

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 3 December 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 A TEMPORARY EVENT NOTICE (TEN) UNDER SECTION 100 OF THE LICENSING ACT 2003 (The Act) for KC's BAR 155 BILLET LANE, HORNCHURCH RM11 1UR</p>	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES KC's Bar 155 Billet Lane Hornchurch Essex RM11 1UR</p> <p>APPLICANT Mr Thomas Rowlatt 14 Wallis Close Hornchurch Essex RM11 1FY</p> <p>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.</p> <p>Mr Rowlatt is the premises user with regard to this TEN. He seeks to provide regulated entertainment, late night refreshment and supply alcohol on Sunday 29th December 2013 between 01:00 and 02:00. The effect of this will be to extend the normal Saturday night hours by one hour.</p>
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		<p>TEN requirements:</p> <table border="1"> <tr> <th align="center" colspan="3">Supply of alcohol; provision of regulated entertainment; night refreshment</th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> <tr> <td>Sunday 29 December 2013</td> <td>01:00</td> <td>02:00</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p>Grounds of Objection</p> <p>There was one objection notice made against the TENs application from a responsible authority, namely Havering's Noise Specialist, Mr Marc Gasson on 11 November 2013.</p> <p>Mr Gasson submitted an objection notice on behalf of Havering's Environmental Health Service based upon his concerns in relation to the prevention of public nuisance licensing objective.</p> <p>Mr Gasson's objection notice outlined his concerns in relation to the potential for noise disturbance to nearby residents. Mr Gasson's objection notice also drew attention to Havering's Licensing Policy 12 with regard to the hours during which regulated activities would normally be permitted at licensed premises in the borough.</p> <p>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>	Supply of alcohol; provision of regulated entertainment; night refreshment			Day	Start	Finish	Sunday 29 December 2013	01:00	02:00			
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		<ul style="list-style-type: none"> • The close proximity of residential properties to the premises in question would mean that should the TENs be granted, it would increase the potential of noise disturbance being experienced by nearby residents later at night and into the early hours of the morning both from noise emanating from regulated entertainment within the premises and also as patrons enter/leave the premises. • Any extension beyond the current hours for regulated entertainment would conflict with the council’s licensing policy 12 for mixed commercial/residential use areas. • The sub-committee was also informed that the service had been made aware of complaints of noise disturbance raised in the period since 2011. Abatement Notices had been issued against the premises in August 2011. • The subcommittee was informed that there was documentary recording of these complaints. • The cases continue to be monitored by the Council’s Out-Of-Hours Noise Service. <p>Applicant’s response.</p> <p>The applicant (Mr Rowlatt) responded to the points made by Mr Gasson.</p> <p>He stated that his premises had continued to work with the service to reduce any issues of public nuisance, and that there were in fact no on-going noise issues.</p> <p>Mr Rowlatt confirmed that tickets for the TEN event were sold on a pre-allocated basis.</p> <p>Mr Rowlatt also confirmed that he was happy to work within the conditions already applied to his premises licence should the sub-committee be minded to grant the TEN with the conditions</p>

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		<p>in place.</p> <p>Mr Rowlatt also advised the sub-committee that the premises continued to refuse to allow patrons outside of the premises with drinks after 22.00 hours and that on the evening of the proposed TEN, anybody leaving the premises after 01.00 hours would be refused re-admission.</p> <p>The sub-committee were also advised that the doorstaff employed at the premises would remain on shift after the close of business to aid with the dispersal of patrons.</p> <p>Determination of Application</p> <p>Consequent upon the hearing held on 3 December 2013, the Sub-Committee’s decision regarding the application for a Temporary Event Notice 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> <p>Agreed Facts Whether the granting of the Temporary Event Notices would undermine</p>

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		<p>any of the four licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>That Noise Specialist Marc Gasson had raised an objection on the grounds of the potential of noise disturbance being experienced by nearby residents later at night and into the early hours of the morning both from noise emanating from regulated entertainment within the premises and also as patrons enter/leave the premises. Mr Gasson stated at the hearing that the main issue was the potential noise from patrons congregating outside.</p> <p>The subcommittee was of the view that there was little evidence of noise complaints linked to the premises.</p> <p>Mr Gasson accepted that with the condition offered by the applicant to refuse re-entry after 01:00 his objection had largely been addressed.</p> <p>The subcommittee was minded to attribute minimal weight to the issue of the complaints that were referred to at the hearing, any concern having been dealt with by the retention of the premises existing conditions, and assurances from the applicant at the hearing.</p> <p>Decision</p> <p>Having considered the oral and written submissions of the Noise Specialist in relation to the application, the Committee decided to grant the application for the following</p>

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		<p>reasons:</p> <ul style="list-style-type: none"> • Having regards to the light touch placed on TENs application and that the reason for this hearing was related to potential noise nuisance, yet there was scant evidence of any noise nuisance attributable to this premises before the Sub-Committee. • 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 Sub-Committee also noted the steps that the applicant was willing to put into place to minimise noise nuisance, being no drinks outside after 22:00, and no re-admission after 01:00, and his acceptance that the existing conditions will remain in force during the operation of the TEN. • The Sub-Committee reminded the applicant of condition 30 of his premises licence which stated: <ul style="list-style-type: none"> <i>The premises licence holder 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 or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour and crime and disorder. The policy shall be approved in writing by the Licensing Authority.</i> <p>The existing licence conditions are to remain in force during the extra hour permitted by the TEN, and these are set out in the Statement of Conditions included with this</p>

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