

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
3 August 2015 (10.30 am - 12.45 pm)**

Present:

COUNCILLORS

Linda Van den Hende (Chairman), Linda Trew and John Wood.

The Chairman reminded Members of the action to be taken in an emergency.

**2 APPLICATION FOR A PREMISES LICENCE MADE BY BUDDHA RT LTD
FOR CIRCUIT, 36-38 NORTH STREET, ROMFORD.**

PREMISES

Circuit,
36-38 North Street,
Romford,
RM1 1BH

DETAILS OF APPLICATION

This application for a premises licence was made by Buddha RT Ltd under section 17 of the Licensing Act 2003 ("the Act").

APPLICANT

Buddha RT Ltd,
PO Box 2944,
Romford.
RM7 1QF

1. Details of requested licensable activities

This application was for a new premises licence.

Details of the application

Films, live music, recorded music, performances of dance, anything similar to live music, recorded music or performance of dance, supply of alcohol		
Day	Start	Finish
Monday & Tuesday	11:00	00:00
Wednesday & Thursday	11:00	03:00
Friday & Saturday	11:00	04:00
Sunday	11:00	02:30

Late night refreshment		
Day	Start	Finish
Monday & Tuesday	23:00	00:00
Wednesday & Thursday	23:00	03:00
Friday & Saturday	23:00	04:00
Sunday	23:00	02:30

Hours premises open to the public		
Day	Start	Finish
Monday & Tuesday	11:00	00:15
Wednesday & Thursday	11:00	03:15
Friday & Saturday	11:00	04:15
Sunday	11:00	02:45

2. Non Standard Timings

- From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day;
- On the trading day on which the clocks go forward (i.e. the start of British Standard Time) permitted hours may be extended for an additional hour;
- The permitted hours may be extended until 04:00 on any day immediately preceding a bank holiday; and
- The permitted hours may be extended until 05:00 on Christmas Eve and Boxing Day.

3. Promotion of the Licensing Objectives

The applicant had acted in accordance with regulations 25 and 26 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 relating to the advertising of the application. The required public notice had been placed in the 19 June edition of the Romford Recorder.

4. Details of Representations

Valid representations may only address the four licensing objectives.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Interested Party representations

Eight representations had been received, from interested parties, all opposing the granting of the application. These representations had indicated concerns in relation to each of the licensing objectives. The representations had referred to identical concerns for the security of their homes, the behaviour of the clientele of the premises, public nuisance through noise and public urination, public safety and protection of children from harm. None of those submitting representations had attended the meeting.

Responsible authorities' representations

Chief Officer of Metropolitan Police (“the Police”):

The Metropolitan Police had made an objection because they had believed that granting the premises licence would have a detrimental effect against promoting at least two of the four licencing objectives, namely: -

1. Prevention of Crime;
2. Prevention of public nuisance.

Prior to the meeting notice had been received that the Metropolitan Police intended to withdraw their representation following negotiations with the applicant as to the appropriate conditions to be attached if the licence was granted.

P C Goodwin had formally confirmed that the Metropolitan Police were withdrawing their representations.

Planning Control & Enforcement: None

Licensing Authority: The Licensing Authority had made representations against the application based upon their concerns in relation to the prevention of crime and disorder, public protection, the prevention of public nuisance and the protection of children from harm.

Home Office Guidance stated that:

- Section 8.33 – the applicant was expected to have regard to Havering’s Statement of Licensing Policy;
- Section 8.34 – the applicant must show an understanding of the local area, including crime hot spots;
- Section 8.35 – the applicant must show he was aware of the potential risks and specific policies, in this case the cumulative impact policy; and
- Section 8.35 – the applicant should be aware of the locality and the premises close proximity to residential properties.

The Licensing Authority had contended that as a new premises licence application the hours being applied for would create a public nuisance for residents who lived nearby by either the music from the venue or the customers leaving. Havering's Policy for a mixed use area was a finish time of 00:30 to help prevent such nuisance.

The area within the Romford Ring Road was identified as a cumulative impact area. It was the policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with regard to licensing policy number 012. This application had failed to address and give good reason as to why the licence should be granted contrary to this policy.

If this application was to replace the existing licence it did raise concerns as a number of conditions on the existing licence were not covered in the new application.

Public Protection: None

London Fire & Emergency Planning Authority ("LFEPA"): None

Health & Safety Enforcing Authority: None.

Public Health: None

Children & Families Service: None

The Magistrates Court: None

5. Applicant's response

Mr Dadds, Solicitor, had responded on behalf of the applicants. He had dealt first with the issue of papers circulated late.

He had referred to the calendar of Temporary Event Notices which he had provided. This was just for the record to show that the premises had been operating the hours applied for without any problems or attracting representations from either the Metropolitan Police or Environmental Health.

He had argued that Mr Jones had no grounds to object to the late submission of the letters he had sent to the residents who had submitted representations on behalf of his clients. The letters were advising the residents of the changes to the proposed conditions which he had agreed with the Metropolitan Police and gave them an opportunity to withdraw their representation. None of the residents had withdrawn their representations.

Mr Dadds had then responded to the question as to why he had submitted a new premises application rather than apply for a variation. He had advised the Sub-Committee that a couple of London Boroughs would grant an application to vary a licence and take the opportunity to impose a raft of conditions. If his clients weren't happy he would have to appeal to the Magistrates Court to seek redress. This represented an additional cost to his clients. It was his practice therefore never to apply for a variation, other than in exceptional circumstances, but always to apply for a new premises licence. In this case it gave the opportunity to clarify and simplify the raft of conditions on the existing licence.

Mr Dadds had reminded the Sub-Committee that in determining the application they must take into account that the premises already had a licence. There was an anomaly with the current licence as Saturday night hours were longer than Friday night.

If there was any evidence of public nuisance why did Environmental Health not make a representation?

During the course of the hearing Mr Dadds had presented a revised list of opening hours which had been agreed with the Police, but not Licencing. A number of anomalies had been highlighted and following an adjournment a revised list of opening hours had been presented. Again these had been agreed with the Police but not the Licencing Authority.

The revised hours were as follows:

Sale of Alcohol		
Day	Start	Finish
Monday and Tuesday	11:00	00:00
Wednesday and Thursday	11:00	01:00
Friday and Saturday	11:00	03:45
Sunday	11:00	00:30

Other licensable activities (Films, Live Music, Recorded Music, Dance, Similar activities, late night refreshments)		
Day	Start	Finish
Monday and Tuesday	11:00	00:00
Wednesday and Thursday	11:00	02:00
Friday and Saturday	11:00	04:00
Sunday	11:00	01:30

Opening Hours		
Day	Start	Finish
Monday and Tuesday	11:00	00:15
Wednesday and Thursday	11:00	02:00
Friday and Saturday	11:00	04:15
Sunday	11:00	01:30

Mr Dadds, Solicitor on behalf of the applicants gave his undertaking that if the application was approved and no appeal lodged within 21 days the current permission would be surrendered.

6. Determination of Application

Decision

Consequent upon the hearing held on 3 August 2015, the Sub-Committee's decision regarding the application for a Premises Licence for Circuit, 36-38 North Street, Romford was as follows:.

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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.

In addition, the Sub-Committee had taken 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.

The Sub-Committee had adjourned the hearing for a maximum of 4 weeks. This was because, they had received substantial additional documentation immediately prior to the hearing and it would be impractical to consider them and give consideration as to whether or not they should impose additional conditions and what those conditions should be to further the licensing objectives in the time allocated to the present hearing. It was, therefore, necessary to adjourn the hearing to another date.

Chairman