



# Havering

L O N D O N   B O R O U G H

## **LICENSING SUB-COMMITTEE HAVERING WELL PUBLIC HOUSE REVIEW HEARING**

### **AGENDA**

<b>10.00 am</b>	<b>Monday 9 July 2018</b>	<b>Council Chamber - Town Hall</b>
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Members 3: Quorum 2

#### **COUNCILLORS:**

Christine Vickery (Chairman)  
Reg Whitney  
Sally Miller

**For information about the meeting please contact:**  
**Taiwo Adeoye - 01708433079**  
**[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

### **1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive

### **2 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **3 CHAIRMAN'S ANNOUNCEMENT**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **4 REPORT OF THE CLERK (Pages 1 - 4)**

Procedure for the Hearing: Under Section 53A Expedited Premises Licence Review – Licensing Act 2003

### **5 APPLICATION FOR AN EXPEDITED PREMISES LICENCE REVIEW - HAVERING WELL PH, RUSH GREEN ROAD, ROMFORD, RM7 0QA (Pages 5 - 30)**

**Andrew Beesley**  
**Head of Democratic Services**



## LICENSING SUB-COMMITTEE

## REPORT

Subject Heading:

Procedure for the Hearing: Under  
Section 53A Expedited Premises  
Licence Review – Licensing Act 2003

Report Author and contact details:

Taiwo Adeoye – 01708 433079  
[taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk)

### PROCEDURE FOR THE HEARING:

This is a hearing to consider an application under section 53A; expedited premises licence review (Licensing Act 2003). The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

#### 1. Membership of the Sub-Committee:

1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. **Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.**

1.2 A member of the Licensing Committee will be excluded from hearing an application where he or she:

- 1.2.1 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or
- 1.2.2 has a personal interest in the application.

#### 2. Roles of other participants:

- 2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.

- 2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

**3. Location and facilities:**

- 3.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 3.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

**4. Notification of attendance:**

- 4.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

**5. Procedural matters:**

- 5.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether the application to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 5.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

**Introduction of the application:**

The party requesting the review will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

**Documentary evidence:**

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should

be requested at the beginning of the hearing before any oral submissions have been made.

- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

**Representations:**

- The Chairman will invite parties present at the hearing or their representatives sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Licensing Authority;
- the Chief Officer of Police;

**7. Failure of parties to attend the hearing:**

- 7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

**8. Sub-Committee's determination of the hearing:**

- 8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

**9. Power to exclude people from hearing:**

- 9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
- it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
  - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

**10. Recording of proceedings:**

- 10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

**11. Power to vary procedure:**

- 11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.





**Havering**  
LONDON BOROUGH

Licensing Officer's Report

# LICENSING SUB-COMMITTEE

9 July 2018

## REPORT

**Subject heading:**

**Report author and contact details:**

**Havering Well  
Rush Green Road Romford RM7 0QA  
Expedited premises licence review  
application – interim hearing  
Paul Jones, Licensing Officer  
c/o Town Hall, Romford  
paul.jones@havering.gov.uk**

**This application for an expedited premises licence review is made by PC Belinda Goodwin on the behalf of the Metropolitan Police under s.53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 15:56 on 5<sup>th</sup> July 2018.**

This application is made under the provisions of s.53A of the Act. As such, s.53A(2)(a) requires that within 48 hours of the receipt of the application the licensing authority considers whether it is necessary to take interim steps pending the determination of the review application. This hearing is to enable the licensing authority to comply with this duty.

s.53B(3) requires that the licensing authority must consider whether to take the following interim steps:

- (a) the modification of the conditions of the premises licence
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence
- (c) the removal of the designated premises supervisor from the licence
- (d) the suspension of the licence

This consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the licensing authority (s.53B(2)). Any decision the licensing authority may make takes effect immediately or as soon after as the licensing authority directs (s.53B(5)(a)). The licensing authority must then give immediate notice of its decision to the premises licence holder and the chief officer of Police.



**Havering**  
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Copy of Application

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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