

Havering Council – Decisions taken by the Licensing Sub-Committee on Monday, 30 March 2015

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 CLUB PREMISES CERTIFICATE UNDER SECTION 71 OF THE LICENSING ACT 2003	<p>Licensing Act 2003 Notice of Decision</p> <p>PREMISES Damyns Hall Aerodrome Aveley Road Upminster Essex RM14 2TN</p> <p>DETAILS OF APPLICATION</p> <p>This application for a club premises licence was made under section 71 of the Licensing Act 2003 (“the Act”).</p> <p>APPLICANT Rochester Microlights 22 New Road Chatham Kent ME4 4QR</p> <p>1. Details of Club Premises Certificate application</p>
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		<table border="1"> <thead> <tr> <th colspan="3" data-bbox="835 448 2047 485">Supply of Alcohol</th> </tr> <tr> <th data-bbox="835 485 1240 521">Day</th> <th data-bbox="1240 485 1646 521">Start</th> <th data-bbox="1646 485 2047 521">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="835 521 1240 558">Monday to Sunday</td> <td data-bbox="1240 521 1646 558">11:00</td> <td data-bbox="1646 521 2047 558">23:00</td> </tr> </tbody> </table> <p data-bbox="835 603 1223 635">Premises Opening hours</p> <table border="1"> <thead> <tr> <th colspan="3" data-bbox="835 639 2047 676">Supply of Alcohol</th> </tr> <tr> <th data-bbox="835 676 1240 713">Day</th> <th data-bbox="1240 676 1646 713">Start</th> <th data-bbox="1646 676 2047 713">Finish</th> </tr> </thead> <tbody> <tr> <td data-bbox="835 713 1240 750">Monday to Sunday</td> <td data-bbox="1240 713 1646 750">08:00</td> <td data-bbox="1646 713 2047 750">23:00</td> </tr> </tbody> </table> <p data-bbox="835 831 1995 938">Mediation had taken place between the Police and the applicant and the following conditions had been agreed to be included on the Club Premises Certificate if the application was granted.</p> <p data-bbox="835 979 2114 1198">1, The CCTV system would incorporate a recording facility and all recordings should be securely stored for a minimum of one calendar month. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system would comply with other essential legislation and all signs as required would be clearly displayed. The system would be maintained and fully operational throughout the hours that the premises was open for any licensable activity.</p> <p data-bbox="835 1240 2114 1382">2, A staff member from the premises who can operate the CCTV system would be on the premises at all times when the premises was open to the public. This staff member would be able to show Police recent data or footage with the absolute minimum of delay when requested.</p>	Supply of Alcohol			Day	Start	Finish	Monday to Sunday	11:00	23:00	Supply of Alcohol			Day	Start	Finish	Monday to Sunday	08:00	23:00
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		<p>3, Recordings should be made available to an authorised person of the Licensing Authority or Havering Police together with facilities for viewing.</p> <p><u>Seasonal variations / Non-standard timings</u></p> <p>There were no seasonal variations or non-standard timings applied for.</p> <p>2. Promotion of the Licensing Objectives</p> <p>The applicant acted in accordance with regulations 25 and 26 of <i>The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005</i> relating to the advertising of the application. The required public notice was installed in the Romford Recorder on Friday 6 February 2015.</p> <p>3. Details of Representations</p> <p>Valid representations may only address the four licensing objectives.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm

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		<p>There was one representation against this application from interested persons.</p> <p>There were no representations against this application from responsible authorities.</p> <p><u>Responsible Authorities</u></p> <p>Chief Officer of Metropolitan Police (“the Police”): None</p> <p>Licensing Authority: None</p> <p>Planning Control & Enforcement: None</p> <p>Public Protection: None</p> <p>London Fire & Emergency Planning Authority (“LFEPA”): None</p> <p>Health & Safety Enforcing Authority: None</p> <p>Public Health: None</p> <p>Children & Families Service: None</p> <p>The Magistrates Court: None</p> <p>The interested person, Councillor Linda Van den Hende, addressed the Sub-</p>
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		<p>Committee. Councillor Van den Hende’s objections to the application were on the grounds of public safety and public nuisance. Councillor Linda Van den Hende commented that planning enforcement action had previously taken place on the site regarding the Café. The clubroom was of a small size and did not lend itself towards being used as a social/function room and was used more as a pilot’s mess room and the site was in a safety critical area.</p> <p>Councillor Van den Hende also commented that there was only one available route for access/egress to the site. There was bend on the approach road which could be dangerous if drivers were under the influence of alcohol.</p> <p>Councillor Linda Van den Hende commented that there were a number of cottages and businesses already subjected to airflights and that granting the application would lead to an increased traffic use on the site which would be of concern and harm the amenity of neighbouring properties.</p> <p>Councillor Van den Hende also commented on the application being for supply on and off the premises and if the purpose of alcohol supply was to club members and visitors there should be no off supply. Councillor Van den Hende commented that the hours applied for were too long and should have been shorter during the week. Councillor Van den Hende commented that the premises could turn into a drinking club and that as it was a private club Police and licensing authorities will have limited powers to close it down.</p> <p>In response the applicant’s agent, Mr Stuart Gibson, advised that the club was only open to members and members of the public who had an interest in flying. The</p>

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		<p>average age of the membership was fifty five years old and the youngest member was thirty five. New members could not use the club until 48 hours after joining. The application was to allow the supply of alcohol to members and would mostly be in the form of bottled beers and wines. The application was for the hours of 11.00am to 23.00pm which would allow the club flexibility although on non-flying days the club was normally closed at 18.00 hours. The club would not become a drinking club.</p> <p>Mr Gibson commented that none of the Responsible Authorities or local residents had made a representation against the application and that the planning enforcement notice had been complied with.</p> <p>Mr Gibson also commented that there was no evidence that there would be an increase in traffic using the club and it was expected that existing members would be the users of the facilities.</p> <p>Mr Gibson advised that if the Sub-Committee were happy to grant the licence to include the outside grassed/decked area then there would be no requirement for off supply to be included on the licence.</p> <p>In response to a question from the Sub-Committee Mr Gibson confirmed that there were approximately fifty members of the club at present.</p>

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		<p>4. Determination of Application</p> <p>Decision</p> <p>Consequent upon the hearing held on 30 March 2015, the Sub-Committee’s decision regarding the application for a Club Premises Licence for Damyns Hall Aerodrome, Aveley Road, Upminster Essex RM14 2TN</p> <p>The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <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> <p>Agreed Facts</p>

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		<p><u>Facts/Issues</u></p> <p>Whether the granting of the premises licence would undermine the licensing objectives.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>The Sub-Committee noted the concerns raised in the representations against the application.</p> <ul style="list-style-type: none"> • The prevention of public nuisance <p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder <p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p>

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		<ul style="list-style-type: none"> • Public safety <p>The Sub-Committee noted that the representations raised both in the hearing paperwork and at the hearing and considered these along with the applicant's response.</p> <p>Having considered the written representations and oral responses, and having regard to the licensing objectives.</p> <p>The Sub-Committee decided the following:</p> <p>The Sub-Committee was minded to grant the Club Premises Certificate. The Sub-Committee was satisfied with the opening hours and granted the certificate on the basis that it was a members and guests only club. The certificate was granted for on supply only to be consumed on the premises which would include the outside grassed and decked area.</p> <p>Right of Appeal</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>
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		<ol style="list-style-type: none"> 1. dismiss the appeal; or 2. substitute the decision for another decision which could have been made by the Sub Committee; or 3. remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. make an order for costs as it sees fit.
A1		
A2		