

Havering Council – Decisions taken by the Licensing Sub-Committee on Tuesday, 30 June 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	REPORT OF THE LICENSING OFFICER	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES Upminster Windmill Field St Mary's Lane, Upminster RM14 2QL</p> <p>APPLICANT Mr Ben Tillson 8 Westbury Terrace Upminster Essex RM14 3UP</p> <p>Details of Application</p> <p>The location for this Temporary Event Notice (TEN) was an open air field adjacent to Upminster Windmill, St Mary's Lane, Upminster.</p> <p>The field was approximately 90 metres by 58 metres in size with the nearest residential property being 35 metres from the edge of the field.</p> <p>The field was situated 320 metres west of Station Road, Upminster which was the main crossroad in Upminster Town Centre.</p> <p>The field had residential houses, flats and bungalows to the north, east and west sides with a</p>
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		<p>school on the opposite side of St Mary's Lane to the south.</p> <p>Upminster Windmill Field was situated in St Mary's Lane near to the junction with Cranborne Gardens and opposite Sacred Heart of Mary Girls School. It contained the Upminster Windmill in the north east corner of the field. It was surrounded on three sides by residential properties with an opening onto St Mary's Lane itself.</p> <p>The application for a TEN was submitted online via the direct.gov.uk website by Mr Tillson on 10 June 2015. It sought to provide licensable activity (the supply of alcohol, regulated entertainment and late night refreshment) in the form of an outdoor cinema evening on 4 July 2015 between 19:00 hours and 23:59 hours for a maximum of 499 people. It sought to be able to provide these activities both on and off the premises.</p> <p>Havering's Noise Specialist, Mr Gasson, contacted Mr Tillson to express some concerns and seek some modifications to the timings of the event. Mr Tillson was unwilling to compromise on the timings submitted on the TEN. Mr Gasson had, therefore submitted an objection based on those concerns.</p> <p>Mr Tillson had organised similar events at this location, utilising a TEN, on:</p> <table data-bbox="840 1129 1563 1262"> <tr> <td>31 August 2013</td> <td>hours 1700 - 2200</td> </tr> <tr> <td>21 September 2013</td> <td>hours 1700 - 2300</td> </tr> <tr> <td>21 June 2014</td> <td>hours 1900 - 2330</td> </tr> <tr> <td>2 August 2014</td> <td>hours 1900 - 2300</td> </tr> </table> <p>There was an objection by Mr Gasson to the event that was held on 21 June 2014 following complaints being made by residents due to the previous two events. A hearing before the Licensing Sub Committee was held on 21 May 2014, at which the TEN was granted.</p>	31 August 2013	hours 1700 - 2200	21 September 2013	hours 1700 - 2300	21 June 2014	hours 1900 - 2330	2 August 2014	hours 1900 - 2300
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		<p>Grounds of Objection</p> <p>Mr Gasson had submitted an objection notice against this TEN on the behalf of Havering's Environmental Health (Noise) team. Mr Gasson's concerns were in relation to the prevention of public nuisance licensing objective.</p> <p>Details of Representations</p> <p>Public Health: - . Mr Gasson stated that there had been further mediation by telephone with the applicant and with the receipt of an email message from the applicant amending the terminal hour to 23:30 hours during the short adjournment before the hearing, Mr Gasson was satisfied that his concerns had been addressed and would withdraw his objection to the Temporary Event Notice.</p> <p>Applicant's response.</p> <p>The applicant (Mr Tillson) was not present at the hearing but sent an email message as a confirmation to the Sub-Committee that following discussion with Mr Gasson he had amended the terminal hour for the TEN application at the Upminster Windmill Field to 23:30 hours for the event scheduled for 4 July 2015.</p> <p>Determination of Application</p> <p>Consequent upon the hearing held on 30 June 2015, the Sub-Committee's decision regarding</p>

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		<p>the application for a Temporary Event Notice for Upminster Windmill Field is as set out below, for the reasons stated: 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 any of the four licensing objectives.</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <p>The Sub-Committee noted that Mr Gasson, the noise specialist representing the Environmental Health department had withdrawn his objection.</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 reasons:</p> <ul style="list-style-type: none"> • In light of the email message received that detailed the applicant was revising the terminal hours of the TEN application from 23:59 hours to 23:30 hours, this communication allayed the concerns of Mr Gasson, Havering Noise Specialist and as

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		<p>such he had withdrawn his objection to the event of 4 July 2015. The Sub-Committee were satisfied that the event would not undermine the licensing objectives.</p> <p>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>Taiwo Adeoye Clerk to the Sub Committee</p>
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