

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 16 July 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**

<p><b>A1</b></p>	<p>APPLICATION FOR A PREMISES LICENCE FOR THE COLLIER ROW CATHOLIC CLUB, LOWSHOE LANE, COLLIER ROW.</p>	<p align="right"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> Collier Row Catholic Club, Lowshoe Lane, Collier Row, Romford, RM5 2AP</p> <p><b>DETAILS OF APPLICATION</b></p> <p>An application for a premises licence under section 17 of the Licensing Act 2003 (“the Act”).</p> <p><b>APPLICANTS</b> Kevin Cole, Company Director, Collier Row Catholic Club, Lowshoe Lane, Collier Row, Romford, RM5 2AP</p> <p><b>1. Details of the application:</b></p> <p>The application is for a premises licence as follows:</p> <p align="center"><b>Indoor Sporting Events, Recorded Music, Performance of Dance, Provision of</b></p>
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		<p>into New Year's Day.</p> <p><b>4. Comments and observations on the application</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 Romford Recorder on 6 June, 2014.</p> <p>Following the application there has been discussions between the applicant, the Licensing Authority and Environmental Health (Noise) of further conditions which would assist the application uphold the Licensing Objectives and they were accepted in their entirety and are detailed below:-</p> <ul style="list-style-type: none"> <li>• <b>All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, on-going and under constant review, and must be available to a relevant Responsible Authority when called upon.</b></li> <li>• <b>A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise 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 by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the</b></li> </ul>

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		<p>premises.</p> <ul style="list-style-type: none"> <li>• No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.</li> <li>• 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 will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</li> <li>• 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.</li> <li>• Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.</li> <li>• A proof of age scheme, such as Challenge 25 (being that , should a person not look the age of 25 then he/she would need to prove they are in fact of lawful age 18 or over) shall be operated at the premises where the only acceptable forms of identification concerning the issue of age are a ten year passport, PASS logo proof of age card or photocard driving licence.</li> </ul>

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		<ul style="list-style-type: none"> <li>• <b>Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.</b></li> <li>• <b>The noise monitor located within the main hall/bar area is to be set to 90dB(A) and to be operating at all times whilst the club is open to the public.</b></li> <li>• <b>“Fire Exit 1” to be alarmed and an audible alarm sound within the bar area when the door is opened (see attached plan below).</b></li> <li>• <b>When there are events/functions held within the main hall at the club using amplified music and/or live music “Fire Exit 1” is not to be used for the entry and exit, except in an emergency (see attached plan below).</b></li> <li>• <b>When there are events/functions held within the main hall at the club using amplified music and/or live music “Smoking Area 1” is not to be used for the duration of the event/function by patrons or staff for any purpose (see attached plan below).</b></li> <li>• <b>When there are events/functions held within the main hall at the club using amplified music and/or live music all high level windows in the main hall are to be closed for the duration of the event/function.</b></li> </ul> <p><b>5. Summary</b></p> <p>There were six valid representations against this application from interested parties.</p>

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		<p>There were no representations against this application from responsible authorities.</p> <p><b>5. Details of representations</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>6. Representations</b></p> <p><b>Interested parties' representations</b></p> <p>The representations from the interested parties detail concerns they have with the premises primarily based around the prevention of public nuisance licensing objective.</p> <p><b>Responsible Authorities' representations</b></p> <p>There were no representations from any of the Responsible Authorities.</p> <p><b>7. Determination of Application</b></p> <p><b>Decision:</b></p>

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		<p><b>Consequent upon the hearing held on 16 July 2014, the Sub-Committee’s decision regarding the application for a Premises Licence for Collier Row Catholic Club, Lowshoe Lane, Romford is as set out below, for the reasons shown:</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> <table border="1" data-bbox="842 1082 2094 1423"> <tr> <td data-bbox="842 1082 1108 1118"><b>Agreed Facts</b></td> <td data-bbox="1108 1082 2094 1118"></td> </tr> <tr> <td data-bbox="842 1118 1108 1155"><b><u>Facts/Issues</u></b></td> <td data-bbox="1108 1118 2094 1155"></td> </tr> <tr> <td data-bbox="842 1155 1108 1225"></td> <td data-bbox="1108 1155 2094 1225">Whether the granting of a premises licence would undermine the licensing objectives?</td> </tr> <tr> <td data-bbox="842 1225 1108 1423"><b>The prevention of public nuisance</b></td> <td data-bbox="1108 1225 2094 1423"> <p>Three of those making written representations attended the hearing to highlight their objections.</p> <p>Mr Surman, an ex-police officer, expanded on his written representations. The main focus of his objection was noise emanating from the premises. H</p> </td> </tr> </table>	<b>Agreed Facts</b>		<b><u>Facts/Issues</u></b>			Whether the granting of a premises licence would undermine the licensing objectives?	<b>The prevention of public nuisance</b>	<p>Three of those making written representations attended the hearing to highlight their objections.</p> <p>Mr Surman, an ex-police officer, expanded on his written representations. The main focus of his objection was noise emanating from the premises. H</p>
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		<p>stated that the applicants had already broken the terms of their existing Club Premises licence by hiring out the hall, and selling alcohol to non-club members.</p> <p>The existing club premises licence did not include any condition to limit the volume for either live or recorded music. To exacerbate the situation fire doors were left open, windows were left open and the beer store door was left open. The main concerns were the fire door at the rear of the property (closest to residential properties), which was used by smokers, and the beer store door.</p> <p>He had made many complaints which had resulted in a short term reduction in noise but the problem soon returned. The problem was of particular concern at night and on weekends.</p> <p>If the new licence was granted he wished to see adequate conditions imposed which would cover the closure of the beer store door and the use of a noise limiter, not just a noise monitor or indicator. He would like to see standard conditions PN3, PN7 and PN 8 added to any licence.</p> <p>The other two objectors Trevor Miller and Mrs Harrison reiterated the points made by Mr Surman.</p> <p>In response Mr Cole advised that following visits from the Licencing Officer he had applied for a new Premises Licence. The Club run a number of charity events which are promoted by a club member, but most of the attendees would not be club members. These people would be signed in as guests. This was not an ideal solution.</p>



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		<p>‘A Sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set to 90dB(A) to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of the authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Public Protection service.’</p> <p>Additionally that the condition concerning the shutting of windows while events are on be added to, to read as follows:  When there are events/functions held within the main hall at the club using amplified music and/or live music all high level windows in the main hall, and the beer store door, are to be closed for the duration of the event/function</p> <p>The sub-committee considered that including standard conditions PN7 and PN8 would be excessive.</p> <p><b>8. 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 <b><u>within 21 days of notification of the decision</u></b>. On appeal, the Magistrates’ Court may:</p> <ol style="list-style-type: none"> <li>1. Dismiss the appeal; or</li> </ol>

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		<ol style="list-style-type: none"><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> <p>James Goodwin</p> <p>Clerk to the Licensing Sub-Committee</p>