

Havering Council – Decisions taken by the Licensing Sub-Committee on Thursday, 6 August 2026

Agenda Item No	Topic	Decision
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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

A1	APPLICATION TO REVIEW A PREMISES LICENCE - BERWICK MANOR HOTEL, POND ROAD, RAINHAM RM13 9EL	Licensing Act 2003 Notice of Decision PREMISES Berwick Manor Hotel Berwick Pond Road Rainham RM13 9EL APPLICANT Mr George Pater Public Protection Officer Details of the application The application to review a premises licence is made by Mr George Pater, Public Protection Officer for the London Borough of Havering, under section 51 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 1st June 2026. Details of the relevant premises licence Premises licence no. 27092 permits the provision of the following licensable activities: Films Monday to Sunday – 10:00 to 00:30 Live music, recorded music Residents and bona fide guests
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		Monday to Sunday – 00:00 to 24:00 Non-residents Monday to Sunday – 23:00 to 01:30 Late night refreshment Residents and bona fide guests Monday to Sunday – 23:00 to 05:00 Non-residents Monday to Sunday – 23:00 to 01:30 Supply of alcohol Residents and bona fide guests Monday to Sunday – 00:00 to 24:00 Non-residents Monday to Sunday – 10:00 to 01:30 External areas All licensable activities detailed above – 10:00 to 24:00 Non-standard timings All licensable activities detailed above: New Year's Eve – from the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day New Year's Day, Friday, Saturday, Sunday and Monday of each bank holiday weekend, Christmas Eve, Boxing Day – one additional hour Premises opening hours Monday to Sunday – 00:00 to 24:00

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		Comments and observations on the application Upon receipt of this application the Licensing Authority processed it in accordance with the regulatory requirements which govern the s.51 application process. Mr Pater's premises licence review application is based upon the grounds that there was an alleged breach of a noise abatement notice which was previously served under s.80 of the Environmental Protection Act 1990. It is also alleged that public nuisance was witnessed by officers from Havering's Environmental Health team. The review application goes on to contend that complaints of noise emanating from Berwick Manor have been received since 2021, with multiple visits made by council officers to the premises and surrounding area during this period. Summary There were two representations supporting this application from residents in the vicinity of the premises. A video was supplied supporting one representation which will be made available to all parties at the hearing. There was one representation supporting this application to review the premises licence from a responsible authority, namely Havering's Licensing Authority. Determination of application to Review of Premises Licence - Berwick Manor Hotel, Berwick Pond Road, RM13 9EL 1. The Licensing Sub-Committee considered an application for the review of the premises licence for Berwick Manor Hotel, Berwick Pond Road, Rainham RM13 9EL._

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		<u>Procedural Issue</u> 2. On 15 July 2026, the Sub-Committee had considered an application to adjourn the hearing. The application was made by the premises licence holder via email before the hearing on the basis that his legal representative unavailable to attend the hearing. Residents and Responsible Authorities attended the hearing on the 15 July 2026. The two residents who made representations supporting the review strongly contested the application on the basis they urgently required a determination of the review due to the persistent ongoing issues have been facing and likely to face during the adjournment period. The Responsible Authorities did not present any view on the application. 3. The Sub-Committee were advised that; a. Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 states that the legal test whether is it in the public interest to allow the adjournment or to proceed in absence. b. Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 requires that an adjournment should be considered in cases where a party fails to attend and has not indicated or stated they will not attend. c. 'Public interest' is not confined to interest of the members of the public. Public interest has wider meaning requiring due process is upheld and that businesses and livelihood can be adversely affected without being given an opportunity to be fairly heard. 4. The Sub-Committee decided that it was in the public interest to adjourn the hearing to allow the premises licence holder to attend the hearing with his legal representative. The adjournment request was based on the legal representative's availability and not the premises

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		licence holder's availability. The Sub-Committee sympathised with the residents as the adjournment will delay the hearing but the Sub-Committee also determined that they wanted to have the premises licence holder present so that they could ask and put their own questions to the premises licence holder in respect of the issues brought to their attention. 5. The hearing was adjourned to 6 August 2026. <u>Hearing on 6 August 2026</u> 6. The review application was submitted by Mr George Pater, Public Protection Officer on behalf of the London Borough of Havering Environmental Health Team pursuant to section 51 of the Licensing Act 2003. The application was founded upon concerns that the operation of the premises had resulted in ongoing public nuisance and that the premises had breached a Noise Abatement Notice served under section 80 of the Environmental Protection Act 1990. Evidence before the Committee detailed a long history of complaints concerning amplified music and noise emanating from the premises dating back to 2021 together with multiple investigations and visits by Council officers. 7. The Licensing Authority, Mr Oisin Daly, made a representation in support of the review application. The Licensing Authority echoed the concerns of Environmental Health and submitted that externally held events had resulted in persistent public nuisance affecting local residents. The Licensing Authority highlighted its longstanding engagement with the premises, concerns regarding failures to comply with existing controls, concerns regarding anti-social behaviour associated with events, and concerns regarding the management of externally promoted events.

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		8. The Sub-Committee also considered representations from 2 local residents who supported the review application. Residents described significant and ongoing disturbance arising from events at the premises including excessive noise, intrusive bass music, anti-social behaviour, traffic congestion, nuisance parking caused by the patrons of the premises, public safety concerns, public disorder and impacts upon family life and wellbeing. Residents requested that the Committee take robust action, including consideration of revocation of the licence. 9. The Sub-Committee was cognisant that in deciding which powers to invoke during a review hearing, they should seek so far as possible to identify the causes of the concerns raised and ensure that any remedial action is appropriate and proportionate to address those causes. 10. The Sub-Committee mindful of the powers available to them, namely taking no action, issuing a warning, modifying licence conditions, excluding licensable activities, removing the Designated Premises Supervisor, suspending the licence, or revoking the licence entirely. 11. Having considered all the written and oral representations presented at the hearing, the Sub-Committee decided to: a. Modify the premises licence by imposing the condition requested by the Environmental Health/Public Protection Team, and, b. To remove Mr Pareshkumar Arvindbhai Patel as the Designated Premises Supervisor.

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		Reasons <u>Environmental Health</u> 12. The Sub-Committee first heard from the Environmental Health Officer Mr George Pater who outlined the history of complaints associated with the premises. The Sub-Committee noted that complaints concerning noise nuisance had been received since 2021 and that significant officer time had been devoted to investigating complaints, engaging with the premises and implementing control measures. Mr Pater detailed the implementation of noise management plans, sound limiter calibrations and ongoing liaison with the premises management. Despite these interventions, complaints continued to be received and officers witnessed amplified music clearly audible at a number of residential locations. The Sub-Committee noted that a Noise Abatement Notice was served in September 2025 and Mr Pater is of the opinion that events held thereafter constituted breaches of that notice. Mr Pater expressed the view that the premises had failed to demonstrate a commitment to preventing public nuisance despite extensive engagement over a number of years. 13. Mr Pater explained that the Council had been engaged with the premises since November 2021 in an attempt to prevent public nuisance arising from amplified music and since November 2025 for issues relating to externally held events. Various interventions had been undertaken, including the implementation of a Noise Management Plan, noise monitoring, engagement with the premises management and the service of a Noise Abatement Notice following the a statutory nuisance being established on 6 September 2025. 14. Mr Pater stated that despite those interventions, complaints continued to be received from local residents and the premises repeatedly failed to adhere to the agreed noise management measures. He explained that the Council's concerns were not limited to historic incidents and that officers continued to witness noise issues throughout 2026 in particular the consultation

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		period and up until the hearing. He explained that during observations in May and June 2026, amplified music from the premises remained audible at residential locations. On 30 May 2026, officers noted that music from an event was still audible within the surrounding area despite the event attracting fewer attendees than previous events. Officers considered this demonstrated that the issue was not simply linked to crowd size, but to the effectiveness of the noise controls in place. Mr Pater further advised that observations undertaken in June and July 2026 continued to reveal audible music from the premises at residential locations, resulting in further complaints from residents. Although there were occasions where officers considered the noise levels to be less intrusive than previous events, complaints nevertheless continued to be received. In particular, officers observed that amplified music and commentary from event MCs could be clearly heard from residential areas and continued to have an impact upon local residents. 15. Mr Pater stated that the recurring nature of the complaints, the continued audibility of music following repeated interventions, and the apparent failure of management to implement effective long-term controls led him to conclude that the prevention of public nuisance licensing objective continued to be undermined and a condition to restrict the outside area of the premises is needed as a remedial step. <u>Licensing Authority</u> 16. The Sub-Committee then heard from the Licensing Authority Officer Mr Oisin Daly, who supported the review application in full. The Sub-Committee noted the Licensing Authority's evidence that concerns relating to events at the premises were longstanding and had formed the subject of engagement with the premises for in excess of six years. The Licensing Authority stated that the premises had previously agreed measures intended to address noise concerns but the ongoing complaints and evidence gathered by officers demonstrated that such measures had failed to adequately prevent nuisance. The Licensing Authority further raised

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		concerns regarding anti-social behaviour and criminality associated with events, reports of drug paraphernalia being discovered in areas connected to the premises and concerns regarding the control exercised over externally promoted events. The Licensing Authority invited the Committee to impose the condition sought by Environmental Health as a proportionate response to the review. <u>Residents</u> 17. The Sub-Committee also considered the written and oral representations of 2 local residents. The Sub-Committee accepted the residents' evidence in full. The Sub-Committee found the residents to have provided detailed, credible and consistent accounts of the impact that the operation of the premises had upon their lives. The Sub-Committee accepted that residents had experienced significant interference with the peaceful enjoyment of their homes through excessive noise, intrusive bass music, loud announcements from MCs and amplified entertainment. The Sub-Committee also accepted the residents' concerns regarding anti-social behaviour, public urination, traffic congestion, dangerous parking practices, disorder associated with arrivals and dispersals, suspected drug-related activity and the impact of the premises upon children and families living in the locality. These issues being a causal link by the premises' events. The Sub-Committee were particularly concerned by the evidence that residents had endured these issues over a prolonged period and felt ignored despite making repeated complaints to public authorities. 18. The Sub-Committee heard evidence that noise and bass vibrations could be felt within residential properties and that family members, including children, had been adversely affected. The resident stated that during events it was frequently not possible to enjoy outdoor areas of their home, whilst sleep was regularly disrupted by noise continuing late into the night.

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		19. The residents also raised concerns regarding behaviour associated with attendees at events. The Sub-Committee heard evidence of anti-social behaviour, abusive conduct towards residents, suspected drink-driving, congestion on local roads and traffic management concerns. The residents described occasions where vehicles and individuals appeared to be placed at risk due to the volume of traffic associated with events. The Sub-Committee was told that traffic cones had been positioned along local roads and residents had concerns that roads were effectively being controlled without the involvement of the highways authority or any lawful traffic management arrangements. 20. The residents further expressed concern regarding fireworks being discharged during events and referred to an occasion on 25 July when fireworks were allegedly set off despite on that very same day neighbouring fields were lit up with large grass fire and a large operation by the fire service to tackle the fires. 21. The Sub-Committee found that these representations demonstrated the undermining of the licensing objective of the prevention of public nuisance and reinforced concerns regarding public safety and crime and disorder. <u>The Premises Licence Holder and/or Designated Premises Supervisor ('DPS')</u> 22. The Sub-Committee then noted that the premises licence holder and the DPS chose not to attend the hearing or submit any written representations prior to the hearing to give them an opportunity to contest the opposing representations or to provide steps they think the Sub-Committee should at the review hearing. The Sub-Committee were told of an email sent by the premises' legal representative who stated that his client was given a month's notice by the freeholder to the premises to end their tenure at the premises and that it is not commercially sensible for them to engage services of counsel and a noise consultant. It was also said in that email that counsel advised his client that they should not attend the hearing unaccompanied in

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		the circumstances. <u>Steps considered for the promotion of the licensing objectives</u> 23. The Sub-Committee considered all the steps available to them in deliberations to ensure the most appropriate step is taken to promote the licensing objectives; a. No Action or Warning The Sub-Committee determined that taking no action or issuing a warning would be wholly inappropriate given the history of complaints, the service of a Noise Abatement Notice, the evidence of continuing nuisance, and the prolonged engagement undertaken by the responsible authorities without achieving a lasting resolution. The Sub-Committee considered that such measures would fail to promote the licensing objectives. b. Revocation The Sub-Committee gave serious consideration to revoking the premises licence. Members were concerned by the premises' history of noise complaints, the evidence of non-compliance with measures designed to control amplified music and the detrimental impact on local residents and the premises licence holder not attending the hearing to make representations. However, The Sub Committee ultimately concluded that revocation would be disproportionate at this stage given that there remained a targeted and effective step available which directly addressed the principal source of concern identified by the responsible authorities, that being and the removal premises' DPS.

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		c. Exclusion of licensable activities The Sub-Committee cite the same reasons mentioned for revocation. d. Suspension The Sub-Committee considered whether a period of suspension was appropriate. The Sub Committee concluded that suspension would not adequately address the root cause of the review and would merely provide temporary relief rather than a long-term solution to the identified problems. Equally, the issues presented to them appeared to be linked to the poor management of the DPS in particular as the noise nuisance was also during the hours of de-regulation by virtue of the premises licence allowing the sale of alcohol. The Sub-Committee were mindful that until a new DPS is put in place, the premises cannot legally sell alcohol during the period where there is no DPS. e. Removal of the Designated Premises Supervisor The Sub-Committee determined that the removal of Mr Pareshkumar Arvindbhai Patel as the DPS was both appropriate and proportionate. In reaching this conclusion, the Committee placed significant weight upon the longstanding and unresolved history of noise nuisance associated with the premises and Mr Patel's failure, as DPS, to ensure that an effective and lasting solution was implemented. The noise nuisance was also during the hours of deregulation by virtue of the premises licence allowing the sale of alcohol. The Committee was particularly concerned that: • Complaints regarding noise nuisance had persisted for a number of years despite repeated

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		engagement from responsible authorities. • The premises became subject to a Noise Abatement Notice, demonstrating the seriousness of the nuisance issues, with potential breaches after the service of notice and during the consultation and review period. • Existing noise management arrangements and control measures were either not adhered to or proved ineffective in preventing nuisance. • The DPS failed to demonstrate sufficient engagement with responsible authorities during the consultation period for the review. • The DPS failed to attend and participate in the hearing to assist the Committee in understanding what steps had been taken, or would be taken, to remedy the issues. • The DPS failed to engage constructively with residents whose quality of life had been adversely affected by the operation of the premises. • The Committee noted allegations from residents that engagement from representatives associated with the premises had on occasions been hostile or intimidating. • The operation of the premises under the DPS's management had directly contributed to the complaints, disturbances and concerns giving rise to the review. The Sub-Committee concluded that a competent DPS is responsible for the day-to-day management of licensed premises and for ensuring that the licensing objectives are promoted. The Sub-Committee found that Mr Patel had failed in that role and no longer retained the confidence of the Committee to continue as DPS.

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		f. Modification of Conditions The Sub-Committee determined that the imposition of the condition sought by Environmental Health was appropriate, proportionate and necessary and deals with the heart of the issue. The Committee accepted the evidence of Environmental Health and the Licensing Authority that the principal cause of the public nuisance stemmed from externally provided regulated entertainment and amplified music. Members noted that despite repeated attempts to manage noise through noise management plans, sound limiters, officer engagement and formal enforcement action, complaints continued to be received and nuisance continued to affect local residents. The issue of noise increased following the premises variation application made in November 2024 that permitted the outside area surrounding the premises to be a licensable area. There members noted that there were thirty-one resident complaints submitted to the Environmental Health team from April 2025 to May 2026 with further complaints during the consultation period and review period. The Committee found that the premises had not demonstrated sufficient commitment or ability to effectively manage externally provided entertainment in a manner consistent with the licensing objectives or provided an alternative solution step to remedy the issue. It was noted that the Environmental Health team was never furnished with a report of a noise consultant who purportedly was instructed and drafted a report to assist the premises licence holder. The Committee therefore concluded that the most direct and proportionate means of addressing the identified cause of concern was to prohibit regulated entertainment taking place externally. Accordingly with the additional power available to them under section 177A of the Licensing Act 2003, the Committee imposed the following condition:

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		No regulated entertainment shall take place externally or in open areas of the premises. 24. The Sub-Committee was satisfied that the condition imposed, together with the removal of the Designated Premises Supervisor, represented the appropriate and proportionate response necessary to promote the licensing objectives. 25. Finally, the Sub-Committee considered the need to promote growth and deliver economic benefits but found the steps taken as detailed above are necessary to promote the licensing objectives. Right of Appeal Any party who has made a relevant representation may appeal to the Magistrates' Court <u>within 21 days of notification of the decision.</u> On appeal, the Magistrates' Court may: 1. Dismiss the appeal; or 2. Substitute the decision for another decision which could have been made by the Sub Committee; or 3. Remit the case to the Sub Committee to dispose of it in accordance with the direction of the Court; and 4. Make an order for costs as it sees fit.
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