

## **Licensing Sub-Committee**

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## **Licensing Sub-Committee**

**Section 1** - Licensing Officers Report





# LICENSING SUB-COMMITTEE

# REPORT

12 December 2012

**Subject Heading:**

Application for a Temporary Event Notice  
made by Ting Bong LAU 19 Nightingale  
Avenue Upminster RM14 1ES

**Report Author and contact details:**

Paul Campbell – Licensing Officer  
01708 432777  
[licensing@havering.gov.uk](mailto:licensing@havering.gov.uk)

**This application for a Temporary Event Notice (TEN) is made by Mr Ting Bong LAU under section 100 of the Licensing Act 2003. The application was received by Havering's Licensing Authority on 27<sup>th</sup> November 2012.**

Following usual procedure a copy of the TEN was signed by me as being acknowledged by the Licensing Authority and returned to the applicant by post.

**Geographical description of the area and description of the building**

The premises are a single unit terrace building (no floors above). It is situated on the north side of St Marys Lane Upminster about 220 metres east of Station Road

The premises are situated in a row of shops, the premises either side do not have living accommodation above. The property directly opposite is a large supermarket. There are residential properties to the rear of the premises 39 metres away and diagonally opposite at the corner of Tudor Gardens 33 metres away.

There is no car park at the premises but on street parking is allowed in the evening and during the night. The premises are within easy walking distance of Upminster Underground Station.

A map of the area is attached to assist the committee.

**Details of the application**

<b>TEN to cover – The sale by retail of alcohol, The provision of regulated entertainment and The provision of late night refreshment for 50 people</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
Friday 14 <sup>th</sup> December 2012	00:00hrs	01:00hrs
Saturday 15 <sup>th</sup> December 2012	00:30hrs	01:30hrs
Sunday 16 <sup>th</sup> December 2012	00:30hrs	01:30hrs

**Comments and observations on the application**

Under the Licensing Act 2003 the police and/or environmental health have three working days to lodge an objection to a TEN on the grounds relating to one or more of the four licensing objectives (The Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm).

**Summary**

There was one representation against this application from responsible authorities.

**Responsible Authorities' representations**

Marc Gasson Noise Specialist for the London Borough Of Havering lodged a representation against the TEN with the Licensing Authority on 28<sup>th</sup> November 2012 within the three day period allowed.

A TEN allows the sale of alcohol, regulated entertainment and late night refreshment (hot food and drink 23.00hrs to 05.00hrs) for a limited period to take place without there being a licence but limits the number of people present to 499 (including staff).

Chinese China holds a premises licence which covers the Supply of alcohol and some Regulated Entertainment with a finish time on a Thursday of 00.00 and on a Friday and Saturday 00.30 and 01.00.

A copy of this licence is attached to my report.

**Details of the application**

A copy of the application is attached.



Premises licence number

001404

## Part 1 – Premises details

Postal address of premises

Chinese China  
207 St. Mary's Lane Upminster RM14 3BU

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke), provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), recorded music, late night refreshment, supply of alcohol

The times the licence authorises the carrying out of licensable activities

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke)

Sunday to Thursday – 12:00 to 00:00  
Friday & Saturday – 12:00 to 00:30

Provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), supply of alcohol

Sunday to Thursday – 12:00 to 00:00  
Friday & Saturday – 12:00 to 01:00

Recorded music

Sunday to Thursday – 10:00 to 00:00  
Friday & Saturday – 10:00 to 00:30

Late night refreshment

Sunday to Thursday – 23:00 to 00:00  
Friday & Saturday – 23:00 to 01:00

The opening hours of the premises

Sunday to Thursday – 12:00hrs to 00:30hrs  
Friday & Saturday – 12:00hrs to 01:30hrs

1 of 4

Signed .....

Paul Jones, Licensing Officer

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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**On supplies only**

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**Part 2**

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Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Ting Bong Lau  
19 Nightingale Avenue Upminster RM14 1ES  
01708 225705**

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Registered number of holder

**Not applicable**

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Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Ting Bong Lau  
19 Nightingale Avenue Upminster RM14 1ES**

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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**1371 – London Borough of Havering**

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Mandatory conditions

1. **No supply of alcohol may be made under the Premises Licence;**
  - (a) **at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or**
  - (b) **at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.**
2. **Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.**
3. (1) **The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
  - (2) **In this paragraph, an irresponsible promotion means any one or more of the following : activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–**
    - (a) **games or other activities which require or encourage, or are designed to require or encourage, individuals to–**
      - (i) **drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**



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**Mandatory conditions – contd.**

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The responsible person shall ensure that–
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Signed .....

Paul Jones, Licensing Officer

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Mandatory conditions – contd.

8. Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –  
**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

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Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be fully trained.
2. Staff shall refuse to serve anyone they feel may pose a threat to staff and/or customers.
3. Staff shall refuse to serve customers who appear to have drunk to excess.
4. Staff shall only serve alcohol to those customers who are eating in the restaurant.
5. Staff shall oversee the dispersal of customers from the premises.
6. Staff shall arrange transport as required for customers and those customers waiting for taxis are to remain in the restaurant and be asked to leave quietly.
7. There shall be no entry to new customers after midnight.
8. There shall be no take away food provided after midnight.
9. All staff shall be fully trained with regard to the protection of children from harm.
10. Staff shall not sell intoxicating liquor to children and if in doubt of age to ask for identification before alcohol is supplied.

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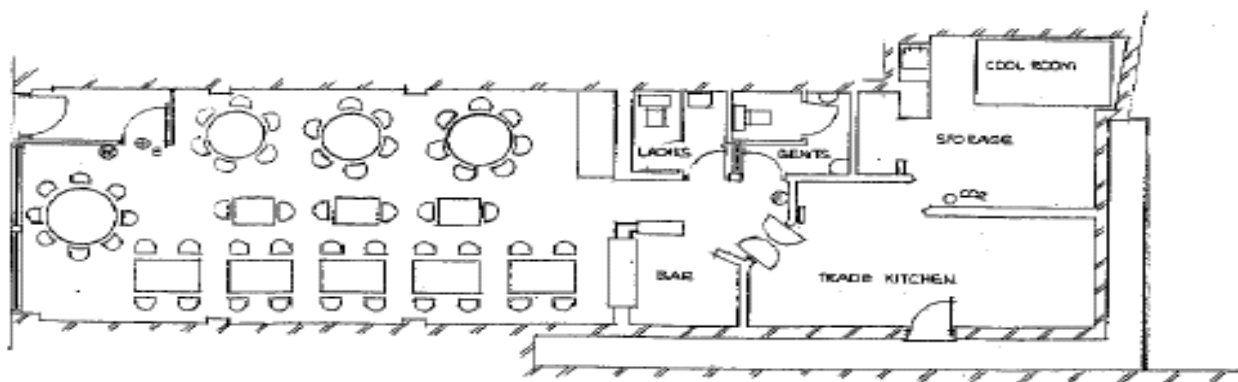
Annex 3 – Conditions attached after a hearing by the Licensing Authority

Not applicable

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Annex 4 – Premises plans

Full premises plans are held by the Licensing Authority of the London Borough of Havering. The plans reproduced below are not to scale:





## Part B

### Premises licence summary

Premises licence number

001404

### Premises details

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Postal address of premises

Chinese China  
207 St. Mary's Lane Upminster RM14 3BU

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Where the licence is time limited the dates

Not applicable

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Licensable activities authorised by the licence

Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke), provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), recorded music, late night refreshment, supply of alcohol

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The times the licence authorises the carrying out of licensable activities

**Films (i.e. karaoke), provision of facilities for making music (i.e. karaoke)**

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 00:30

**Provision of facilities for dancing (ancillary to karaoke), provision of facilities for entertainment of a similar description to making music and dancing (ancillary to karaoke), supply of alcohol**

Sunday to Thursday – 12:00 to 00:00

Friday & Saturday – 12:00 to 01:00

**Recorded music**

Sunday to Thursday – 10:00 to 00:00

Friday & Saturday – 10:00 to 00:30

**Late night refreshment**

Sunday to Thursday – 23:00 to 00:00

Friday & Saturday – 23:00 to 01:00

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The opening hours of the premises

Sunday to Thursday – 12:00hrs to 00:30hrs

Friday & Saturday – 12:00hrs to 01:30hrs

1 of 2

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Signed .....

Paul Jones, Licensing Officer

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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**On supplies only**

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Name, (registered) address of holder of premises licence

**Mr Ting Bong Lau  
19 Nightingale Avenue Upminster RM14 1ES**

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Registered number of holder

**Not applicable**

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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Ting Bong Lau**

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State whether access to the premises by children is restricted or prohibited

**Restricted**

**2 of 2**

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## Licensing Sub-Committee

Appendix 1 - Copy of the Application



14-16/12/12

CHINESE CHINA

12311



**Havering**  
LONDON BOROUGH

**Temporary Event Notice**

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>			
<b>1. Your name</b>			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	LAU		
Forenames	TING BONG		
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
<b>3. Your date of birth</b>		Day	Month
		10	01
		Year 1955	
<b>4. Your place of birth</b>		HONG KONG	
<b>5. National Insurance Number</b>		VX909020D	
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>			
19 NIGHTINGALE AVENUE			
UPMINSTER			
ESSEX RM14 1ES			
Post town		Post code	
UPMINSTER		RM14 1ES	
<b>7. Other contact details</b>			
Telephone numbers		07887 688389 (NIKI)	
Daytime		01708 225705	
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
/	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	/
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
CHINESE CHINA 207 ST MARYS LANE UPMINSTER ESSEX RM14 3BU	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	001404
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
/	
Please describe the nature of the premises below. (Please read note 4)	
A CHINESE RESTAURANT	
Please describe the nature of the event below. (Please read note 5)	
AN EXTENSION TO THE CURRENT LICENSE TO PROVIDE KARAOKE WITH SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT TO CUSTOMERS WHO HAS RESERVED A MEAL FOR THE EVENING.	



3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
15 DEC 12                      14 DEC 12 16 DEC 12		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
14 DEC 12 - 00.00am - 1.00am 15 DEC 12 - 00.30am - 1.30am 16 DEC 12 - 00.30am - 1.30am		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	50	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

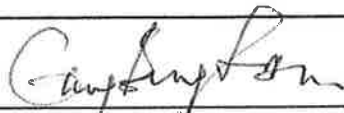
4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	LONDON BOROUGH OF HAVERING	
Licence number	001371	
Date of issue	12-10-05	
Date of expiry	13-7-15	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have: (Please mark the appropriate boxes with an "X" )	
Sent at least two copies of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	26 / 11 / 12
Name of Person signing	T. B. LAU

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

In these notes, a person who gives a temporary notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

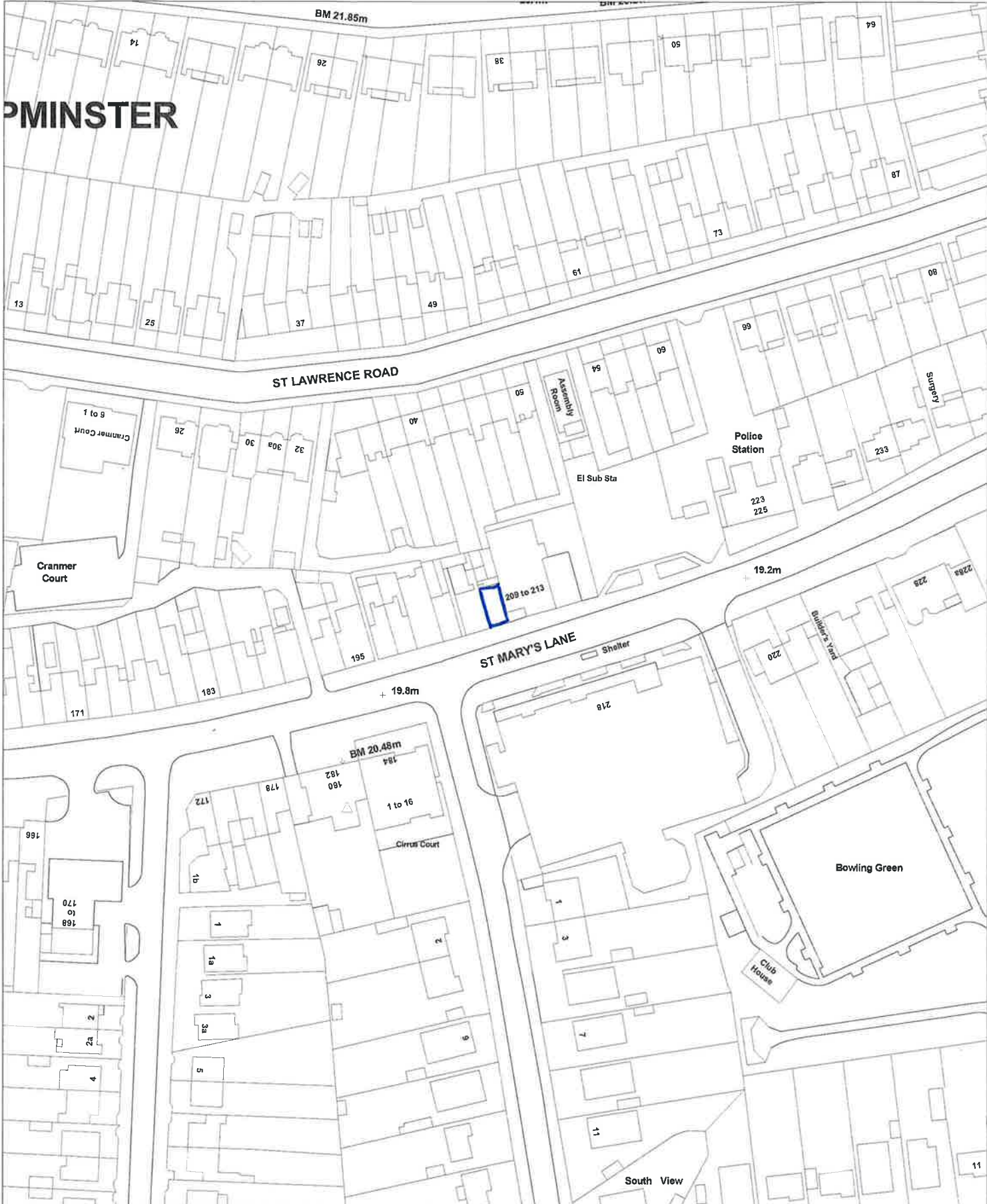
Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

## Licensing Sub-Committee

Appendix 2 - Map of local area





**Chinese China** Map Reference: TQ5686NW





Scale @ A4 1:1250  
Date: 28/11/2012




 London Borough of Havering  
 Town Hall, Main Road  
 Romford, RM1 3BD  
 Tel: 01708 434343

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100024327





## **Licensing Sub-Committee**

**Appendix 3** - Representations from the Responsible Authorities





## Public Protection

Mercury House, Mercury Gardens  
Romford RM1 3SL

**Please call: Marc Gasson**

**Telephone: 01708 432777**

Fax: 01708 432554

email: [environmental.health@havering.gov.uk](mailto:environmental.health@havering.gov.uk)

Textphone ☎: 01708 433175

## memo

From: Marc Gasson-Noise Specialist

To: Paul Campbell-Licensing Specialist

My Reference : MDG/012311

Your Reference :

Date: 28 November 2012

**Licensing Act 2003-Application For A Temporary Event Notice 14/12/2012 to  
16/12/2012 00:30 hours to 01:30 hours  
Chinese China, 207 St Marys Lane, Upminster, Essex.**

I refer to the above application and would object to it being granted on the grounds of public nuisance for the following reasons:-

1. The close proximity residential premises to the restaurant will mean that residents are going to be subjected to unacceptable levels of noise due to patrons leaving and entering the premises and also from the music emanating from within the premises
2. The hours applied for for the 14<sup>th</sup> December 2012 will mean that residents will be exposed to unacceptable levels of noise during the week until 01:30 hours minimum, when they will almost invariably be getting up for work/school the next morning.

I trust this clarifies my position.

Marc Gasson  
Noise Specialist