

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 February 2013

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

Part A – Items considered in public

<p>A1</p>	<p>APPLICATION FOR TWO TEMPORARY EVENT NOTICES KC's BAR, 155 BILLET LANE, HORNCHURCH</p>	<p>PREMISES KC's Bar, 155 Billet Lane, Hornchurch, RM11 1UR</p> <p>APPLICANT Mr Thomas Callum Rowlatt, 14 Wallis Close, Hornchurch, RM11 1FY</p> <p>1. Details of Application</p> <p>KC's Bar is located in Billet Lane on the outskirts of Hornchurch Town Centre. The vicinity surrounding the premises is a mixture of residential and commercial properties. Emerson Park railway station is in the immediate area. KC's bar operates under the authority of a premises licence.</p> <p>The applicant submitted applications for two Temporary Event Notices (TENs) on 7th February 2013 in accordance with the provisions of section 100 of the Licensing Act 2003 ("the Act").</p> <p>The first application is for the provision of regulated entertainment, late night refreshment and the supply of alcohol on Saturday 2nd March 2013 between 01:00 and 02:00.</p> <p>The second application is for the provision of regulated entertainment, late night refreshment and the supply of alcohol on Sunday 5th May 2013 into Monday, 6th May, from 23:00 and 01:00.</p>
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		<p>Both TENs are listed as private events, a 40th and a 50th birthday party respectively. Both events are to be closed to the general public and attendance of up to 100 guests on each occasion is by invitation only.</p> <p>2. Grounds of Objection</p> <p>There was one objection notice made against each of these TENs from a responsible authority, namely Havering’s Noise Specialist, Mr Marc Gasson, submitted on 12th February, 2013.</p> <p>Under the Licensing Act 2003 as amended, the police and environmental health have three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).</p> <p>3. Details of Representations</p> <p>Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and reiterated his written objection against the applications. He stated that:</p> <ul style="list-style-type: none"> • Noise from loud music and raised voices of patrons at the venue is the subject of an on-going investigation by the Environmental Service. • An Abatement Notice in respect of Noise Nuisance was served on the owners of the premises dated 8th August 2011 and despite some sound attenuation works and management controls being put in place, this Service has continued to receive allegations that the noise from the premises is still an issue. • The vast majority of the complaints centre around noise from private functions held at the venue. • The case continues to be monitored by the Council’s Out-Of-Hours Noise

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 February 2013

Agenda Item No	Topic	Decision
		<p align="center">Service.</p> <p>Mr Gasson had spoken to Mr Parrett following the service of the Abatement Notice and works and measures had been put in place to resolve the issues. There were no longer any issues with sound from the rear of the premises but still problems with the area outside the front door which was designated as a smoking area. The licence prohibits any drinks being taken outside the premises after 23:00. Paul Jones confirmed that the area immediately outside the front of the building is part of the premises for the purpose of the licence.</p> <p>Marc Gasson had suggested that applicants seek an amendment to the conditions to restrict the outside area to smoking only from 22:00 hrs.</p> <p>Mr Gasson confirmed that the complaints now related only to the area at the front, and principally came from just one person. The complaints related to the noise made by the smokers outside, not the music. The last complaint had been received two to three weeks ago. He noted that at this time of the year the number of complaints were less, although in May (and in warmer months) it would be more of a problem, with people more likely to be outside, and for longer periods of time.</p> <p>4. Applicant's response.</p> <p>The owner of the premises, Mr Parrett responded to the points made by Mr Gasson. At the time the Abatement Notice was served he was the responsible person and following a meeting with Mr Gasson he had undertaken works at the rear of the building to deal with the source of the complaints. The back door is alarmed and if opened it switches off the music. A limiter has been set for the music by Mr Gasson and this is monitored by the applicant Mr Rowlatt.</p> <p>Works had been undertaken to the front doors so both doors cannot be opened at the same</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 February 2013

Agenda Item No	Topic	Decision
		<p>time. The doors are manned by door staff at all times. When the doors are closed you cannot hear the music even half way across the road. He does not know what other measures he could have taken.</p> <p>Following further conversations with Mr Gasson he had voluntarily stopped people taking alcohol outside after 22:00.</p> <p>The applicant then addressed the Sub-Committee. Mr Gasson had advised that there was an on-going investigation, he had not been advised of any problems, nor had he received any complaints from any neighbours. He was unaware as to how he was to tackle the problems if he was not aware of them. The doormen on site controlled the no alcohol outside rule.</p> <p>5. Determination of Application</p> <p>Consequent upon the hearing held on 25 February 2013, the Sub-Committee’s decision regarding the applications for two Temporary Event Notices for KC’s bar is as set out below, for the reasons stated:</p> <p>The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.</p> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p>

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 February 2013

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		<p>Agreed Facts</p> <p>Whether the granting of the Temporary Event Notices would undermine any of the four licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>Marc Gasson advised that noise from loud music and raised voices of patrons at the venue is the subject of an on-going investigation. He acknowledged that the previous owner, Mr Parrett had undertaken works and introduced controls in response to the previous Abatement Notice. He further stated that the complaints were now coming from one person and related to raised voices of patrons.</p> <p>Marc Gasson was not aware that the applicant Mr Rowlatt had voluntarily introduced a further restriction to limit the use of the outside area, which formed part of the premises, to smokers only from 22:00, no alcohol allowed.</p> <p>He accepted that with the front doors closed music could not be heard across the other side of the road.</p> <p>6. Decision</p> <p>Having considered the oral and written submissions of the Noise Specialist in relation to the two applications, the Committee decide to allow both applications for the following reasons:</p> <ul style="list-style-type: none"> • A key element of the Temporary Event Notice system is the so-called “light touch”, whereby the presumption is very much in favour of permitting the activity to take place. Only Responsible Authorities can object to a TEN, and only if

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 25 February 2013

Agenda Item No	Topic	Decision
		<p>satisfied that the activity would undermine the licensing objectives.</p> <ul style="list-style-type: none"> • The Sub-Committee was of the opinion that there was insufficient detail of the on-going complaints, or the number of complaints (or complainants), and they were not satisfied that granting the applications would undermine the licensing objective of prevention of public nuisance. • The Committee advised the applicant that all the conditions attached to the premises licence would apply and they would expect the applicant to ensure (as he had assured them was the premises policy) that no alcohol is taken outside after 22:00hrs, that doormen are always present to monitor entry and exit through the front doors and the noise limiter remains in place. • The applicants should also be aware that any noise complaints will continue to be monitored. <p>7. Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may make an order for costs as it sees fit.</p> <p>James Goodwin Clerk to the Licensing Sub-Committee</p>