

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
4 April 2016 (10.30 - 11.30 am)**

Present:

COUNCILLORS

Conservative Group Frederick Thompson (Chairman)

Residents' Group Jody Ganly

**East Havering
Residents' Group**

**Independent Residents
Group**

UKIP Group Phil Martin

Apologies were received for the absence of Councillors .

All decisions were taken with no votes against.

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

- 1 **FETE LOUNGE, 6 STATION ROAD, UPMINSTER, RM14 2UB -
APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF
THE LICENSING ACT 2003.**

PREMISES

Fete Lounge
6 Station Road
Upminster
Essex
RM14 2UB

APPLICANT

Nooreen Jaffer Khan
3 Heideck Gardens
Hutton
Brentwood
Essex
CM13 2UA

1. Details of Application

Variation applied for:

| Live music, Recorded music, Performance of dance and Supply of alcohol | | |
|---|--------------|---------------|
| Day | Start | Finish |
| Monday - Sunday | 11:00 | 23:00 |

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 was installed in the Romford Recorder on the Friday 26 February 2016.

2. Details of Representations

There were three (3) representations against this application from interested persons.

There were no representations against this application from responsible authorities.

Negotiations had taken place between the applicant and the Police Licensing Officer Belinda Goodwin and a number of conditions had been agreed to be added to a licence if it is granted by the Sub-Committee.

Details of representations

Valid representations may only address the following licensing objectives:

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

The representation submitted by Ms Bernadette Coffey addressed the prevention of public nuisance objective. Her representation appeared to deal with the issue of amplified music and its effect on residential properties amenity.

The representation submitted by Ms Ursula Coffey addressed the prevention of public nuisance objective. Her representation appeared to deal with the issue of amplified music and its effect on residential properties amenity.

The representation submitted by Mr Robert Knowles addressed all four of the licensing objectives. His representation appeared to deal with issues the use of the premises as a tea room or bar, concerns relating to the use of door

supervisors, children on the premises if the use was as a bar and the number of patrons on the premises.

At the hearing Ms Bernadette Coffey commented that she had seen the Fete Lounge's mission statement on social media which appeared to indicate that the word "fete" was a Caribbean word for partying, leading Ms Coffey to believe that the entertainment to be provided could be noisy and raucous.

Ms Coffey also commented that Environmental Protection Act Section 79 offered individuals protection from noise nuisance if it was prejudicial to one's health or the ability to benefit from the enjoyment of their property.

Ms Coffey commented that an incident had taken place recently where a commercial vehicle had visited the retail premises below her flat at 05.45am on a Sunday morning to collect waste material which had in turn disrupted her sleep.

Ms Coffey also commented that the social media website had made mention of on-site parking for patrons of the Fete Lounge however no parking facilities existed.

Ms Coffey concluded by commenting that her leasehold agreement forbade the playing of music between the hours of 11pm and 8am and that the retail unit beneath her could possibly have the same clause in their leasehold agreement.

3. Applicant's response.

The applicant's agent, Mr Hopkins, addressed the Sub-Committee. Mr Hopkins commented that any statutory noise nuisance had to be confirmed by a noise expert and no representation had been received from the Council's Noise Specialist.

Mr Hopkins reminded those present that parking was not a consideration when determining a licensing hearing and also confirmed that there was sufficient parking in the vicinity of the applicant's premises.

Mr Hopkins commented that the premises would be a tea lounge during the day and a cocktail lounge during the evening. During the day tea and coffee along with sandwiches, cakes and snacks would be offered. During the evening the business would target over 21s and would offer cocktails in the £7 to £9 price range. Inside the premises there would be sofas where people could relax and outside the premises there would be four tables with eight chairs that could be used until closing time with the only restriction being that drinks would be served in toughened glass after 19.00hrs, this was subject to permission being granted by StreetCare.

The applicant, Mrs Jafferkhan, a university lecturer in business studies would be the DPS and would be assisted by her husband who had over eight years of experience in running pubs and restaurants. Mr Jafferkhan would also be applying for a personal licence at a later date.

Mr Hopkins also confirmed that although the provision of music had now been de-regulated under the Licensing Act the premises was planning to play background music during the day on weekdays but could offer live singing, DJs and instrument players of a weekend both during the day and in the evening. All sound controls would be kept in a lockable box that only staff had access to and all doors and windows would be kept closed to minimise any noise nuisance.

Mr Hopkins confirmed that negotiations had taken place between the applicant and the police where a number of conditions had been agreed prior to the hearing.

Mr Hopkins commented that a phone number would be made available to the public so if there were any concerns regarding the operation of the premises people could get in touch with the applicant.

Mr Hopkins also advised the Sub-Committee that the applicant could have continued operating on the existing premises licence if arrears of fees had been paid and that the existing licence was for longer hours but the applicant had chosen to apply for a new licence with shortened hours.

Mr Hopkins also advised that CCTV images that were available for the police to view for up to 31 days after an incident would also be made available to council officers.

In summation Mr Hopkins commented that the music would be strictly controlled and that the application was of a modest nature.

In response to a question from the Chairman, Mrs Jafferkhan advised that she would investigate and consider installing extra sound proofing to the premises and also offered to install a noise limiter that would be set by the Council's noise nuisance team.

4. Determination of Application

Consequent upon the hearing held on 4 April 2016, the Sub-Committee's decision regarding the application for the granting of the premises licence for Fete Lounge was as set out below, for the reasons stated:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

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 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.

5. Decision

Having considered the oral and written submissions of the objectors and the applicant and having regard to the licensing objectives, the Sub-Committee considered that the application was of a modest nature.

The Sub-Committee was prepared to **grant** the licence as applied for with the conditions agreed between the applicant and the police and the following additional conditions:

- That after the terminal hour and at the close of business a member of staff be placed on the door to remind customers to leave quietly and not loiter outside and to direct them to a cab office, bus stop or station as necessary to aid in a quiet and orderly dispersal.
 - A phone number for residents to use to call the Fete Lounge with any concerns would be displayed in the premises window and would also be given to the residents above who had made representations during the notification period. Complaints dealt with would be recorded in the premises daily register.
 - The volume controls for the sound system would be enclosed in a lockable box to which only a Manager/DPS had the keys and who were also responsible for ensuring that noise levels were not excessive.
 - Doors and windows would be kept closed during musical entertainment.
 - CCTV would also be made available to authorised Council officers.
 - Installation of a noise limiter that would be set up in conjunction with the Council's noise nuisance team.
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Chairman