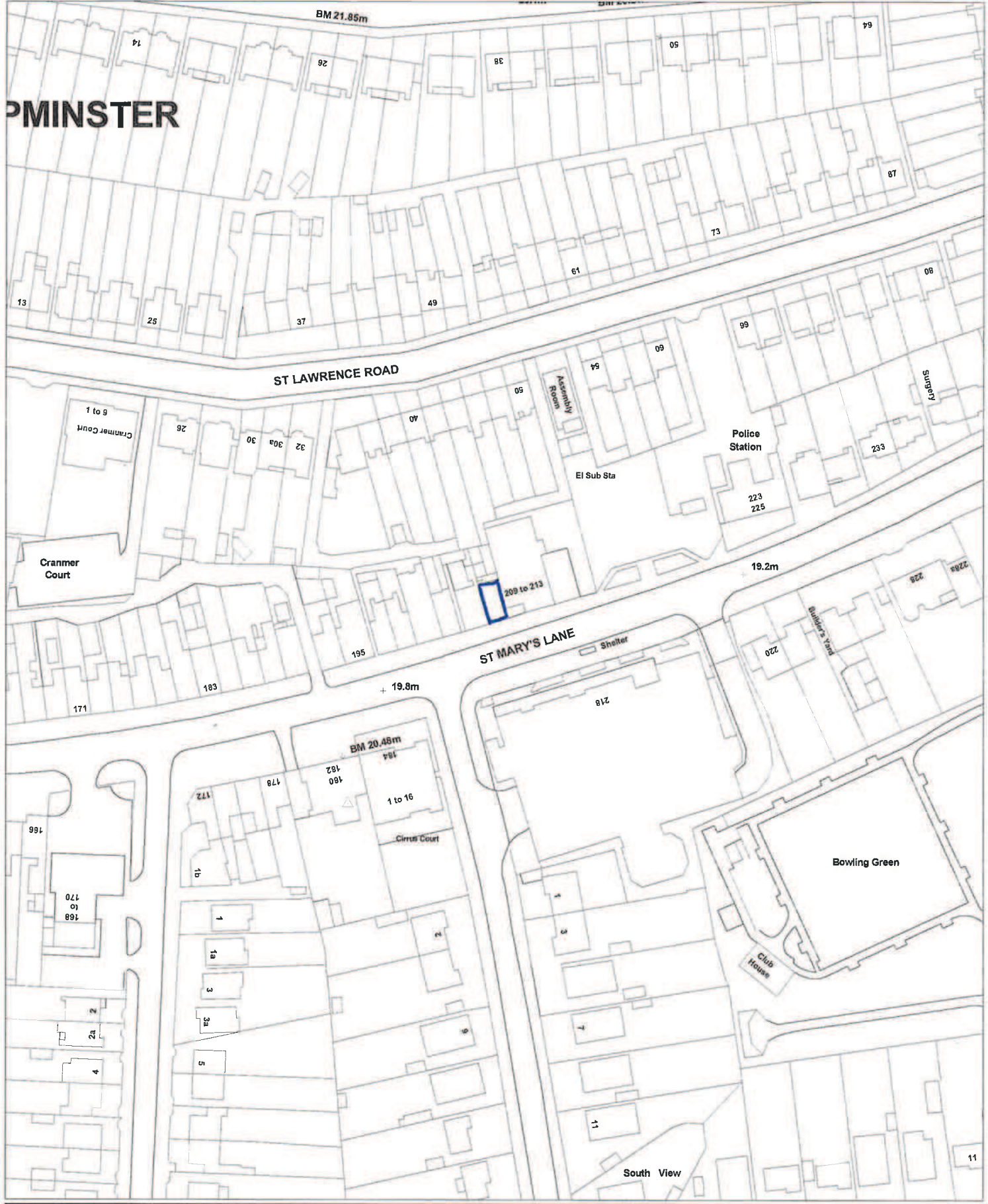
Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

Licensing Sub-Committee

Appendix 2 - Map of local area



Chinese China

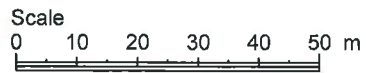
Map Reference: TQ5686NW







Scale @ A4 1:1250
Date: 28/11/2012



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

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Licensing Sub-Committee

Appendix 3 - Representations from the Responsible Authorities



Public Protection

Mercury House, Mercury Gardens
Romford RM1 3SL

Please call: Marc Gasson

Telephone: 01708 432777

Fax: 01708 432554

email: environmental.health@havering.gov.uk

Textphone ☎: 01708 433175

memo

From: Marc Gasson-Noise Specialist

To: Paul Campbell-Licensing Specialist

My Reference : MDG/012311

Your Reference :

Date: 28 November 2012

**Licensing Act 2003-Application For A Temporary Event Notice 14/12/2012 to
16/12/2012 00:30 hours to 01:30 hours
Chinese China, 207 St Marys Lane, Upminster, Essex.**

I refer to the above application and would object to it being granted on the grounds of public nuisance for the following reasons:-

1. The close proximity residential premises to the restaurant will mean that residents are going to be subjected to unacceptable levels of noise due to patrons leaving and entering the premises and also from the music emanating from within the premises
2. The hours applied for for the 14th December 2012 will mean that residents will be exposed to unacceptable levels of noise during the week until 01:30 hours minimum, when they will almost invariably be getting up for work/school the next morning.

I trust this clarifies my position.

Marc Gasson
Noise Specialist

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