



LICENSING SUB-COMMITTEE WILLIAM THE CONQUEROR (TENS)

AGENDA

10.30 am	Tuesday 18 December 2012	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Peter Gardner (Chairman)
Linda Trew
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 - 42)

Application for a Temporary Event Notice in respect of the William the Conqueror public house, Petersfield Avenue, Romford, RM3 9PB.

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



LICENSING SUB-COMMITTEE

18 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 Representations from the Responsible Authorities.



LICENSING SUB-COMMITTEE

REPORT

18 December 2012

Subject heading:

William the Conqueror
Petersfield Avenue Romford RM3 9PB
Temporary event notice
Paul Jones, Licensing Officer
5th floor Mercury House
x 2692

Report author and contact details:

This submission of a temporary event notice (TEN) is made by Mrs Kelly Clarkson under section 100 of the Licensing Act 2003. The TEN was received by Havering's Licensing Authority on 3rd November 2012.

Geographical description of the area and description of the building

The William the Conqueror public house is a detached property located in Harold Hill in an area which is predominantly residential. Adjacent to the premises is a parade of shops; however, residential properties are located above these commercial outlets. Residential properties occupy three sides of the immediate vicinity surrounding the premises while the fourth side, to the front of the public house, is occupied by a Catholic church. Potentially, a midnight mass may be occurring at the church at the commencement of Christmas Day.

Details of the submission

The premises licence at the William the Conqueror includes the following licensable activities to be provided during these hours:

Live music, recorded music, performance of dance, supply of alcohol		
Day	Start	Finish
Monday to Thursday	11:00	23:00
Friday & Saturday	11:00	00:00
Sunday	12:00	23:00

NB Christmas Eve this year is on a Monday, thus the terminal hour for this evening would normally be 23:00.

TEN activities notified:

Supply of alcohol, provision of regulated entertainment*, late night refreshment			
Day	Start	Finish	No. of people present at any one time
Monday 24 th December 2012 into 25 th December 2012	23:00	02:00	400

* This broad description may permit any and all forms of regulated entertainment to be provided under the authority of the TEN. Regulated entertainment is defined by Schedule 1 Part 1 paragraph 2(1) of the Act as:

- (a) *a performance of a play,*
- (b) *an exhibition of a film,*
- (c) *an indoor sporting event,*
- (d) *a boxing or wrestling entertainment,*
- (e) *a performance of live music,*
- (f) *any playing of recorded music,*
- (g) *a performance of dance,*
- (h) *entertainment of a similar description to that falling within paragraph (e), (f) or (g)*

Comments and observations on the TEN

This TEN was submitted in accordance with the provisions of s.100 of the Act. The premises has within the last two months been subject to enforcement action from Havering's Noise Team due to noise nuisance generated by similarly organised events at the premises.

Section 2 of the TEN requires a description of the event to be provided. In relation to this description guidance note 5 on the TEN form provides examples of the considerations to be made when completing this portion of the form and states:

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

The premises user submitting this TEN describes the event as a 'Christmas Eve party', a description which might not provide the responsible authorities with a definitive impression of what licensable activities may be expected at the event.

Summary

There were two objection notices submitted against this application from both responsible authorities empowered to do so, namely the Police and Havering's Noise Team.

Section 106(2) of the Act permits a TEN to be modified, prior to a hearing to determine the matter, with the agreement of all relevant parties in order that any objection notices may be withdrawn. At the time of writing this report no modification agreement had been agreed.

Section 106A(2)(a) of the Act permits the Licensing Authority to impose one or more conditions on a TEN where *the authority considers it appropriate for the promotion of the licensing objectives to do so*, if the Authority is minded to permit the TEN to go ahead. Such conditions may relate to the licensable activities permitted and their terminal hours.

Section 105(2)(b) of the Act permits the Licensing Authority to issue a counter notice against the TEN preventing it from going ahead if the Authority is so minded.

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

Responsible authorities' objection notices

PC D Fern submitted an objection notice against this TEN on behalf of the Metropolitan Police. PC Fern indicates that the Police have concerns with regard to the promotion of the licensing objective relating to the prevention of public nuisance. PC Fern contends that the event as submitted *is unfair to residents given the previous history of the venue and the day in question being Christmas Day morning*. PC Fern further contends that he would be prepared to support an extension of hours at the premises until midnight with the premises to be empty of patrons by 00:20.

Mr Marc Gasson submitted an objection notice against this TEN on behalf of Havering's Noise Team. Mr Gasson's objection to the TEN is also based upon the licensing objective relating to the prevention of public nuisance. Mr Gasson states that he would be happy to support the TEN submission if the event's terminal hour was reduced to midnight.

Paul Jones
Licensing Officer
London Borough of Havering

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Havering

LONDON BOROUGH

Premises licence number

001884

Part 1 – Premises details

Postal address of premises

William The Conqueror
82 Petersfield Avenue Romford RM3 9PB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music, recorded music, performances of dance, provision of facilities for dancing, provision of facilities for entertainment similar to music or dancing, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Thursday – 11:00 to 23:00
Friday to Saturday – 11:00 to 00:00
Sunday – 12:00 to 23:00

The opening hours of the premises

Monday to Thursday – 11:00 to 23:30
Friday to Saturday – 11:00 to 00:30
Sunday – 12:00 to 23:30

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

On and off supplies

Part 2

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

Admiral Taverns Limited
Milton Gate 60 Chiswell Street London EC1Y 4AG
01244 321171

1 of 6

COPY

Signed

Paul Jones, Licensing Officer

Registered number of holder

05438628

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

**Mrs Kelly Patricia Clarkson
54 Coombe Road, Romford, RM3 0TX**

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

London Borough of Havering - 11506

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
 - (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–

2 of 6

Mandatory conditions – contd.

- (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.

Annex 2 – Conditions consistent with the operating schedule

- 1. In addition to the use of temporary event notices allowed under the Licensing Act 2003 the premises may open on 12 non-standard occasions in line with the Association of Chief Police Officers' guidelines subject to a minimum of 10 working days' notice being given to the Licensing Authority and the Police for each occasion. The prior written consent of the Police shall be obtained and the Police shall have an absolute right to refuse any occasion.
- 2. A register shall be kept at the premises in the manner required by the Police and Licensing Authority and made available for inspection by the Police or an authorised officer of the Licensing Authority and details of each occasion shall be recorded in it including the written consent of the Police.
- 3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

3 of 6

COPY

Signed
Paul Jones, Licensing Officer

4. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
 - (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - (c) to a canteen or mess.
5. Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:
 - (a) On weekdays other than Christmas Day, Good Friday or New Year's Eve as stated above.
 - (b) On Sundays other than Christmas Day or New Year's Eve as stated above.
 - (c) On Good Friday 12:00 to 22:30
 - (d) On Christmas Day 12:00 to 15:00 and 19:00 to 22:30
 - (e) On New Year's Eve except on a Sunday 10:00 to 23:00
 - (f) On New Year's Eve on a Sunday 12:00 to 22:30
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day 00:00 on 31st December)

The above restrictions do not prohibit:

- (i) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- (ii) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- (iii) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- (iv) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- (v) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (vi) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (vii) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (viii) the taking of alcohol from the premises by a person residing there; or
- (ix) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (x) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

6. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premises on each given day. The premises daily register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour.
7. The designated premises supervisor shall implement a written drugs policy. This shall detail strategies to minimise the use and supply of illegal drugs within the premises.
8. The designated premises supervisor shall implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance to the neighbours both residential and business. This policy shall be approved in writing by the Licensing Authority.
9. A 'Challenge 21' policy in relation to alcohol supplies must be in place. The only acceptable forms of identification shall be a current photo driving licence, a valid passport or a PASS hologram card.
10. A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard'. All other areas of risk identified in the operational requirement shall have coverage appropriate to the risk.
11. The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'system file' which should be readily available for inspection by the relevant authority:
 - site plan showing position of cameras and their field of view
 - code of practice
 - performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position
 - operational requirement
 - incident log
 - maintenance records including weekly visual checks
12. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system persons entering the premises should be asked to remove headwear unless worn as part of religious observance.
13. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required shall be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.

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Signed
Paul Jones, Licensing Officer

Annex 2 – Conditions consistent with the operating schedule – contd.

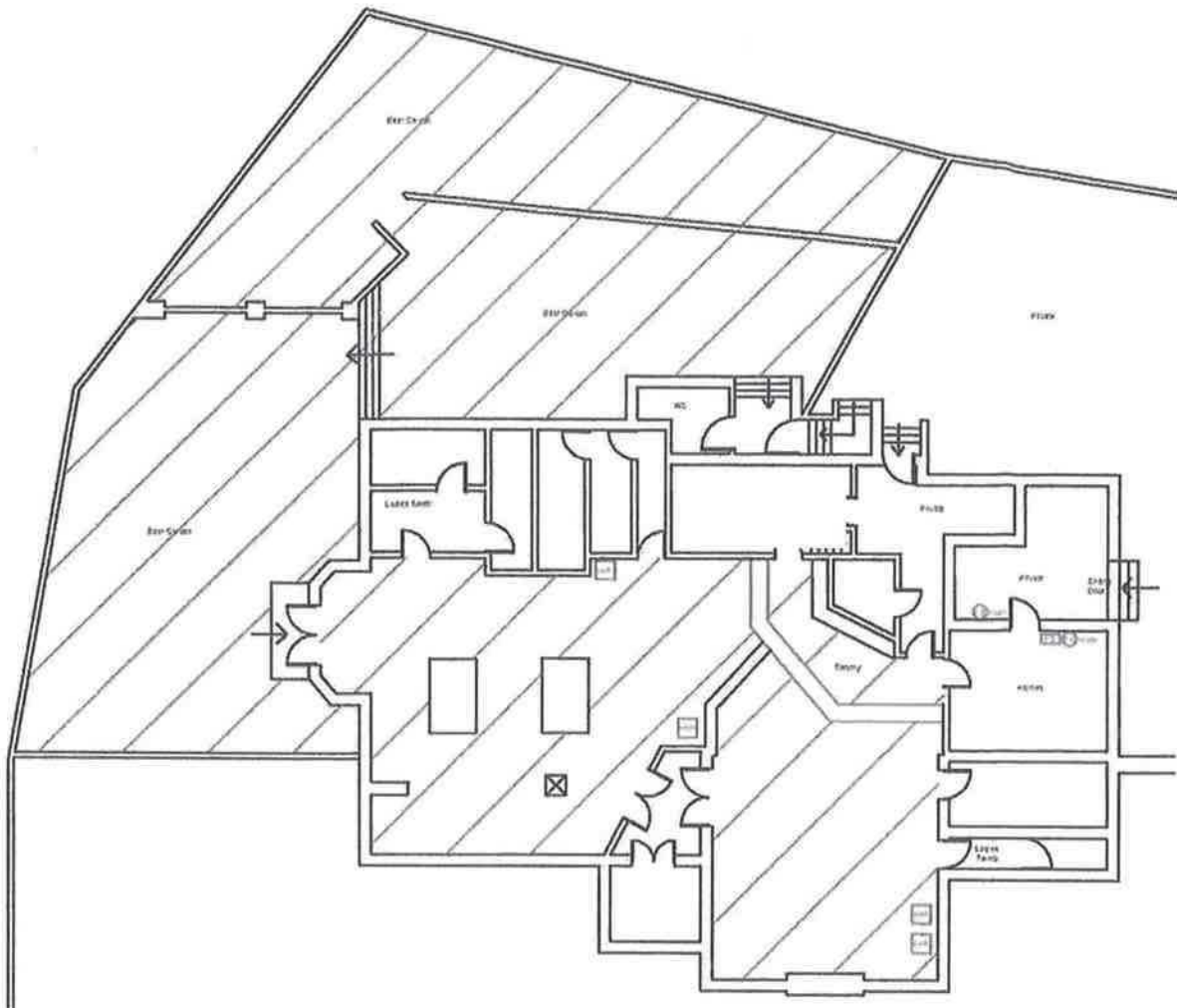
- 14. The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'system file'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.**
- 15. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.**

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:





Part B

Premises licence summary

Premises licence number

001884

Premises details

Postal address of premises

William The Conqueror
82 Petersfield Avenue Romford RM3 9PB

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live music, recorded music, performances of dance, provision of facilities for dancing, provision of facilities for entertainment similar to music or dancing, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Thursday – 11:00 to 23:00
Friday to Saturday – 11:00 to 00:00
Sunday – 12:00 to 23:00

The opening hours of the premises

Monday to Thursday – 11:00 to 23:30
Friday to Saturday – 11:00 to 00:30
Sunday – 12:00 to 23:30

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

On and off supplies

Name, (registered) address of holder of premises licence

Admiral Taverns Limited
Milton Gate 60 Chiswell Street London EC1Y 4AG

Registered number of holder

05438628

1 of 2

Signed

COPY

Paul Jones, Licensing Officer

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

Mrs Kelly Patricia Clarkson

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

Not applicable

2 of 2

Licensing Sub-Committee

Appendix 1 - Copy of the application

12337



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 type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CLARKSON		
Forenames	KELLY PATRICIA		
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 checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	SCHAFER		
Forenames	KELLY PATRICIA		
3. Your date of birth	Day 30	Month 11	Year 1962
4. Your place of birth	LONDON		
5. National Insurance Number	JX615593B		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
WILLIAM CONQUEROR PETER FIELD AV HAROLD HILL			
Post town	ESSEX	Post code	RM3 9BP
7. Other contact details			
Telephone numbers	07506026327		
Daytime	OK		
Evening (optional)	07949476363		
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	Kelly.Clarkson@live.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

2

12337

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)	
William THE CONQUEROR PETERFIELD AV HAROLD HILL ROMFORD RM3 9PD	
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	
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)	
Public House	
Please describe the nature of the event below. (Please read note 5)	
CHRISTMAS EVE PARTY	

?



3. The licensable activities

3

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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 type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
MONDAY 24 th December 2012		
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)		
11pm - 2 AM		
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)	400	
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	No
	<input type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	LONDON BOROUGH OF HAVENING	
Licence number	011506	
Date of issue	19 MARCH 2012	
Date of expiry	19 MARCH 2022	
Any further relevant details		

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

4

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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 type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	9.	
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 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 your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 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"/>

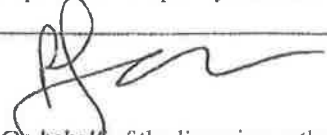
7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least two copies of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send 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, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>

If the premises are situated in one or more police areas, send 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, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input 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	30/11/2012
Name of Person signing	K CLARSON

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	04/12/12
Name of Officer signing	PAUL JONES 12337

Licensing Sub-Committee

Appendix 2

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 - Kelly Clarkson

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: 4th December 2012

Police wish to make representation against the temporary event notice from the WILLIAM and CONQUEROR public house for an extension on Christmas Eve.

The premise falls within a residential area. Police and the local authority have received complaints recently regarding noise from the venue, when previous extensions have been granted. The local authority has investigated such incidents.

At 0200 hours there is no public transport from premises and patrons will no doubt create further noise issues on there way home. This is unfair to local residents given the previous history of the venue and the day in question being Christmas day morning. An extension until 0200 hours would not promote the licensing objective, prevention of public nuisance.

The police are often called to deal with such incidents due to the local authority not providing 24 hour cover. Granting of such an extension would impact on the prevention of crime and disorder; this can simply be from patrons leaving the venue and walking home, to acting disorderly in residential streets.

Police could not support this extension given the facts surrounding the premise, I would be prepared to offer an extension until mid night only, and the premises must be clear of customers by 0020 hours.

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely

COPY

PC David Fern
Metropolitan police - Havering
Licensing officer



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 Jones-Licensing Officer.

My Reference : MDG/012337

Your Reference :

Date: 6 December 2012

Licensing Act 2003-Application For Temporary Event Notice 24/12/2012 23:00-02:00 Hours (25/12/2012).
William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex.

I refer tot the above application and would advise that I would object to it being granted on the following grounds:-

1. Licensing Policy 012 states the following:-

"The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas."

The premises has residential properties located in close proximity to it on three sides, the closest being approximately 15-20 metres from the rear of the building, and therefore the area is predominantly residential so any extension past 23:30 would be contrary to guidance.

2. Considering it is Christmas Eve allowing a function to continue to a terminal hour of 02:00 hours on such a significant night will cause considerable disturbance to in particular families with children.
3. The premises has been the subject of enforcement action with respect to noise arising from the venue. Although the Council has been working with the owners and the person responsible to resolve the problems encountered since the abatement notice was served, a further problem was witnessed by an officer working on the Council's Out-Of-Hours Noise Service.

Public Protection Bringing together Environmental Health & Trading Standards

I would advise that if the terminal hour was reduced to midnight on the 24/12/2012, then I would be happy to support the submission.

I trust this clarifies my position.

COPY

Marc Gasson
Noise Specialist

Encs:- Abatement Notice in respect of Noise Nuisance dated 3/10/2012
Letter to Ms Kelly Clarkson-Designated Premises Supervisor for the William The Conqueror dated 12/11/2012



Havering
LONDON BOROUGH

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

The Company Secretary
Admiral Taverns Limited
Milton Gate
60 Chiswell Street
London
EC1Y 4AG

Telephone: 01708 432749
Fax: 01708 432554
email: marc.gasson@havering.gov.uk
Textphone ☎: 01708 433175

Date: 3 October 2012

Your Reference:
My Reference: MDG/002146

Dear Sir/Madam

Environmental Protection Act 1990-Section79-82
Noise From Amplified Music
William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex, RM3 9PB.

THIS LETTER DOES NOT FORM PART OF THE ABATEMENT NOTICE ENCLOSED
REFERENCE:-EHS/MDG/002146/

I write concerning the complaints received by this Service from nearby residents regarding the excessive volume of the music emanating from the premises and in particular the bass element.

Following a call received by the Council's Out-Of-Hours Noise Service, my colleague Mr Frank Orharhuge, Environmental Health Officer undertook observations from within a complainant's premises from 00:55 hours on the 30th September 2012. The level of music emanating from the William The Conqueror was totally unacceptable and in my colleagues' opinion constituted a statutory noise nuisance.

The Council being satisfied of the existence of a statutory noise nuisance and with the apparent lack of consideration for nearby residents has no alternative but to serve an Abatement Notice in respect of Noise Nuisance upon you the owner of the premises (enclosed).

You should note that the abatement notice requires that the nuisance condition be abated immediately from the date of its service. Initially this may be achieved by ceasing to have any loud recorded music or any live music played until such time as mitigating works/measures have been put in place to abate the nuisance condition

Any mitigating works may due to the potential complexity of the problem and therefore the solution, may require you to seek appropriate advice from a competent noise consultant to

determine the appropriate scheme to resolve this matter. Should you require an extension to the compliance period please do not hesitate to contact me so that this can be agreed and confirmed in writing at the earliest opportunity.

Yours faithfully

COPY

Marc Gasson
Pollution Officer

cc- Paul Jones Licensing Officer (London Borough of Havering)

cc-David Fern-Metropolitan Police Licensing Officer

cc-Mrs Kelly Clarkson Designated Premises Supervisor (William The Conqueror)
54 Coombe Road
Harold Hill
Romford
Essex
RM3 0TX



Abatement Notice in respect of Noise Nuisance

To Admiral Taverns Limited
Milton Gate
60 Chiswell Street
London
EC1Y 4AG

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the **London Borough of Havering** ("the Council"), being satisfied of the **existence** of noise amounting to a statutory nuisance under Section [79 (1) (g) of that Act from the premises known as:

William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex, RM3 9PB.

[within the district of the Council] arising from:

Amplified music played at an excessive volume

HEREBY REQUIRE YOU as the owner of the premises from which the noise is or would be emitted, immediately from the service of this notice [to abate the same] [and also]

[HEREBY [PROHIBIT]] the [[recurrence]of the same]

Note: Should the provisions of this Notice not be complied with, an application may be made for a warrant to both enter the said premises and to carry out such necessary works to abate the nuisance and prevent its recurrence (e.g. removal of all or part of the equipment giving rise to the nuisance).

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale * * together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred

Dated 3 October 2012

COPY

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

(Signed)

**Franklyn Orharhuge
Environmental Health Officer**
The officer appointed for this purpose

(Designation)

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

** Currently £5,000, subject to alteration by Order.

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates:-
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment or
 - (iii) in the case of a nuisance arising from any defect a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being-
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become by the Authority under Part III of the 1990 Act or to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where-
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where-
- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Havering
LONDON BOROUGH

Public Protection

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

William The Conqueror
Petersfield Avenue
Harold Hill
Romford
Essex
RM3 9PB
(for the attention of Mrs Kelly Clarkson-Designated
Premises Supervisor)

Telephone: 01708 432777
Fax: 01708 432554
email: environmental.health@havering.gov.uk
Textphone ♯: 01708 433175
Date: 12 November 2012

Your Reference:
My Reference: MDG/002146

Dear Mrs Clarkson

Environmental Protection Act 1990-Section 79-82
William The Conqueror, Petersfield Avenue, Harold Hill, Romford, Essex.

Further to our conversation of the 12th November 2012 concerning the the observations made by my colleague Frank Orharhuge on the 11th November 2012 between 01:50 hours and 02:10 hours.

From the observations carried out by my colleague he is satisfied that the music witnessed from the complainant's address constituted a statutory noise nuisance. From his observations was also satisfied that due the level and the clarity of the music being played that it was coming from your premises and not from a dark blue VW Beetle as you claim. My colleague did carry out observations outside, in the vicinity of your premises and did not witness the vehicle you claim to be responsible for the music.

The Council is now in a position where we can serve an Abatement Notice in respect of Noise Nuisance upon you as the person responsible. However this course of action is not being pursued at this point in time only because of your recent co-operation. Should officers witness a further statutory noise nuisance this course of action will be pursued and consideration will also be given to reviewing your Premises Licence. In addition such evidence will have to be taken into account when considering any future applications for Temporary Event Notices.

I would appreciate being notified when you have completed the works to create an additional lobbied exit within the bar area where the live music is played. I can then visit to confirm these works are adequate and if appropriate reset the volume level guidelines previously given.

I look forward to your continued co-operation, avoiding the recurrence of the problems witnessed this weekend.

Yours Sincerely

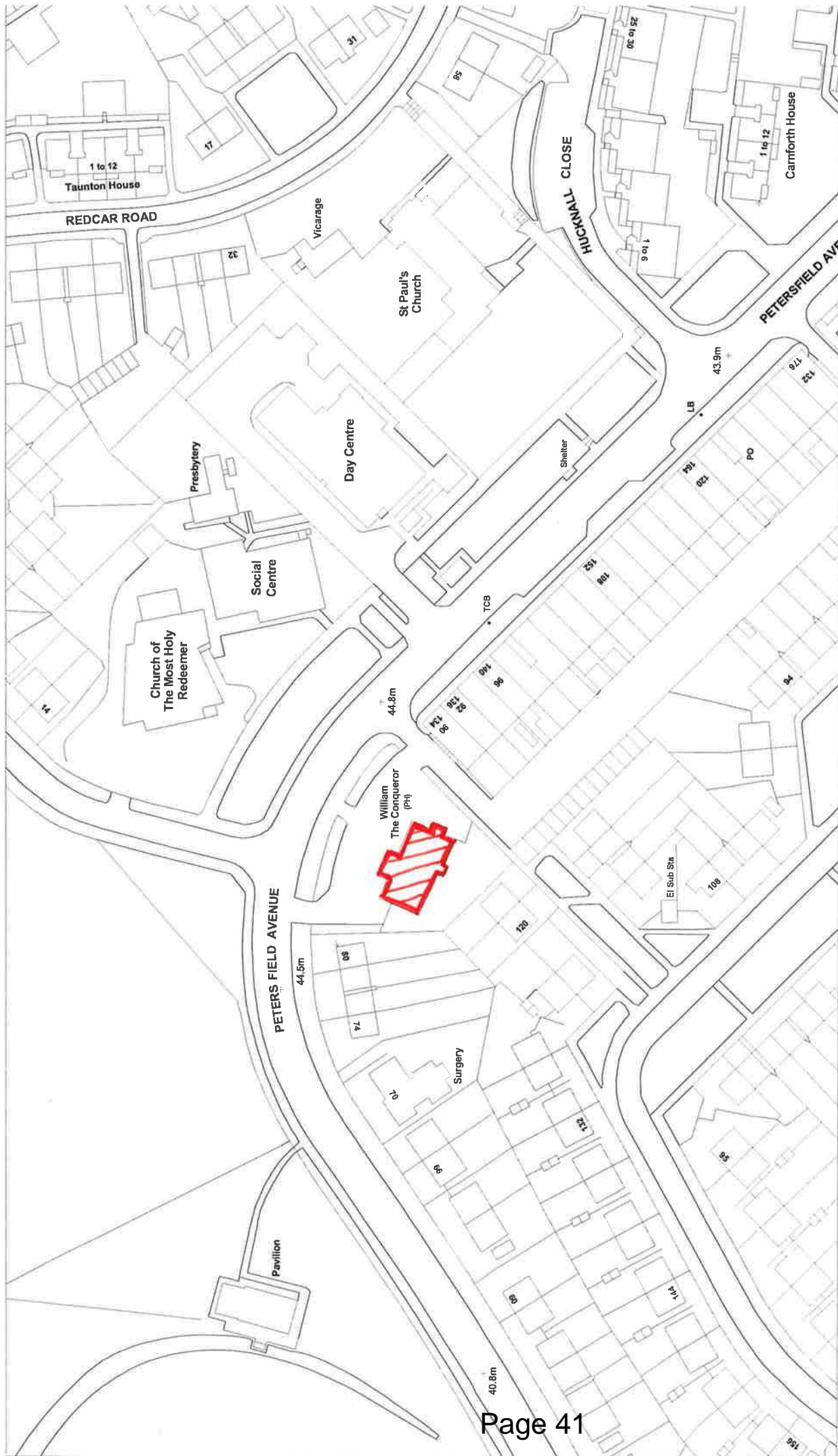
COPY

Marc Gasson
Noise Specialist

cc-Paul Jones-Licensing Officer

cc-David Fern-Metropolitan Police Licensing Officer.

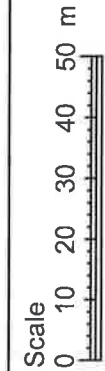
cc- Rebecca Farley
Licensing Administrator
Admiral Taverns (Chester) Ltd
Suite H3
Steam Mill Business Centre
Steam Mill Street
Chester
CH3 5AN



William the Conqueror PH

Map Reference: TQ5492SE
Date: 06/12/2012

Scale @ A4
1:1250



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



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