



# LICENSING SUB-COMMITTEE

# REPORT

26<sup>th</sup> March 2012

**Subject heading:**

**Morris Dancer  
Melksham Close Romford RM3 8QX  
Temporary Event Notice  
Paul Jones, Licensing Officer  
5<sup>th</sup> floor Mercury House  
x 2692**

**Report author and contact details:**

**This submission of a temporary event notice is made by Ms Zoe Friend under section 100 of the Licensing Act 2003 (the Act). The notification was received by Havering's Licensing Authority on 14<sup>th</sup> March 2012.**

## **Geographical description of the area and description of the premises**

The Morris Dancer is a public house located in the Harold Wood ward in Harold Hill. The premises is a detached building on its own plot of land which is entirely surrounded by residential properties.

## **Details of the notification**

This temporary event notice (TEN) has been submitted to cover an extension to the normal licensing hours at the premises. The premises user is a personal licence holder who is the designated premises supervisor at the venue. The TEN is to enable the supply of alcohol for consumption on the premises and the provision of late night refreshment from 23:00 to 03:00 on Thursday 29<sup>th</sup> March 2012 going into Friday 30<sup>th</sup> March 2012. The event is to permit 15 people including staff to attend a birthday celebration.

The premises licence for the Morris Dancer permits the supply of alcohol until 23:00 Monday to Saturday while the provision of recorded music at the venue has no restriction. Any conditions on the premises licence do not 'carry over' to the period during which licensable activity is being provided under the authority of a TEN. A premises licence and a TEN are discrete authorities permitting licensable activity.

Historically this premises has had infrequent TENs. Prior to this one there have been only three given previously, the most recent of which was in October 2010.

**Police representation**

PC David Fern submitted an objection notice opposing this TEN. PC Fern contends that *allowing such an event would have a negative impact on the licensing objective of the prevention of crime and disorder*. In line with s.106 of the Act PC Fern suggested to the premises user in his objection notice a compromise on the hours during which the TEN may be undertaken. Any such modification of the TEN in accordance with s.106(2) may be made *at any time before a hearing is held or dispensed with* [under s.105(2)]. At the time of writing this report no such modification had been received under the provisions of s.106(4).

**Summary**

Section 106(2) of the Act permits the Police to modify a TEN with the agreement of the premises user. Our attendance at this hearing is as a result of the premises user's apparent declination of the suggested modification to the TEN by the Police.

S.105(2) governs the outcome of a TEN at a hearing which has received an objection notice from the Police. In these circumstances the Licensing Authority is required, if necessary, to hold a hearing to consider the objection notice and, having regard to the objection notice, issue a counter notice if it considers it necessary for the promotion of the crime prevention objective. Effectively, now that the matter has reached the hearing stage, the Licensing Authority must either refuse the TEN or permit it to go ahead as submitted, i.e. without the Police modification.

Paul Jones  
Licensing Officer  
London Borough of Havering