

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE  
Council Chamber - Town Hall  
27 October 2016 (10.30 am)**

**Present:**

**COUNCILLORS**

**Conservative Group** Dilip Patel (Chairman) and Frederick Thompson

**Residents' Group** John Wood

Also present Himanshu Joshi, applicant, Graham Hopkins and Linda Potter (applicant's agent), Martin Grant (Environmental Protection Team), Paul Campbell and Arthur Hunt (Licencing Officers).

The Clerk to the Sub-Committee.

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

**1 FETE LOUNGE, 6 STATION ROAD, UPMINSTER - APPLICATION FOR TEMPORARY EVENT NOTICES**

**PREMISES**

Fete Lounge,  
6 Station Road,  
Upminster,  
Essex  
RM14 2UB

**APPLICANT**

Noreen Jafferkhan  
6 Station Road  
Upminster  
Essex  
RM14 2UB

**1. Details of Applications**

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18427)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Saturday 29/10/2016	23:00	23:59

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18428)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Saturday 5/11/2016	23:00	23:59

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18429)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Saturday 26/11/2016	23:00	01:00 (on 27/11/16)

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18430)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Monday 12/12/2016	23:00	01:00 (on 13/12/16)
Tuesday 13/12/2016	23:00	01:00 (on 14/12/16)
Wednesday 14/12/2016	23:00	01:00 (on 15/12/16)
Thursday 15/12/2016	23:00	01:00 (on 16/12/16)
Friday 16/12/2016	23:00	01:00 (on 17/12/16)
Saturday 17/12/2016	23:00	01:00 (on 18/12/16)
Sunday 18/12/2016	23:00	01:00 (on 19/12/16)

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18431)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Tuesday 20/12/2016	23:00	01:00 (on 21/12/16)
Wednesday 21/12/2016	23:00	01:00 (on 22/12/16)
Thursday 22/12/2016	23:00	01:00 (on 23/12/16)
Friday 23/12/2016	23:00	01:00 (on 24/12/16)
Saturday 24/12/2016	23:00	02:00 (on Christmas Day, Sunday 25/12/16)

<b>Sale of Alcohol, The Provision of regulated entertainment and the Provision of Late Night Refreshment (TEN number 18432)</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Wednesday 28/12/2016	23:00	01:00 (on 29/12/16)
Thursday 29/12/2016	23:00	01:00 (on 30/12/16)
Friday 30/12/2016	23:00	01:00 (on 31/12/16)
New Year's Eve Saturday 31/12/2016	23:00	02:00 (on New Year's Day Sunday 01/01/17)
New Year's Day Sunday 01/01/2017	23:00	00:00 (midnight)

At the beginning of the meeting the applicant's agent informed the Sub-Committee that his client wished to amend the 6 applications. With the exception of 26<sup>th</sup> November, 24<sup>th</sup> December and 31<sup>st</sup> December his client no longer wished to apply for extended hours for the Provision of Regulated Entertainment, just for the sale of alcohol and provision of late night refreshments.

### **Objection notice(s)**

Under the Licensing Act 2003 as amended, the police and the local authority exercising environmental health functions had three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).

The applications were made on Wednesday 5<sup>th</sup> October. The local authority in exercise of its environmental health function lodged representations on Monday, 10<sup>th</sup> October, within the three working days period.

### **2. Grounds of Objection**

There was one objection notice made against the TENs from responsible authorities.

David Cant, on behalf of the Environmental Protection team, submitted an objection on 10 October 2016 on the grounds of the prevention of public nuisance.

### **3. Details of Representations**

In his objection Mr Cant had stated that shortly after the premises were granted its current licence and began trading the Environmental Protection team had received complaints concerning alleged noise nuisance arising from the Fete Lounge. Following a visit to the complainant's property on Saturday 24<sup>th</sup> September it had been determined that the level of noise experienced in the living accommodation above the Fete Lounge was unacceptable even prior to 23:00hrs. Any extension beyond 23:00hrs was very likely to cause a material interference with the complainant's quiet enjoyment of their property in the first floor reception room with the possibility of disturbing sleep in the second floor bedroom.

Condition 6 in Annex 3 of the current Premises Licence stated that:

- 'A noise limiter shall be installed and set up in conjunction with the Council's noise nuisance team.'

An initial visit had been carried out prior to any complaints being received during which presence of a suitable noise limiter was confirmed. It had been agreed that whilst there were no complaints the limiter should remain unadjusted, but in the event of any complaints a thorough assessment and adjustment of the limiter should follow. A provisional date of 22<sup>nd</sup> October had been agreed to make the necessary adjustments.

Until those adjustments had been made to the noise limiter, the environmental protection team could not reasonably consider any extension to the hours permitted. Even when the noise limiter had been suitably set, the likelihood of an extension of hours as late as 01:00 or 02:00hrs, in premises immediately below a residential property, was unlikely to be suitable in any case.

Martin Grant on behalf of the Environmental Protection team informed the Sub-Committee that officers had visited the Fete Lounge the weekend just gone to check on the noise limiter. Adjustments had been made to the settings and this had dealt with the problem. The environmental protection team still had concerns as they wished to see how effective this was in the longer term.

In respect of the changes the environmental protection team would not object to the New Year's Eve proposals but still maintained their objection to the Christmas Eve and 26<sup>th</sup> November proposals.

#### **4. Applicant's response.**

The applicant's agent advised the Sub-Committee that this was a new venture in Hornchurch and the clientele tended to be predominantly ladies. It was a relatively small venue which employed a DJ on Saturday nights between 19:00 hrs and 23:00 hrs. The music was turned up from 21:00 hrs.

On the nights the temporary event notices were in place alcohol sales would cease 30 minutes before the venue closes to permit drinking up time and allow patrons to leave at different times.

The owner had been concerned at vibration caused by heavy bass music and this was now prohibited.

The owner of the venue had tried to liaise with the lady who resides above the premises but she does not wish to engage. Her actions have caused concerns and police have been called and she has been warned about her actions.

To help alleviate the problem the owner is looking to insulate the ceiling in the bar and restaurant area. Any works would be undertaken on Mondays.

The owner had tried to liaise with the environmental protection team with regard to the noise limiter. This was a new model and there was concern

that officers did not realise how it worked. The owner would welcome a visit from the environmental protection team at any time especially on a Saturday when the DJ would be present.

The applicant considered it vital to be able to offer music on the 26<sup>th</sup> November for a private party and on Christmas Eve and New Year Eve. On the other occasions they would be happy with background music after 23:00 hrs.

The existing licence conditions will apply during the temporary events.

The applicant Mr Joshi addressed the Sub-Committee advising that this was a new business bringing something different to Hornchurch. They did not set out to antagonise the resident above but she would not engage with them to deal with any problems.

## **5. Determination of Application**

**Consequent upon the hearing held on 27 October 2016, the Sub-Committee's decision regarding the application for Temporary Event Notices for Fete Lounge is 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.

The Sub-Committee considered that the applicants had responded to the concerns of the environmental protection team by amending the applications by removing the Provision of Regulated Entertainment from all but three days. The tests on the noise limiter had demonstrated that it could reduce noise to an acceptable level and the applicant had demonstrated their good intentions by making plans to insulate the ceiling above the bar/restaurant to reduce the possibility of nuisance.

## 6. Decision

The Sub-Committee **granted** the 6 Temporary Event Notices as amended.

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**Licensing Sub-Committee, 27 October  
2016**

		(on 22/12/16)
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**Chairman**