

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 12 February 2014**

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**

A1	APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> William the Conqueror Petersfield Avenue Harold Hill Romford RM3 9PB</p> <p><b>DETAILS OF APPLICATION</b></p> <p>This application for a variation to a premises licence is made under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANT</b> Admiral Taverns Ltd Suite H3 Steam Mill Business Centre Steam Mill Street Chester CH3 5AN</p>
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		<p><b>1. Details of the application</b></p> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Supply of Alcohol; Live Music; Recorded Music, Performance of Dance; Anything similar to Live Music, Recorded Music, Performance of Dance</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td align="center">11:00hrs</td> <td align="center">23:00hrs</td> </tr> <tr> <td>Friday to Saturday</td> <td align="center">11:00hrs</td> <td align="center">00:00hrs</td> </tr> <tr> <td>Sunday</td> <td align="center">12:00hrs</td> <td align="center">00:00hrs</td> </tr> <tr> <td>Saturday</td> <td align="center">10:00hrs</td> <td align="center">00:00hrs</td> </tr> <tr> <td>Sunday</td> <td align="center">10:00hrs</td> <td align="center">00:00hrs</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th align="center" colspan="3"><b>Open Hours</b></th> </tr> <tr> <th align="center">Day</th> <th align="center">Start</th> <th align="center">Finish</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td align="center">11:00hrs</td> <td align="center">23:30hrs</td> </tr> <tr> <td>Friday to Saturday</td> <td align="center">11:00hrs</td> <td align="center">00:30hrs</td> </tr> <tr> <td>Sunday</td> <td align="center">12:00hrs</td> <td align="center">23:30hrs</td> </tr> </tbody> </table> <p>Current non-standard timings are:-</p> <p>Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means:</p> <ul style="list-style-type: none"> <li>(a) On weekdays other than Christmas Day, Good Friday or New Year's Eve as stated above.</li> <li>(b) On Sundays other than Christmas Day or New Year's Eve as stated above.</li> <li>(c) On Good Friday 12:00 to 22:30</li> </ul>	<b>Supply of Alcohol; Live Music; Recorded Music, Performance of Dance; Anything similar to Live Music, Recorded Music, Performance of Dance</b>			Day	Start	Finish	Monday to Thursday	11:00hrs	23:00hrs	Friday to Saturday	11:00hrs	00:00hrs	Sunday	12:00hrs	00:00hrs	Saturday	10:00hrs	00:00hrs	Sunday	10:00hrs	00:00hrs	<b>Open Hours</b>			Day	Start	Finish	Monday to Thursday	11:00hrs	23:30hrs	Friday to Saturday	11:00hrs	00:30hrs	Sunday	12:00hrs	23:30hrs
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		<p>(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)</p> <p><b>2. Variation applied for:</b></p> <table border="1"> <tr> <td colspan="3"><b>Supply of Alcohol; Live Music; Recorded Music, Performance of Dance; Anything similar to Live Music, Recorded Music, Performance of Dance</b></td> </tr> <tr> <td><b>Day</b></td> <td><b>Start</b></td> <td><b>Finish</b></td> </tr> <tr> <td>Friday and Saturday</td> <td>11:00hrs</td> <td>02:00hrs</td> </tr> </table> <table border="1"> <tr> <td colspan="3"><b>Open Hours</b></td> </tr> <tr> <td><b>Day</b></td> <td><b>Start</b></td> <td><b>Finish</b></td> </tr> <tr> <td>Friday and Saturday</td> <td>11:00hrs</td> <td>02:30hrs</td> </tr> </table> <p><b><u>Seasonal variations</u></b></p> <p>Additional hour to the standard and non-standard times on the day when British summertime commences.</p> <p><b><u>Non-standard timings</u></b></p> <p>To include the standard hours plus one extra hour for:                  All Bank Holidays, Christmas Eve, Christmas Day, Boxing Day New Years Day.</p>	<b>Supply of Alcohol; Live Music; Recorded Music, Performance of Dance; Anything similar to Live Music, Recorded Music, Performance of Dance</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Friday and Saturday	11:00hrs	02:00hrs	<b>Open Hours</b>			<b>Day</b>	<b>Start</b>	<b>Finish</b>	Friday and Saturday	11:00hrs	02:30hrs
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		<p>From the start of standard timing on New Years Eve to the start of standard timing on New Years Day</p> <p><b><u>Comments and observations on the application</u></b></p> <p>The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement was installed in the 20 December 2013 edition of the Romford Recorder.</p> <p><b>3. Details of Representations</b></p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p><b><u>Summary</u></b></p> <p>There was 1 valid representation against this application from interested parties.</p> <p>There were 3 representations against this application from responsible authorities.</p>

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		<p><b><u>Details of representations</u></b></p> <p>Valid representations may only address the following licensing objectives:</p> <p>The prevention of crime and disorder                      The prevention of public nuisance                      The protection of children from harm                      Public safety</p> <p><b><u>Interested parties’ representations</u></b></p> <p>A local resident, Ms Smith, based her representation on the prevention of public nuisance licensing objective.</p> <p><b><u>Responsible Authorities’ representations</u></b></p> <p>Mr Jones, on behalf of the Licensing Authority, made a representation under the prevention of public nuisance licensing objective.</p> <p>PC Jason Rose made a representation on behalf of The Metropolitan Police based upon the prevention of crime &amp; disorder and prevention of public nuisance licensing objectives.</p> <p>Environmental Health (Noise) via Mr Gasson made representations based upon the prevention of public nuisance objective.</p>

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		<p>There were no representations from the following responsible authorities:</p> <p>The London Fire and Emergency Planning Authority                      The Health &amp; Safety Enforcing Authority                      The Trading Standards Service                      Planning Control &amp; Enforcement                      Children &amp; Families Service                      Practice Improvement Lead</p> <p>Subsequent to the issuing of the Licensing sub-committee agenda and prior to the hearing, there had been a successful resolution of the representations of the Responsible Authorities.</p> <p>The request to extend the premises licence hours was withdrawn. The standard hours were to remain unchanged.</p> <p>The request for the non-standard timings as submitted in relation to the extension of hours was withdrawn. The non-standard timings were to be addressed by the addition of the following conditions:</p> <ul style="list-style-type: none"> <li>• In addition to the use of temporary event notices allowed under the Licensing Act 2003 (<i>the Act</i>) the premises may open on twelve non-standard occasions subject to a minimum of ten working days' notice being given to the licensing authority, the local authority officer responsible for noise control and the Police for each occasion. The prior written consent of the Police and the noise control officer shall be obtained and either shall have an absolute right to refuse any occasion. A register shall be kept at the premises in the manner required by the licensing authority and made available for</li> </ul>

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		<p>inspection by the Police, the noise control officer or any officer authorised under the Act and details of each occasion shall be recorded in it including the written consent of the Police and the noise control officer.</p> <ul style="list-style-type: none"> <li>• The licensee shall undertake a risk assessment of any promotion or event using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.</li> <li>• Where an 'event' has taken place, the licensee shall complete an MPS after Promotion/Event, Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Licensing Authority within 3 days of the conclusion of the event. Submission of electronic documents by e-mail was preferred.</li> </ul> <p>On that basis, all the responsible authorities withdrew their representations in advance of the hearing.</p> <p><b>Applicant's response</b></p> <p>Mr Rathore, representing the applicant, confirmed that the applicants were satisfied with the conditions that had been presented by the Responsible Authorities.</p> <p>Mr Rathore asked that the sub-committee considered re-wording condition one by inserting the following sentence</p> <p>“for the provision of existing licensable activities and additional licensable activities later than the standard hours but no later than 02.30am”</p>

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		<p><b>4. Determination of Application</b></p> <p><b>Decision</b></p> <p><b>Consequent upon the hearing held on 12 February 2014, the Sub-Committee’s decision regarding the variation of a Premises Licence for William the Conqueror, Romford.</b></p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.</p> <p>In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.</p> <ul style="list-style-type: none"> <li>• Having considered the written representations and oral responses, the Sub-Committee were satisfied that the application, in its modified form, would not pose any risk to the licensing objectives. The fact that the representations from the Responsible Authorities had been withdrawn indicated they were happy with the terms submitted, and the interested party’s remaining representation was largely irrelevant in light of the withdrawal of the application for further hours.</li> </ul>



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		<p>The Sub-Committee therefore granted the application as applied for, with the proposed conditions as mentioned above <b>without</b> the additional sentence referred to in the applicant's response. The Sub-Committee considered the proposed conditions to be sufficiently clear in their current format, and preferred to leave them as had been agreed with the responsible authorities, who had withdrawn their representations on that basis.</p> <p>The Sub-Committee stated that in arriving at this decision, it took into consideration the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.</p> <p><b>7. Right of Appeal</b></p> <p>Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>. On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. dismiss the appeal; or</li> <li>2. substitute the decision for another decision which could have been made by the Sub Committee; or</li> <li>3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. make an order for costs as it sees fit.</li> </ol>