

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
1 December 2022**

Present:

COUNCILLORS

Conservative Group Christine Smith

Havering Residents' Group Natasha Summers (Chairman)

Labour Jane Keane (Vice-Chair)

All decisions were taken with no votes against.

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

1 APPLICATION TO REVIEW A PREMISES LICENSE - ARRAY ESSEX

The Licensing Sub-Committee convened to consider an application to review a premise licence for Array Essex.

Paul Jones, Licensing Officer presented his officers report on an application to review.

An adjournment of 30 minutes was taken to ensure the further evidence supported by Array could be considered.

The 3 ward Councillors were then asked to summarise their application and they concluded the following (each had 10 minutes to speak):

- The surrounding residents had experienced turmoil and serious incidents around anti-social behaviour from extended hour that were granted in March 2020.
- The disturbances mostly occurred during weekends in the quiet residential area whose residents were elderly and/ or families with young children. The area did not have public transport and generally experienced little traffic.
- There was a suggestion that the restaurant was a nightclub and that Array needed to be responsible for their clientele and control of their premises.

- There were no records of the application having been published with possible planning breaches also have taken place.
- The ward Councillors were requesting a reconsideration of opening hours due to the serious incidents.

PC Chris Stockman, the representative of the Chief Officer of Police then spoke describing some of incidences of anti-social behaviour that had been reported

Noting that the premises were located in a densely populated area. Stating further that there was no license for outside music and that Shisha has been now been banned.

Various questions were asked by the Sub – Committee around what had been presented by PC Stockman.

Mr Mike Richardson, Senior Public Protection Officer summarised a representation on noise. The report concluded that the main issues around noise were from people leaving and around the lounge area. It was to be noted that although the music was not loud enough to be considered a statutory nuisance it was loud enough to delay sleep for the residents.

Various questions were asked by the Sub – Committee around what had been presented by Mr Mike Richardson.

Mr David Dovey, Public Protection Officer summarised a report on public safety. The report concluded that there had been notices on procedure and problems around food filters. Shisha was a problem but that had now stopped.

Various questions were asked by the Sub – Committee around what had been presented by Mr David Dovey.

Mr Oisin Daly, Public Protection Officer, summarised the representation on public nuisance and a dispersal policy had been recommended and was being implemented by Array.

Various questions were asked by the Sub – Committee around what had been presented by Mr Oisin Daly.

6 allocated resident speakers summarised their representations and each were given 10 minutes to speak and the following was concluded:

- Highlighted various sections of the licensing act that had been breached around noise.
- Shared various videos showing excessive speed by cars, clientele behaviour and private car and taxis queue. Add to the public nuisance with excessive traffic and parking on the roads.

- Further explained that the car park was too small to accommodate the venue and that any bus service was a 10 min walk away and that the train was a mile away.
- Stated further that antisocial was affecting sleeping and mental health of residents.
- Bouncers and the dispersal policy were ineffective.

Questions were raised by the Sub-Committee to the allocated resident speakers.

It was agreed the Sub-Committee would adjourn the meeting in the public interest to a later date early the next week – TBC as Monday 5 December.

The premises' representative raised the following points (Mr Dadds):

- There was no issue with noise from music as long as the front doors were closed because the building was sound proofed.
- The dispersal policy had been in place since July and the majority of the complaints were around car parking which was a civil matter and the venue was doing its best to discourage parking. There was a booking system in place for parking. The situation was being monitored on the road and highways and customers were asked to move their vehicles.
- The venue acknowledged that the Shisha lounge didn't work and it was not closed. This would stop any non-pre-booked people turning up.
- The August 2021 videos were historic and didn't bear resemblance of what it was like today. The decision was made after this that the bar area wasn't functioning the way the venue wanted. The bar was only now used for patrons who had a reservation for the restaurant.
- There was a request to increase rate to £30k a year from £15k for overflow parking from the land next door and it was felt by the venue that there was more at play.
- The venue was a restaurant and to suggest otherwise would be wrong. The Shisha lounge was now closed and therefore all cleared by 23:00/7 days per week. The new concept was more food led and therefore no restrictions needed to be imposed.

The independent licensing consultant and manager of the venue spoke to support the above.

Various questions were firstly asked by the Sub – Committee and then all other parties (3 ward Councillors, the police and resident speakers) around what had been presented by Mr Dadds and the other premise representatives.

The Chairman confirmed with other Members of the Sub-Committee that all the information required to make a decision had been presented and if any further question to any party were further required. It was agreed that the Sub-Committee would withdraw with the clerk and legal adviser to deliberate and reach a decision. Furthermore, the decision would be communicated in writing to all parties within 5 working days. Any party who has made a relevant representation may appeal to the Magistrates' Court within 21 days of notification of the decision.

For reasons given in the decision notice, the premises licence was restricted to:

Late night refreshment

Friday and Saturday – 23:00 to 00:00

Plays, films, live music, recorded music, performances of dance, anything of a similar description to live music, recorded music or performances of dance, supply of alcohol

Sunday to Thursday – 08:00 to 23:00

Friday and Saturday – 08:00 to 00:00

The opening hours of the premises

Sunday to Thursday – 08:00 to 23:30

Friday to Saturday – 08:00 to 00:30

The non-standard hours listed in annex 2 condition 11 remains the same.

Chairman