

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

Agenda Item No	Topic	Decision
----------------	-------	----------

**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**

<p><b>A1</b></p>	<p>APPLICATION FOR TWO TEMPORARY EVENTS NOTICE (TEN) THE RISING SUN 64-68 HIGH STREET HORNCHURCH RM12 4UW</p>	<p align="center"><b>Licensing Act 2003 Notice of Decision</b></p> <p><b>PREMISES</b> The Rising Sun 64-68 High Street Hornchurch RM12 4UW</p> <p><b><i>Details of the application</i></b></p> <p>Two temporary events notices (TENs) were submitted by Mr Charlie Faires under s.100 of the Licensing Act 2003. TEN A was received by Havering’s Licensing Authority on 4th November 2021 and TEN B received on 7th November 2021.</p> <p>TEN A is to permit a birthday party to occur from 19th-21st November 2021 from 19:00 to 01:30 each night.</p> <p>TEN B is to permit a birthday party to occur from 26th-28th November 2021 from 19:00 to 01:30 each night.</p> <p>Both TENs are to permit the on-supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment during these periods.</p>
------------------	---	---

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

Agenda Item No	Topic	Decision
		<p><b><i>Comments and observations on the application</i></b></p> <p>The Rising Sun benefits from a premises licence authorising a range of licensable activities. The TENs were submitted appropriately and provided to the relevant responsible authorities upon the day of submission. In response Havering’s Environmental Health Officer submitted a representation against the TENs.</p> <p><b>SUMMARY</b></p> <p>The Licensing Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under Section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.</p> <p>The Applicants were represented by a licensing agent who made submissions on their behalf.</p> <p><b>DECISION:</b></p> <p>The Sub-Committee considered an application for two Temporary Event Notices by The Rising Sun (Astra Lounge), situated at 64-68 High Street Hornchurch RM12 4UW. Representations had been received from:</p> <ul style="list-style-type: none"> <li>- The Council’s Environmental Health team, on the grounds of the prevention of public nuisance.</li> </ul>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

<b>Agenda Item No</b>	<b>Topic</b>	<b>Decision</b>
		<p>The Sub-Committee must promote the licensing objectives and must have regard to the Secretary of State’s National Guidance created under S182 of the Licensing Act and the Council’s own Statement of Licensing Policy and decide whether a counter notice should be issued under s105 of the Licensing Act 2005.</p> <p>The Sub-Committee heard from Mike Richardson and George Pater, on behalf of the Council’s Environmental Health Team, who had nothing further material to add to their written representations apart from:</p> <ul style="list-style-type: none"> <li>- The visit to the premises on 22.10.2021 demonstrated loud music escaping from Astra Lounge. Their team have considered initiating prosecution as the premises is subject to an abatement notice.</li> <li>- Within the structure of the Astra lounge, there is a large gap of 50-60cm between the roof and the top of the wall, running around the entire structure which results in noise escaping from the lounge and on to residential area.</li> <li>- The lounge can be described as a marquee with a garage door. As a result, the structure is not set up to prevent sound escaping from the lounge.</li> <li>- A noise limiter condition doesn’t address their concerns given the structure of the lounge.</li> </ul> <p>The Sub-Committee heard from the applicants and their agent who had nothing further material to add to their written representations apart from:</p> <ul style="list-style-type: none"> <li>- They appreciated the lounge needed a longer term sound proofing solution and an upgraded automatic noise limiting device.</li> </ul>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> <li>- Work to upgrade the lounge has already begun and it was anticipated that the works would conclude on Friday 19.11.2021 at around midday.</li> <li>- The applicant advised that they would not be taking bookings from people celebrating 18th or 21st birthdays but would be for much older age groups.</li> <li>- Having regular sound compliance checks outside the building and three SIA door staff, they would be able to manage noise levels from within the building and as customers leave.</li> <li>- The customers are only able to leave from the Astra Lounge building onto Appleton Way, a residential area</li> </ul> <p>Having heard all representations, the Sub-Committee refused both Temporary Event Notices (TEN). Both TEN's sought to host birthday parties with the provision of licensable activities.</p> <p>The Sub-Committee heard from the Council's Environmental Health Team who were the Sub-Committee's main source of advice in relation to public nuisance. The officers gave a description of Astra lounge. The structure was described as being similar in structure to a marquee with a garage door, and a gap running below the roof and around the walls. The officers stated that the gap caused noise and light pollution to escape from the lounge and caused both light and noise pollution to local residents. The Sub-Committee were further told that a visit on 22 October 2021 by George Pater (Environment Officer) demonstrated to the officer that the lounge was unable to contain the level of music being played within it. The Sub-Committee found that the lounge was not fit for purpose due to its structure and accepted the officer's representation that residents would suffer from noise pollution.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

Agenda Item No	Topic	Decision
		<p>In addition, the Sub-Committee were aware that the premises is subject to an abatement which was served on the premises to address the noise pollution that emanated from the premises as a whole. The Council officers stated that although no prosecution followed the event on the 22 October 2021, they took the view that the noise pollution witnessed on that day would have resulted in the council initiating a prosecution.</p> <p>The Sub-Committee found that although there was no prosecution, this information could not be neglected, as the incident demonstrated there was an ongoing issue of public nuisance in particular sound pollution from the premises.</p> <p>Finally the Sub-Committee heard that following a meeting between the applicant and the council's officer on 10 November 2021, no written communication was made by the applicant to the officers only verbally at the Town Hall prior to the hearing. Sub-Committee were conscience that the secretary of state's s182 guidance encourages applicants to work with responsible authorities when representations are made and found it regrettable that no communication was made up until the morning of the hearing.</p> <p>Turning to the applicant, the Sub-Committee were told by the applicant that they were following the advice of the officers and had already started works on the premises to make the structure more sound proof. The applicant did not contest the council's officers' views but did state that with having a noise limiting device and the 3 SIA doorman, they were confident that noise from the premises could be managed at an acceptable level.</p> <p>The Sub-Committee were aware that all conditions in the current licence were offered by the applicant, and they considered if the conditions would promote the licensing objective of prevention of public nuisance, however the Sub-Committee found that such conditions could not prevent noise escaping from the premises and traveling to neighbouring residents.</p>

**Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 17 November 2021**

Agenda Item No	Topic	Decision
		<p>Therefore, a counter notice was issued for both TEN applications on the grounds of prevention of public nuisance.</p> <p><b>Right of Appeal</b></p> <p>Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision</u>.</p> <p>On appeal, the Magistrates' Court may:</p> <ol style="list-style-type: none"> <li>1. Dismiss the appeal; or</li> <li>2. Substitute the decision for another decision which could have been made by the Sub-Committee; or</li> <li>3. Remit the case to the Sub-Committee to dispose of it in accordance with the direction of the Court; and</li> <li>4. Make an order for costs as it sees fit.</li> </ol>
A1		
A2		